

FOREIGN GUARDIANS AND INFANTS.

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GUARDIANS APPOINTED BY THE ORPHANS' COURT.

1. Whenever land shall descend or be devised to a male under the age of twenty-one years, or to a female under the age of eighteen years, or any such male or female shall be entitled to a distributive share of the personal estate of an intestate, or to a legacy or bequest under a last will or codicil, or may acquire any real or personal property, or estate, by gift or by purchase, and the said male or female shall not have a guardian appointed by last will and testament, agreeably to law, the Orphans' Court of the county where the land lies, or in which administration of the personal estate is granted, shall have power to appoint a guardian to such infant until the age of twenty-one years (if a male), and until the age of eighteen years (if a female), or marriage; and such appointment may be made at any time after the probate of the will, or administration granted on the estate of the deceased, under whom the infant appears to be so entitled to land; and it may be made, if the court shall think proper, in the case of personal estate, either before or after the administrator shall have passed his account.

Art 93, s 144
1798, c 101,
sub-c 12, s. 1,
1807, c 136, s 4,
1829, c 216, s 5,
1834, c 291, s 1
When and to
what infants
Orphans' Court
may appoint
guardians
80 Md 179.

2. In case any infant in this State shall be entitled to personal property by purchase or by gift, other than by last will and testament, recorded in this State, and there be no guardian appointed to such infant within this State, the Orphans' Court of the county in which such infant shall reside shall have the right to appoint a guardian to such infant.

Id s 145
1834, c 291, s 4
Orphans' Court
to appoint guardian
where infant
entitled to
personal property,
by purchase or gift,
other than by
last will
recorded in this
State.

3. The Orphans' Court shall have the right and power to appoint a guardian to any such infant as aforesaid, although such infant may have a father or mother living at the time of such appointment; *provided*, notice by the court be given by publication or otherwise to such father, or mother (if there be no father living), to show cause why such appointment should not be made; and such appointment shall be as valid in every respect as if the father and mother of such infant were both dead at the time; but nothing herein contained shall prevent the said courts from appointing the father or mother of such infant its guardian, if the court to whom the appointment properly belongs shall, in its discretion, deem such father or mother a fit and proper person to be so appointed.

Id s 146
1834, c 291, s 2
Orphans' Court
to have power
to appoint guardian,
although
infant may have
father or
mother living.
4 Md 352,
5 Md 211,
32 Md 42, 54.

4. The court shall have power to have brought before them any infant for the purpose of appointing a guardian.

Notice
Power of court.

Id s 147.
1798, c. 101,
sub-c 12, s 2
Orphans' Court
to have power
to have infant
brought before
them
6 Md 472.