

Where court declines to direct executor to invest, executor is not liable for interest unless he used money or made interest out of it. *Ex parte* Walsh, 26 Md. 498.

This section referred to in deciding that executrix was not liable in equity for the loss of money through investment in gas stock. *McCoy v. Horwitz*, 62 Md. 190. See also *Gray v. Lynch*, 8 Gill, 421.

As to investments under order of court, see also sec. 10.

Generally.

The discretion vested in orphans' court is a sound legal one, and not to be arbitrarily exercised. Notice of order to bring money into court should always be given. *Porter v. Timanus*, 12 Md. 292. And see *Ex parte* Shipley, 4 Md. 496; *Wampler v. Wolfinger*, 13 Md. 347.

No appeal lies from action of court in removing administrator under this section. This section distinguished from, secs. 246 and 255. (See also art. 5, sec. 64.) *Macgill v. McEvoy*, 85 Md. 290; *Forney v. Shriner*, 60 Md. 421; *Bowie v. Ghiselin*, 30 Md. 558; *Porter v. Timanus*, 12 Md. 292; *Falconer v. Regelier*, 6 Md. 552; *Ex parte* Shipley, 4 Md. 496; *Owen v. Pye*, 115 Md. 407.

Where orphans' court has authority under this section to remove an administrator, presumption is that court properly exercised its power. The pendency of an appeal and of proceedings in equity held to be no excuse for failure to deposit funds as directed by court. *Jones v. Jones*, 41 Md. 359.

Under this section and sec. 193, orphans' court may validly discharge a guardian after she has fully accounted for estate and delivered it up as directed by court and required by her bond. Thus the duty and responsibility of the guardian may be terminated, and surety on her bond exonerated. Secs. 193, *et seq.*, contemplate that the retirement of a guardian will be followed by a new appointment; purpose of these sections and duty of orphans' court thereunder. *Griffith v. Parks*, 32 Md. 1, distinguished. *Fidelity & Deposit Company v. Husted*, 128 Md. 277.

An exclusive discretion is committed to orphans' court by this section. The power to remove an executor or administrator for failure to render accounts is not conferred by this section, but by sec. 3 of this article. See notes to secs. 3 and 255. *Stake v. Stake*, 138 Md. 54.

This section referred to in holding that an executor would not under the circumstances be removed for failing to render an account in time—see notes to sec. 3. *Belt v. Hilgeman, Brundige Co.*, 138 Md. 134.

Purpose of this section. While guardian and his bond are not responsible for money deposited under order of court, neither is released from their general responsibility by such order. This section does not contemplate ward's money remaining in bank unproductive. *Griffith v. Parks*, 32 Md. 7; *O'Hara v. Shepherd*, 3 Md. Ch. 306.

Where administrator or guardian deposits money without an order of court and loss ensues, he is responsible therefor. Purpose of this section. *Bacon v. Howard*, 20 Md. 194; *Carlysle v. Carlysle*, 10 Md. 446.

An order that money be brought into court to be paid a creditor is not in conformity with this section. *Bowie v. Ghiselin*, 30 Md. 558.

This section referred to in deciding that *situs* of personal property remains in county where guardian is appointed, although both guardian and ward may be non-residents. *Baldwin v. State*, 89 Md. 601; *Baldwin v. Washington County*, 85 Md. 159.

This section referred to in deciding that where a will leaves property to an infant provided he lives to attain his majority, fund may be turned over to a guardian (though the better practice is otherwise), to be paid infant in case he so survives; otherwise, to parties entitled. *Gunther v. State*, 31 Md. 31.

For case denying jurisdiction of equity because complainant had ample remedy under act of 1831, ch. 315, see *Lee v. Price*, 12 Md. 256.

An. Code, sec. 243. 1904, sec. 242. 1888, sec. 238. 1831, ch. 315, sec. 12.

252. If an administrator shall believe that any person conceals any part of his decedent's estate he may file a petition in the orphans' court of the county in which he obtained administration, alleging such concealment, and the court shall compel an answer thereto on oath; and if satisfied upon an examination of the whole case that the party charged has concealed any part of the personal estate of the deceased, may order the de-