

trial court is in better position to judge and findings of fact will be sustained unless they are not supported by clear weight of evidence. *Hampson et al. v. Brundige*, Daily Record, Feb. 1, 1935.

Cited but not construed in *Oxenham v. Mitchell*, 160 Md. 273; *Watkins v. State*, 162 Md. 616.

Guardian and Ward.

149.

This section referred to *re* jurisdiction in divorce case—see notes to art. 16, sec. 37. *Lowe v. Lowe*, 150 Md. 603.

As to fiduciaries, see art. 37A.

As to veterans' guardianship, see art. 65, sec. 56B, *et seq.*

See art. 72A, secs. 1 and 4.

151.

See art. 72A, secs. 1 and 4.

153.

See art. 72A, sec. 4.

1927, ch. 524.

153A. In any and all cases where a tort shall be alleged to have been committed against any infant, and said infant is in the custody of its mother, the mother, in the first instance shall have the right to institute suit against the alleged *tort-feasor* or *tort-feasors* for and on account of such alleged tort; provided, however, that if the mother, within six months after the commission of the alleged tort, shall have failed to institute suit as aforesaid, then any person interested in said child, after having first given notice to its mother, by registered mail at her last known address, shall have a right to institute suit as next friend to such infant.

See art. 72A, sec. 3.

An. Code, 1924, sec. 170. 1912, sec. 165. 1904, sec. 164. 1888, sec. 165.

1798, ch. 101, sub-ch. 12, sec. 10. 1931, ch. 438.

170. 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 shall exhibit to the court the bonds, certificates of stocks, securities of any kind, deeds of property, bank books of deposits or other evidences of property belonging to his ward; 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 the Orphans' Court.

175-176. Repealed by ch. 533 of the Acts of 1929.