

ceeds of sales of the real estate of his ward which shall come into his possession, as well as for other property.

The condition of a guardian's bond, as provided by this section, does not require him to pay all of ward's bills out of income, but he is required to settle an account with the orphans' court, and that court must ascertain, at its discretion, the amount to be annually expended in maintenance and education of ward. Where guardian has settled his account under direction of court and has paid out amount in excess of income received, and action of court remains unchallenged, the guardian's bond is not liable. The account, however, may be reopened and restated. The orphans' court may abrogate and modify its orders. Bond is liable for a failure of guardian to pay for maintenance and education of ward out of property under his control. *State v. Fidelity & Deposit Co. of Md.*, 132 Md. 469 (decided in 1918).

This section referred to in construing secs. 251 and 193, *et seq.*—see notes to sec. 251. *Fidelity & Deposit Co. of Maryland v. Husted*, 128 Md. 277.

This section places guardians' bonds on the same footing with executors' and administrators' bonds. *State v. Miller*, 3 Gill, 335.

No person is qualified to act as guardian until he is bonded. How such qualification may be proved. *Clarke v. State*, 8 G. & J. 124.

This section referred to in determining what a plea of statute of limitations on a suit on a guardian's bond should aver. *Byrd v. State*, 44 Md. 501. As to the statute of limitations, see also *State v. Green*, 4 G. & J. 384.

See notes to secs. 149 and 159.

An. Code, sec. 156. 1904, sec. 155. 1888, sec. 156. 1854, ch. 5.

161. The orphans' court may, when they deem it expedient, approve and accept of one guardian bond, where the same person is appointed guardian to any number of infants who may be entitled to portions of the same estate, instead of separate bonds for each ward; provided, that nothing herein contained shall be construed so as to interfere with any remedies against such bond, but the same shall be liable to suit by all or either of the wards therein named, or their representatives, as fully as separate guardian bonds.

One action may be brought in name of state for use of several wards, on one bond given by their guardian under this section. *Walsh v. State*, 53 Md. 543.

An. Code, sec. 157. 1904, sec. 156. 1888, sec. 157. 1798, ch. 101, sub-ch. 12, sec. 5.

162. The orphans' court shall have power to call on any guardian for new security and, on failure, may appoint a new guardian.

See art. 90, sec. 3.

An. Code, sec. 158. 1904, sec. 157. 1888, sec. 158. 1798, ch. 101, sub-ch. 12, sec. 5.

163. On a guardian's executing such bond as aforesaid, the court shall have power to order the land, distributive share, or other property belonging to his ward, to be delivered to the guardian immediately, or at such time as shall appear reasonable; in case of a legacy or bequest, the court shall direct the delivery as soon as it shall appear that the same may be delivered without prejudice to the person administering; and in the case of a distributive share, the court shall direct the delivery as soon as the same shall be ascertained; and on failure of any former guardian appointed by the court, or of an administrator, to comply with such order, his bond may be put in suit, and he may also be attached for contempt, and fined not exceeding three hundred dollars.

Upon failure of a guardian to deliver property as ordered by the court, his bond at once becomes liable to suit. *Byrd v. State*, 44 Md. 503.