

three months, as aforesaid; and the same shall be evidence against him in case of any suit for misconduct brought against him.

The orphans' court has power to appraise only under this section and sec. 213, and under art. 81, sec. 118. Hence where a will directs an appraisement and that certain property be taken at such appraisement, but fails to name appraisers, equity alone can name them. *Magin v. Niner*, 110 Md. 302.

The appraisement is only *prima facie* evidence against the guardian. *Magruder v. Darnall*, 6 Gill, 286.

See notes to sec. 167.

An. Code, 1924, sec. 165. 1912, sec. 160. 1904, sec. 159. 1888, sec. 160. 1798, ch. 101, sub-ch. 12, sec. 7.

169. No guardian shall commit waste on the land, but the court may, on his application, allow him to cut down and sell wood, and account for the same, in case it shall deem the same advantageous or necessary for the ward's education and maintenance.

Cited but not construed in *Williams' Case*, 3 Bl. 200.

See notes to sec. 167.

An. Code, 1924, sec. 166. 1912, sec. 161. 1904, sec. 160. 1888, sec. 161. 1798, ch. 101, sub-ch. 12 sec. 8.

170. Each guardian having real estate under his care shall either cultivate the same, with the stock and utensils belonging to his ward, or to be purchased with his money, with the approbation of the court, or he shall lease the same from year to year, or for any term not exceeding three years, and within the non-age of his ward; or he may, with the court's approbation, undertake the estate on his own account, and be answerable for the annual value, to be every third year ascertained under the direction of the court.

Whoever enters upon estate of infant may be made to account for rents and profits thereof as though he were guardian. *Chaney v. Smallwood*, 1 Gill, 370; *Drury v. Conner*, 1 H. & G. 220. And see *Burch v. State*, 4 G. & J. 444.

See notes to sec. 167.

An. Code, 1924, sec. 167. 1912, sec. 162. 1904, sec. 161. 1888, sec. 162. 1816, ch. 154, sec. 9. 1849, ch. 118, secs. 1, 2.

171. The rents of all real estate of an infant dying before such rents become due shall, for the year in which such infant dies, be paid to his guardian, and shall be accounted for by the guardian in settlement of his accounts with the orphans' court, and the balance not appropriated for the education and support of such infant, for taxes, repairs, improvements, commissions and expenses, shall be paid by such guardian to the person entitled to the real estate at the death of such infant, and the guardian's bond shall be liable for the same.

See art. 16, sec. 75; also art. 53, sec. 21.

An. Code, 1924, sec. 168. 1912, sec. 163. 1904, sec. 162. 1888, sec. 163. 1827, ch. 210. 1849, ch. 118, sec. 2.

172. If the guardian die before the recovery of such rent, his administrator may recover the same, to be accounted for and appropriated in the same manner that the guardian, if living, would be held to account for the same.

An. Code, 1924, sec. 169. 1912, sec. 164. 1904, sec. 163. 1888, sec. 164. 1785, ch. 80, sec. 9. 1798, ch. 101, sub-ch. 12, sec. 9.

173. Every guardian shall account for all profit and increase of his ward's estate, or the annual value as aforesaid, and shall not be answerable