

be, and warning such absentee to appear on or before the day fixed in such order, and show cause why the will or codicil should not be probated, and letters testamentary granted thereon, or letters of administration granted, if there be no will; and such notice shall be published as the court may direct, not less, however, than once a week, for four successive weeks, fifteen days before the day fixed by such order for the appearance of the absentee; and if no appearance be made, the court may, if it see fit, summon before it, and examine, under oath, any relations or friends of such absentee, respecting his absence, and if no information or evidence shall be obtained indicating the probable existence of such absentee, the court may judicially determine such absentee to be dead, and may proceed to probate the will or codicil in the usual manner, and to grant letters testamentary thereon, or to grant letters of administration, as the case may be, as upon the estate of a deceased person; and such probate and such letters, either testamentary or of administration, when granted, shall have the same force and effect as if granted upon the estate of a person proven by direct testimony to be dead.

1890, ch. 425.

232. 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.

McGill v. McEvoy, 85 Md. 293.

1892, ch. 275.

249. The orphans' court may, in all cases of controversy therein, upon the application of either party, direct plenary proceedings by bill or petition, to which there shall be an answer on