

C H A P.
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8. If there be a brother or sister, or child or descendant of a brother or sister, and no child, descendant, or father of the intestate, the said brother, sister or child, or descendant of a brother or sister, shall have the whole.

9. Every brother and sister of the intestate shall stand in the place of such brother or sister, or children of a brother or sister of the intestate shall stand in the place of such brother or sister.

10. If the intestate leave a mother, and no child, descendant, father, brother, sister or child, or descendant of a brother or sister, the mother shall be entitled to the whole, and in case there be no father, a mother shall have an equal share with the brothers and sisters of the deceased, and their children and descendants.

11. After children, descendants, father, mother, brothers and sisters, of the deceased, and their descendants, all collateral relations, in equal degree, shall take, and no representation amongst such collaterals shall be allowed; and there shall be no distinction between the whole and half blood.

12. If there be no collaterals, a grand-father may take, and if there be two grand-fathers, they shall take alike, and a grand-mother, in case of the death of her husband the grand-father, shall take as he might have done.

13. If any person entitled to distribution shall die before the same be made, his or her share shall go to his or her representatives.

14. Posthumous children of intestates shall take in the same manner as if they had been born before the decease of the intestate, but no other posthumous relation shall be considered as entitled to distribution in his or her own right.

15. If there be no relations of the intestate within the fifth degree, which degree shall be reckoned by counting down from the common ancestor to the more remote, the whole surplus shall belong to the state, to be applied as the legislature shall hereafter direct, saving to the different schools in this state the rights which by existing laws they now respectively possess.

16. In case the surplus remaining in the administrators hands after payment of all just debts exhibited and proved, or notified and not barred, or after retaining for the same, shall consist of specific property, or articles mentioned in the inventory or inventories, the administrator, if he cannot satisfy the parties, may apply to the court to make the distribution, and the court may appoint a day for making distribution, and by summons call upon the said parties to appear, and the said court may, at the appointed time, proceed to distribute, but if a majority in point of value shall neglect to appear, or appearing shall object to the distribution of the articles, or if the court shall deem a sale of the said articles, or any part of them, more advantageous, a sale shall be directed accordingly, and the rules herein before laid down, relative to a sale by order of the said court, shall be observed.

C H A P. 12.
Guardians and
orphans,

1. WHENEVER land shall descend, or be devised, to a male under the age of twenty-one years, or to a female under sixteen, or any such male or female shall be entitled to a distributive share of personal estate of an intestate, or to a legacy or bequest under a last will or codicil, and the said male or female shall not have a natural guardian, or guardian appointed by last will, agreeably to the statute in that case provided, 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 sixteen (if a female,) or marriage, and such appointment may be made at any time after the probat 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 executor or administrator shall have passed his account.

2. The said court shall have power to call or have brought before them any orphan as aforesaid, for the purpose of appointing a guardian.

3. The court shall also have power, on application of any friend of the infant as aforesaid entitled to land, or a legacy, or distributive share, to call on any guardian under the statute aforesaid, or natural guardian, to give bond for performance of his or her trust, and the court, at discretion, may direct such bond to be given; and on the guardian's failure or neglect, the court may appoint another guardian.

4. And every guardian appointed by the court, before he shall have authority to act as such, shall enter into bond to the state of Maryland, in such penalty, and with such sureties, as the court shall approve; and the said bond shall be recorded, and be subject to be put in suit, and be in all respects on a footing with the bond given by an executor or administrator; and the form of the condition of it shall be as follows: "The condition of the above obligation is such, that if the above bounden
" ———, as guardian to ———, of ——— county, shall faithfully account with the orphans
" court of ——— county, as directed by law, for the management of the property and estate of the
" orphan under his care, and shall also deliver up the said property, agreeably to the order of the
" said court, or the directions of law, and shall in all respects perform the duty of guardian to
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