

If administrator invests money belonging to ward with approval of guardian, and subsequently orphans' court passes guardian's account showing such investment, administrator is relieved from liability for ensuing loss. *O'Hara v. Shepherd*, 3 Md. Ch. 313.

This section referred to in construing sec. 170. *Thaw v. Falls*, 136 U. S. 519.

An. Code, sec. 159. 1904, sec. 158. 1888, sec. 159. 1798, ch. 101, sub-ch. 12, sec. 6.

**164.** Every guardian appointed by the court, having care of real estate, shall, within three months after executing his bond, procure the said estate to be viewed and reported on by two skilful, discreet persons, not related to either party, and appointed by the orphans' court, which two persons, before they proceed to act, shall swear before some judge or justice of the peace that they will appraise the same without favor or prejudice, and to the best of their skill and judgment; and it shall be the duty of the appraisers to examine the estate and estimate the annual value thereof, including any working beasts and stock and utensils thereon, belonging to the ward, and proper to be leased with the land; they shall likewise set down in writing what dwelling-houses, out-houses, orchards, gardens, meadows, enclosures and other improvements are on the land, and the condition thereof, and what proportion of the said land is, in their estimation, in woods; and they shall make a certificate, under their hands and seals, of the whole they have done, to which shall be annexed a certificate of their appointment and of their having taken the oath as aforesaid, and the same shall be returned by the guardian to the orphans' court within three months, as aforesaid; and the same shall be evidence against him in case of any suit for misconduct brought against him.

The orphans' court has power to appraise only under this section and sec. 212, and under art. 81, sec. 132. Hence where a will directs an appraisement and that certain property be taken at such appraisement, but fails to name appraisers, equity alone can name them. *Magin v. Niner*, 110 Md. 302.

The appraisement is only *prima facie* evidence against the guardian. *Magruder v. Darnall*, 6 Gill, 286.

See notes to sec. 163.

An. Code, sec. 160. 1904, sec. 159. 1888, sec. 160. 1798, ch. 101, sub-ch. 12, sec. 7.

**165.** No guardian shall commit waste on the land, but the court may, on his application, allow him to cut down and sell wood, and account for the same, in case it shall deem the same advantageous or necessary for the ward's education and maintenance.

Cited but not construed in *Williams' Case*, 3 Bl. 200.

See notes to sec. 163.

An. Code, sec. 161. 1904, sec. 160. 1888, sec. 161. 1798, ch. 101, sub-ch. 12, sec. 8.

**166.** Each guardian having real estate under his care shall either cultivate the same, with the stock and utensils belonging to his ward, or to be purchased with his money, with the approbation of the court, or he shall lease the same from year to year, or for any term not exceeding three years, and within the non-age of his ward; or he may, with the court's approbation, undertake the estate on his own account, and be answerable