

will and testament, agreeably to law, the orphans' court of the county in which such infant shall reside 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, if a female or married; 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.

Haney *v* Waddle, 3 H. & J. 557. Brodress *v* Thompson, 2 H. & G 120. Fridge *v* State, 3 G & J. 103. Kraft *v* Wickey, 4 G & J 332. Jenkins *v*. Walters, 8 G. & J 218. Swan *v*. Dent, 7 Gill, 366. Barnes *v*. Crain, 8 Gill, 395. Corrie's Case, 2 Bl. 288 Helms *v*. Franciscus, 2 Bl 544. Waring *v*. Waring, 2 Bl 673. Swan *v* Dent, 2 Md. Ch. 111. State *v*. Baker, 8 Md. 44. Williams *v* Holmes, 9 Md. 290.

P. G. L., (1860,) art. 93, sec. 145. 1834, ch. 291, sec. 4.

145. 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.

Ibid. sec 146. 1834, ch. 291, sec. 2.

146. 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 be given by the court, 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.

Smith *v*. Williamson, 1 H. & J. 147. Hay *v* Conner, 2 H. & J. 347. Mercer *v*. Walmsley, 5 H. & J. 27. Corrie's Case, 2 Bl. 488. Helms *v*. Franciscus, 2