

and whenever the orphans' court shall in its discretion authorize a guardian to invest or mortgage the proceeds of the sale of real estate belonging to his ward and sold by a trustee in equity, the affidavit of consideration to such mortgage shall be made by the guardian of such ward.

Security taken on investment will not be avoided if not taken in the name of the ward. *O'Hara v. Shepherd*, 3 Md. Ch. 314.

See notes to sec. 180.

An. Code, 1924, sec. 180. 1912, sec. 174. 1904, sec. 173. 1888, sec. 173.  
1843, ch. 304, secs. 1, 2.

**182.** No guardian shall sell any property of his ward without an order of the orphans' court approving the bond of such guardian being first had and obtained; and any sale or removal without an order of court previously had shall be void, and no title shall pass thereby to the purchaser, and his guardianship may be revoked, and the same proceedings relative thereto shall be had as are prescribed herein in regard to sales made by administrators without such order.

Where without an order of court a guardian transfers stock standing in name of his ward on books of a corporation, the certificates being cancelled and new ones issued to transferee, transaction is void under this section. *Conversion. Trover. Acting innocently. Baltimore v. Norman*, 4 Md. 358. And see *State v. Murray*, 24 Md. 320.

Although order of court to sell bonds was not procured, if guardian acted in good faith supposing that he had obtained requisite authority, and if his bond fully indemnifies estate against loss, guardian will not be removed. *Macgill v. McEvoy*, 85 Md. 298.

This section referred to in deciding that *situs* of personal property remains in county where guardian is appointed, although both guardian and ward become non-residents. *Baldwin v. State*, use Hull, 89 Md. 601; *Baldwin v. Washington County*, 85 Md. 159.

This section referred to in deciding that guardian had no power to execute a certain mortgage and as showing with what strictness guardian must act. Ordinarily power to sell does not include power to mortgage. *Tyson v. Latrobe*, 42 Md. 333.

See sec. 295 and notes.

An. Code, 1924, sec. 181. 1912, sec. 175. 1904, sec. 174. 1888, sec. 174. 1843, ch. 304, sec. 3.

**183.** When there are two or more guardians, and the sale or removal has been made without the consent of all, the revocation shall only extend to the person or persons so offending, and the remaining guardian or guardians shall have full power to discharge all the duties connected with his or their office.

See sec. 297.

An. Code, 1924, sec. 182. 1912, sec. 176. 1904, sec. 175. 1888, sec. 175. 1843, ch. 304, sec. 4.

**184.** Nothing herein shall apply where a guardian has been appointed by will, with power to sell property without making a return of such sale to the orphans' court.

See sec. 298.

An. Code, 1924, sec. 183. 1912, sec. 177. 1904, sec. 176. 1888, sec. 176. 1798, ch. 101, sub-ch. 12, sec. 11.

**185.** In the first account to be rendered by a guardian, he shall state the property received by him from an executor, administrator, or otherwise, belonging to his ward, and every increase, and the profits thence arising, if any.

Guardians' accounts are only *prima facie* correct. *State v. Baker*, 8 Md. 44; *Richards v. Swan*, 7 Gill, 366; *Magruder v. Darnall*, 6 Gill, 269; *O'Hara v. Shepherd*, 3 Md. Ch. 306; *Spedden v. State*, 3 H. & J. 251.

See notes to secs. 167 and 199.