

Guardians and Infants Not Residing in This State.

An. Code, 1924, sec. 202. 1912, sec. 196. 1904, sec. 195. 1888, sec. 195. 1853, ch. 422, sec. 1. 1935, ch. 290.

202. Where any infant not residing in this State is entitled to any property or estate, real, personal or mixed, or to any debts or choses in action in this State, or due by or recoverable from any person or persons, corporation or corporations in this State, or from any estate upon which letters testamentary or of administration have been granted in this State, having no guardian appointed in this State, but having a guardian appointed in the State, district or territory in which the infant resides, duly qualified according to the laws thereof, and who shall there have been given good and sufficient security for the faithful performance of his trust as such, or in words to that effect, then, and in such case the orphans' court of the county or city in this State in which such property, or any part thereof, of such infant may be situated, or where such debts or choses in action, or any part thereof may be due or recoverable, either wholly or in part, shall pass an order authorizing and empowering such non-resident guardian to take into his possession such property wherever situated in this State, and to sue for and recover such debts or choses in action from all persons or corporations in this State, and from all estates upon which letters testamentary or of administration shall have been granted, and to act in all respects as if such guardian had been duly appointed by some one of the Orphans' Courts in this State; provided, however, that before any such order shall be passed, such guardian shall first file a petition, setting forth the fact that such non-resident infant is or claims to be entitled to such property, debts or choses in action, as hereinbefore mentioned, and shall also give bond, with security to be approved by the said Orphans' Court, in the same manner as if such infant resided in this State, and shall file in the office of the Register of Wills an instrument designating some local agent on whom service of any process may be made in like manner and with like effect as if it were served personally on such guardian.

See sec. 211 and notes to sec. 203.

An. Code, 1924, sec. 203. 1912, sec. 197. 1904, sec. 196. 1888, sec. 196. 1844, ch. 201, sec. 1. 1846, ch. 300, sec. 1. 1847, ch. 138, sec. 1. 1852, ch. 297, sec. 1. 1890, ch. 253. 1892, ch. 557.

203. If any non-resident infant shall be entitled to any legacy, bequest or distributive share, or to the proceeds of any sale made under a decree of a court of equity or to any money or personal property in the hands of a trustee appointed by will or shall be entitled to the proceeds of sale of property in this State or to any legacy, bequest or distributive share of any personal property in the hands of any administrator or guardian in this State, and such infant has a guardian regularly appointed in this State, district or territory of the United States in which such infant resides, such foreign guardian may obtain an order from the proper court for the payment, transfer or delivery of such proceeds, legacy, bequest or distributive share upon the terms prescribed in the next two succeeding sections.

This section only applies where there has been a perfect conversion of realty into personalty, and a fund thereby created which ought to follow domicile of owner. This section construed in connection with art. 16, sec. 63, *et seq.* *Clay v. Brittingham*, 34 Md. 676; *Bernard v. Equitable, etc., Trust Co.*, 80 Md. 124.

The application of this section is not limited to cases where there is no guardian in this state. This section construed in connection with sec. 196, and with art. 16, sec. 63, *et seq.* *Bernard v. Equitable, etc., Trust Co.*, 80 Md. 122.