

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. 145—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. 74—see notes thereto. *Smith v. Dennis*, 33 Md. 449.

See notes to secs. 145 and 146.

As to the jurisdiction of equity over suits for legacies, see art. 16, sec. 105.

As to the distribution by fiduciaries under the jurisdiction of equity, see art. 16, sec. 231, *et seq.*

### Guardian and Ward.

An. Code, 1924, sec. 149. 1912, 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.

**152.** 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, in the case of personal estate, either before or after the administrator shall have passed his account.

The term "residence" as used in the statutes relating to appointment of guardians is synonymous with "domicile." The ward cannot himself change his domicile by removal because he is not *sui juris*; nor does removal of ward to another state or county by relatives or friends affect his domicile. *Quære*, whether an uncle, after the death of both parents, may become a *natural* guardian. In view of secs. 192 and 164, a natural guardian who has not given bond cannot change domicile of a ward. *Sudler v. Sudler*, 121 Md. 48.

No appeal lies from action of orphans' court in appointing a guardian. The interest, and not the wishes, of the ward should control in such appointment. *Compton v. Compton*, 2 Gill, 241; *Sudler v. Sudler*, 121 Md. 48.

The right to appoint a guardian is not affected by fact that a court of some other state has made a similar appointment. There may be a domestic guardian having charge of infant's property, and a foreign guardian having charge of his person. A guardian appointed in another state has no authority to sue here. *Kraft v. Wickey*, 4 G. & J. 342.

The expression "lawful age" as used in a will, construed in light of this section. For many purposes a female does not arrive at her majority until she is twenty-one. *McKim v. Handy*, 4 Md. Ch. 236.