

husband, wife, child, children or other heirs at law, said application to be signed by the party applying for said letters, and who shall make oath to the truth of the statements contained in said application, to the best of their knowledge, information and belief. This Section shall only apply to Cecil County.

An. Code, 1924, sec. 245. 1912, sec. 236. 1904, sec. 235. 1888, sec. 231. 1798, ch. 101, sub-ch. 15, sec. 12.

245. The orphans' court shall have full power, authority and jurisdiction to examine, hear and decree upon all accounts, claims and demands existing between wards and their guardians, and between legatees or persons entitled to any distributive share of an intestate's estate, and executors and administrators, and may enforce obedience to and execution of their decrees in the same ample manner as the courts of equity in this State. They shall keep a seal for their several courts, and for the office of the register of wills of their county; and the said seal shall be affixed to all certificates of the court or of the register, and to every process and writ issued from the court.

Power to order investigations to be made out of Court, to discover facts, has generally been regarded as extraordinary, and not within judicial functions. *Tsaracklis v. Characklis*, 176 Md. 32.

This section gives orphans' court jurisdiction to determine whether widow has made a selection of property under sec. 321, and if so, whether such selection is valid. *Crow v. Hubbard*, 62 Md. 565.

The orphans' court has power under this and preceding section to compel executor of deceased executor, to account for money belonging to first executor's decedent—see sec. 11. *Hignutt v. Cranor*, 62 Md. 216; *Muncaster v. Muncaster*, 23 Md. 288; *Fulford v. Fulford*, 153 Md. 89.

Under this section orphans' court has jurisdiction to inquire as to whether an executor has made a profit by dealing with his testator's assets—see notes to sec. 299. *Gephart v. Strong*, 20 Md. 527.

An order of orphans' court upon a petition, answer and consent of parties, adjudging an amount to be due a legatee, upheld under this section. *Ruby v. State*, 55 Md. 491.

The orphans' court has no power under this section to order executor to pay legacies or make distribution until a final account in regard to debts has been passed—see notes to secs. 148 and 149. *Lowe v. Lowe*, 6 Md. 353. *Cf. Clarke v. Sandrock*, 113 Md. 426.

Under this section orphans' court only has jurisdiction of suits against an executor for an account, at instance of legatee or next of kin. *Randall v. Hodges*, 3 Bl. 483.

This section applies only to contested questions *inter partes*, and not to *ex parte* proceedings. *Conner v. Ogle*, 4 Md. Ch. 451.

This section referred to in construing sec. 151—see notes thereto. *Alexander v. Leakin*, 72 Md. 202. (See notes to sec. 243.)

Cited but not construed in *Harlan v. Hunter*, 170 Md. 517; *Blum v. Fox*, 173 Md. 533. See notes to sec. 243.

An. Code, 1924, sec. 246. 1912, sec. 237. 1904, sec. 236. 1888, sec. 232. 1798, ch. 101, sub-ch. 15, sec. 12. 1890, ch. 425.

246. The court may on the application of any infant or any one in his behalf suggesting improper conduct in any guardian whatever, either in relation to the care and management of the property or person of the infant, or physical or mental incapacity of the guardian to properly fulfill his duties and the purposes of the office, or any other matter or thing whereby it appears that the guardian is or has become unable to bestow such direct personal care and supervision over the person or estate of his ward as is requisite to the proper discharge of the duties of guardianship, inquire into the same, and, at its discretion, remove such guardian and make choice of another who shall give security and conduct himself in the manner herein prescribed and shall receive the property and custody of the said ward.

In case of any ill treatment or neglect of duty on part of guardian toward ward, this section presents remedy. *Lefever v. Lefever*, 6 Md. 478.