

An. Code, 1924, sec. 159. 1912, sec. 154. 1904, sec. 153. 1888, sec. 154. 1798, ch. 101, sub-ch. 12, sec. 3. 1816, ch. 203, sec. 1.

163. Every natural guardian, or guardian appointed by last will and testament of the estate or property of infants shall give bond, with securities to be approved by the orphans' court, as directed in the next succeeding section.

Unless a natural guardian complies with this section within a reasonable time, her right is forfeited. Right held to be forfeited. *Lefever v. Lefever*, 6 Md. 476. *Cf. Fridge v. State*, 3 G. & J. 112; *Sudler v. Sudler*, 121 Md. 54.

Cited but not construed in *Corrie's Case*, 2 Bl. 508.

See notes to secs. 40, 52, 164 and 189.

As to the allowance of cost of corporate surety bonds out of estate, see art. 24, sec. 10. As to counter security, see art. 90, sec. 3.

An. Code, 1924, sec. 160. 1912, sec. 155. 1904, sec. 154. 1888, sec. 155. 1798, ch. 101, sub-ch. 12, sec. 4, 1831, ch. 315, sec. 11. 1920, ch. 109.

164. Every guardian appointed by the Court, and every guardian by will, or natural guardian, before he proceeds to act as such, shall enter into bond to the State of Maryland in such penalty and with such sureties as the Court shall approve, but whenever the surety upon such bond is a corporation so authorized to qualify as such, the amount of the penalty of such bond shall be fixed by the court in an amount not exceeding the probable value of the estate for which said guardian should account for and be liable according to law, and to be recorded and be subject to be put in suit, and to be in all respects on a footing with an administration bond, with the following conditions: "The condition of the above obligation is such, that if the above bounden.....as guardian to....., ofcounty, shall faithfully account with the Orphans' Court of.....county, as directed by law, for the management of the property and estate of the infant under his care, and shall also deliver up the said property agreeably to the order of the said court or the directions of law, and shall in all respects perform the duty of guardian to the said....., according to law, then the above obligation shall cease; it shall otherwise remain in full force and virtue in law"; and the said bond shall be liable for the proceeds of sales of the real estate of his ward which shall come into his possession, as well as for other property.

The condition of a guardian's bond, as provided by this section, does not require him to pay all of ward's bills out of income, but he is required to settle an account with the orphans' court, and that court must ascertain, at its discretion, the amount to be annually expended in maintenance and education of ward. Where guardian has settled his account under direction of court and has paid out amount in excess of income received, and action of court remains unchallenged, the guardian's bond is not hable. The account, however, may be reopened and restated. The orphans' court may abrogate and modify its orders. Bond is hable for a failure of guardian to pay for maintenance and education of ward out of property under his control. *State v. Fidelity & Deposit Co. of Md.*, 132 Md. 469 (decided in 1918).

This section referred to in construing secs. 251 and 193, *et seq.*—see notes to sec. 251. *Fidelity & Deposit Co. of Maryland v. Husted*, 128 Md. 277.

This section places guardians' bonds on the same footing with executors' and administrators' bonds. *State v. Miller*, 3 Gill, 335.

No person is qualified to act as guardian until he is bonded. How such qualification may be proved. *Clarke v. State*, 8 G. & J. 124.

This section referred to in determining what a plea of statute of limitations on a suit on a guardian's bond should aver. *Byrd v. State*, 44 Md. 501. As to the statute of limitations, see also *State v. Green*, 4 G. & J. 384.

See notes to secs. 152 and 163.

An. Code, 1924, sec. 161. 1912, sec. 156. 1904, sec. 155. 1888, sec. 156. 1854, ch. 5.

165. The orphans' court may, when they deem it expedient, approve and accept of one guardian bond, where the same person is appointed