

An application for removal of a guardian must allege improper conduct relative to ward's property and person, and allegations must be sustained by proof. *Slattery v. Smiley*, 25 Md. 393; *Forney v. Shriner*, 60 Md. 421; *Owen v. Pye*, 115 Md. 406.

Nature and limits of the power conferred by this section. Refusal to remove a guardian upheld. *Macgill v. McEvoy*, 85 Md. 293; *Owen v. Pye*, 115 Md. 406.

An appeal lies from action of court in removing or refusing to remove a guardian under this section. This section distinguished from section 258. (See also art. 5, sec. 64.) *Macgill v. McEvoy*, 85 Md. 289; *Forney v. Shriner*, 60 Md. 421; *Slattery v. Smiley*, 25 Md. 393; *Owen v. Pye*, 115 Md. 406.

Unless a natural guardian has failed to give bond under sec. 163, or has been removed under this section, the appointment of another guardian is unauthorized and void. Presumption that orphans' court acted within its jurisdiction. *Fridge v. State*, 3 G. & J. 113.

The construction of this section as to nature of discretion vested in court thereunder referred to in construing sec. 174—see notes thereto. *In re Wilmer*, 137 Md. 32.

See Art. 72A.

An. Code, 1924, sec. 247. 1912, sec. 238. 1904, sec. 237. 1888, sec. 233. 1798, ch. 101, sub-ch. 15, sec. 13.

247. The court may issue a summons for any person concerned in the affairs of a deceased person or for a witness, or any other person whose appearance in said courts shall be deemed necessary or proper for any purpose. And such summons may issue to any county in the State, and shall be returnable in their discretion; and they may enforce obedience to their summons by attachment, and may punish the party for his contempt, by a fine not exceeding thirty dollars.

An. Code, 1924, sec. 248. 1912, sec. 239. 1904, sec. 238. 1888, sec. 234. 1798, ch. 101, sub-ch. 15, sec. 14.

248. The court may, if a witness before the court shall refuse to give evidence, commit him to the custody of the sheriff or coroner, as the case may be, until he give evidence or be discharged according to law, or they may attach and sequester his estate.

An. Code, 1924, sec. 249. sec. 240. 1904, sec. 239. 1888, sec. 235. 1798, ch. 101, sub-ch. 15, sec. 15.

249. The court may, whenever two summonses shall be regularly returned "*non est*" by the sheriff, or other officer of the county where the party last resided, issue an attachment against his lands and tenements, goods and chattels; and upon return thereof, with a schedule of the property annexed, may by order or commission under seal, authorize some person or persons to take into his or their custody the property contained in such schedule, or any part thereof, and to receive the profits thereof, to be accounted for until the party summoned shall appear and obey the order of the court, or until further order; and the sheriff or other officer shall deliver the property accordingly. And the persons or persons to whom the same shall be committed shall, before receiving the same, give bond with security in such penalty as the court shall direct for rendering a true account of such property and the profits, and for the delivery of the same according to the order of the court, deducting such allowance for loss, and such commission, not exceeding five per cent, as the court shall allow; and such bond shall be recorded, and be in all respects on a footing with an administration bond.

An. Code, 1924, sec. 250. 1912, sec. 241. 1904, sec. 240. 1888, sec. 236. 1798, ch. 101, sub-ch. 15, sec. 15.

250. They may, whenever the purpose for which the property was sequestered is answered, order the same and the profits thereof, deducting