

ated in the same manner that the guardian, if living, would be held to account for the same.

1904. art. 93, sec. 163. 1888, art. 93, sec. 164. 1860, art. 93, sec. 164.
1785, ch. 80, sec. 9. 1798, ch. 101, sub-ch. 12, sec. 9.

164. Every guardian shall account for all profit and increase of his ward's estate, or the annual value as aforesaid, and shall not be answerable for any loss or decrease unless caused by his default, to be allowed by the court.

This section referred to in connection with the right of creditors to apply the real estate of a decedent in the hands of infant heirs to the payment of his debts, the personalty having been exhausted. *Hammond v. Hammond*, 2 Bl. 344.

This section referred to in construing section 165. *Thaw v. Falls*, 136 U. S. 519.

Ibid. sec. 164. 1888, art. 93, sec. 165. 1860, art. 93, sec. 165.
1798, ch. 101, sub-ch. 12, sec. 10.

165. Once in each year, or oftener if required by the court, a guardian shall settle an account of his trust with the orphans' court; and the said court shall ascertain at its discretion the amount of the sum to be annually expended in the maintenance and education of the infant, regard being had to his future situation, prospects and destination; and the said court, if it deem it advantageous to the ward, may allow the guardian to exceed the income of the estate and to make use of his principal and sell part of the same under its order; but no part of the real estate shall on account of such maintenance or education be diminished without the approbation of a court of equity as well as of the orphans' court.

The orphans' court has no authority to allow a guardian for the education and maintenance of his ward previous to his appointment. (But see section 179.) The allowances for maintenance and education are not final and conclusive, but may be shown to be improper. *Spedden v. State*, 3 H. & J. 257.

The principal of the ward's estate will not be expended for improvements to his property; such expenditures are limited to maintenance and education. *Brodess v. Thompson*, 2 H. & G. 126.

This section referred to in reviewing the various acts of assembly authorizing the sale of an infant's real estate for maintenance and education, and in upholding the validity of such laws. *Williams' Case*, 3 Bl. 200; *Thaw v. Falls*, 136 U. S. 519.

Cited but not construed in *Kopp v. Herrman*, 82 Md. 349.

See art. 16, sections 67 and 98.

Ibid. sec. 165. 1888, art. 93, sec. 166. 1860, art. 93, sec. 166.
1798, ch. 101, sub-ch. 12, sec. 12.

166. In case the personal property of a ward shall consist of specific articles, such as working beasts, animals of any kind, furniture, stock, plate, books and so forth, the court may order a sale thereof, for ready money or on credit, the purchaser giving bond with security to the said ward, directed interest; and all proceedings relative to said sale shall be as directed respecting sales by administrators.

This section referred to in construing section 165. *Thaw v. Falls*, 136 U. S. 519.