

said courts or of the register of wills, to be in default in respect to the rendering of any inventory, the returning of any report, statement, return of any kind, or to the fulfilment of any duty in said courts, to be summoned to appear before the court on some certain day to be named in the summons, and fulfil his duty, on pain of revocation of his letters testamentary, or of administration, or guardianship, and it shall be the duty of the register of wills, from time to time, to inform the orphans' court of such default so appearing; upon such order a letter shall be addressed by the register of wills, and be sent by him by mail to the person so appearing by him to be in default, at his postoffice or place of address, informing him of such order; and for the sending of such letter the register shall receive twenty-five cents from such person, if, on appearing, he is found to be in default; if the person, so appearing to be in default, does not appear in court in answer to the letter, the court may order him to be summoned by the sheriff, and on his appearing may pass such order as may be just in the premises; and, upon his not appearing after having been duly summoned, the court may revoke his letters testamentary, or of administration, or guardianship; upon any such revocation, the court may, at its discretion, order that the parties interested, or any one or more of them may be summoned to appear, and may make such order or appointment as the laws of the State and justice may require. But no guardian shall be thus summoned *ex officio* to appear before the court after his ward has arrived at legal age; nor shall any executor or administrator be thus summoned *ex officio* after more than three years have elapsed since his default.

The clause in this section exempting guardians from summons after their wards are of age, does not preclude a proceeding at the instance of an interested party, such as a surety or a ward, to require the guardian to settle an account. *Baldwin v. State*, 89 Md. 593.

This section gives the orphans' court power to compel an administrator to comply with section 216. *Fowler v. Brady*, 110 Md. 210.

1908, ch. 428.

261. The orphans' court shall have power to authorize and direct any executor, administrator or guardian to compromise any claim against or in favor of the estate of any decedent or ward, as the case may be, in such manner as the said court may approve.

This section does not confer upon the orphans' court the full powers with which courts of law and equity are invested of deciding upon the validity and amount of the creditor's claim against the estate; it merely confers the power to authorize an executor or guardian to compromise a claim on terms approved by the court, without determining its legal status or amount. The action of the orphans' court under this section will be upheld in the absence of positive error or injustice. *Badders v. O'Brien*, 114 Md. 451.

See art. 75, sec. 56.

1904, art. 93, sec. 260. 1888, art. 93, sec. 256. 1860, art. 93, sec. 252.
1798, ch. 101, sub-ch. 15, sec. 20. 1886, ch. 164.

262. The orphans' court shall not, under pretext of incidental power or constructive authority, exercise any jurisdiction not expressly conferred by law, but every judgment, decree, decision or order of the