

evidences of debt or funds, and also all title to property or stock which belong to or are due to the ward, in the possession of the guardian, and also pay over to the remaining guardian (if there be one, if not, then to the new guardian) all the money due to said ward, the said court may compel the delivery and payment over as aforesaid by attachment and sequestration of the property of the party whose guardianship may be revoked, and may direct his bond to be put in suit.

Upon failure of a guardian to turn over property as ordered by court, his bond at once becomes liable to suit. *Byrd v. State*, 44 Md. 503. *Cf. State v. Henderson*, 54 Md. 343.

Where a guardian admits that he is insolvent and unable to pay, he waives requirement that a reasonable time be given him to turn over ward's money to new guardian. *Gunther v. State*, 31 Md. 33.

The orphans' court has no jurisdiction to authorize guardian to invest the ward's funds in a loan to guardian himself upon his promissory note bearing interest. *Fidelity Co. v. Freud*, 115 Md. 32.

This section contrasted with sec. 199—see notes thereto. *State v. Henderson*, 54 Md. 343.

Cited but not construed in *Corrie's Case*, 2 Bl. 500.

See notes to sec. 251.

An. Code, 1924, sec. 197. 1912, sec. 191. 1904, sec. 190. 1888, sec. 190. 1833, ch. 15, sec. 1.

197. Where any infant shall be entitled to any legacy or distributive share of an estate, or any personal property in the hands of an administrator, and a guardian for such infant has been or may be appointed by any orphans' court of this State, whose appointment, however, has been irregularly made, and is or shall be liable to be revoked or declared void for any cause whatever, but shall not have been revoked or declared void, any payment or delivery to such guardian of such legacy, distributive share, or personal property by such administrator, shall have the same force, validity and effect as respects such administrator as if said guardian's appointment were regularly made, and not for any cause liable to be revoked or declared void.

For a case applying the principles of this section, see *Gunther v. State*, 31 Md. 21.

An. Code, 1924, sec. 198. 1912, sec. 192. 1904, sec. 191. 1888, sec. 191. 1833, ch. 15, sec. 2.

198. Every such guardian so receiving money or other property belonging to his ward shall be liable to account for the same, to be recovered by suit on his guardian's bond or otherwise, as provided by law in case of guardians duly and regularly appointed.

See note to sec. 197.

An. Code, 1924, sec. 199. 1912, sec. 193. 1904, sec. 192. 1888, sec. 192. 1798, ch. 101, sub-ch. 12, sec. 15. 1829, ch. 216, secs. 5, 6.

199. On a ward's arrival at age, or on the marriage of a female ward, the guardian shall exhibit a final account to the orphans' court, and shall deliver up, agreeably to the court's order, to the said ward, all the property of such ward in his hands, including bonds and other securities; and on failure, his bond may be put in suit, and he shall be liable to attachment and fine not exceeding three hundred dollars; and a female shall be of age at eighteen years, for the purposes of this section.

Final account.

A ward may settle with his guardian out of court and thus be precluded from suing the bond. It is guardian's duty, however, to state a final account in orphans' court and property is taxable to him until he does so. *Baldwin v. Washington County*, 85 Md. 161. The control of orphans' court and responsibility of guardian and his bond continue until final account is stated under this section. *Griffith v. Parks*, 32 Md. 7.