

In most cases an administrator is safe in acting under this section. The requirements of this section must, however, be complied with. *Shriver v. State*, 65 Md. 282; *Clarke v. Sandrock*, 113 Md. 423; *Scott v. Fox*, 14 Md. 396; *Conner v. Ogle*, 4 Md. Ch. 450. *Cf. Wilson v. McCarty*, 55 Md. 283.

The petition, order of court and publication, held to have been in compliance with this section. This section is valid—distribution held to have been made thereunder. *Garrett v. Kerney*, 107 Md. 503. *Cf. Scott v. Fox*, 14 Md. 397; *Conner v. Ogle*, 4 Md. Ch. 450.

Ordinarily an administrator can safely proceed under this section, but in a dispute as to who are entitled to decedent's estate as next of kin, where certain of claimants are non-residents, resort may be had to a court of equity although a day has been set and notice given in accordance with this section. A proceeding in accordance with this section does not protect a distributee improperly receiving money. *Alexander v. Leakin*, 72 Md. 201. *Cf. Macgill v. Hyatt*, 80 Md. 257.

Where an estate has been distributed after a compliance with this section, decedent's wife and daughter who live in Ireland and did not know of death of intestate nor participate in distribution of his estate may not recover from administrator nor from those who receive estate as legatees or distributees. The orphans' court may determine who are distributees or next of kin entitled to the estate; jurisdiction of equity denied. *Redwood v. Howison*, 129 Md. 593.

Administrators or executors are not required to ascertain creditors, if any, of distributees, or to notify them of an intention to distribute estate; administrator or executor assumes no risk, so far as creditors are concerned, in paying distributees before passing of account. Effect of postdated check. *Am. Agri. Chem. Co. v. Scrimger*, 130 Md. 392.

This section referred to in construing sec. 142—see notes thereto. *Williams v. Holmes*, 9 Md. 287.

Cited but not construed in *Wood v. Conrey*, 62 Md. 544; *Biddison v. Mosely*, 57 Md. 94; *Jones v. Jones*, 36 Md. 463; *Gibbons v. Riley*, 7 Gill, 84.

For petitions asking the direction of the orphans' court as to distribution, under this section, see *Bartlett v. Ligon*, 135 Md. 622; *Mack v. Pairo*, 136 Md. 180; *Albert v. Safe Dep. Co.*, 132 Md. 105 (costs of proceedings directed to be paid out of estate).

What the orphans' court can determine under sec. 243 on a petition filed under this section. *Gallagher v. Martin*, 102 Md. 117.

This section referred to in construing sec. 71—see notes thereto. *Smith v. Dennis*, 33 Md. 449.

See notes to secs. 142 and 143.

As to the jurisdiction of equity over suits for legacies, see art. 16, sec. 100.

As to the distribution by fiduciaries under the jurisdiction of equity, see art. 16, sec. 225, *et seq.*

### Guardian and Ward.

An. Code, sec. 144. 1904, sec. 143. 1888, sec. 144. 1798, ch. 101, sub-ch. 12, sec. 1. 1807, ch. 136, sec. 4. 1829, ch. 216, sec. 5. 1834, ch. 291, sec. 1. 1888, ch. 446.

149. Whenever land shall descend or be devised to a male under the age of twenty-one years, or to a female under the age of eighteen years, or any such male or female shall be entitled to a distributive share of the personal estate of any intestate, or to a legacy or bequest under a last will or codicil, or may acquire any real or personal property or estate by gift or by purchase, and the said male or female shall not have a guardian appointed by last will and testament, agreeably to law, the orphans' court of the county in which such infant shall reside shall have power to appoint a guardian to such infant until the age of twenty-one years, if a male, and until the age of eighteen, if a female or married; and such appointment may be made at any time after the probate of the will, or administration granted on the estate of the deceased under whom the infant appears to be so entitled to land, and it may be made if the court shall think proper,