

guardian appointed by last will and testament, or by the orphans' court, the administrator of the decedent, as soon as administration shall be committed to him, and not before, shall take possession of such estate and discharge and fulfil all the duties of guardian to such infant, and shall account with the court in like manner as guardians are required by law to account, and subject to the like control and authority of the court, in all respects whatever.

While under this section and sec. 161, if no guardian is appointed, administrators will be required to account as guardians in county in which they were appointed (Queen Anne's), they could not account in Baltimore City for acts done by them under their appointment in said county. These two sections only contemplate the care of infants' property temporarily, and not that administrator shall be permanent guardian. See notes to sec. 152. *Sudler v. Sudler*, 121 Md. 55.

For cases involving question of in which of two capacities a fiduciary holds funds, see *Gable v. Cheston*, 51 Md. 352; *Kirby v. Pascault*, 51 Md. 383; *Sparks v. Weedon*, 21 Md. 156; *Hanson v. Worthington*, 12 Md. 418; *Flickinger v. Hull*, 5 Gill, 74; *Watkins v. Wells*, 2 G. & J. 220; *Seegar v. State*, 6 H. & J. 162; *State v. Jordon*, 3 H. & McH. 179.

An. Code, 1924, sec. 157. 1912, sec. 152. 1904, sec. 151. 1888, sec. 152. 1825, ch. 63, sec. 1. 1890, ch. 404.

**161.** No administrator shall be bound in any manner to discharge and fulfil the duties of guardian after the close of his administration, or after the end of three years from the granting of such administration, nor after a guardian shall be appointed by the orphans' court; and whenever an administrator is ready to pay over any money and there is no guardian of the person entitled who is under age, the several orphans' courts of this State may order that such money shall be deposited in any bank, savings bank, safe deposit company or other corporate body to be named in the order, in which it may draw interest in the name of the person entitled, subject, however, to the order of such court, where it shall remain, and the administrator shall retain the book of deposit or receipt for such deposit, until such person becomes of age to receive it, or a guardian be appointed, and such order and the deposit made in pursuance thereof shall be a release to such administrator.

See notes to sec. 160.

An. Code, 1924, sec. 158. 1912, sec. 153. 1904, sec. 152. 1888, sec. 153. 1820, ch. 174, sec. 2.

**162.** When a guardian or guardians shall be appointed to such infant, or the said infant shall arrive at age, or if a female be married—which ever shall first happen—the administrator shall render to the orphans' court an account on oath of the manner in which the duties imposed by the two preceding sections have been discharged, in the same manner and upon the same principles as guardians are hereafter required to settle their accounts, and subject to the like control and authority of the court in all respects; and the said account shall be separate and distinct from the administration of the personal estate of the deceased; and the orphans' court shall thereupon pass an order directing such administrator to pay over to the guardian or guardians, or to the person entitled, as the case may be, any money remaining in his hands belonging to such infant, which shall have arisen from the profit of the real estate belonging to such infant, and also to deliver over to such guardian or guardians, or person entitled, the real estate of such infant; and upon neglect or refusal of the administrator to obey such order, or to return an account as herein directed, his administration bond shall be liable to be sued by such guardian or guardians, or person entitled, and the orphans' court may moreover proceed against him by attachment and sequestration.