

tee to act in conjunction with another person or other persons to manage, lease or sell any real or personal estate, or shall have been or shall hereafter be appointed such trustee by any court of this State exercising equity jurisdiction, and shall be desirous to retire from and resign such trust after he or she shall have accepted the same, such trustee may exhibit a petition *ex parte* in the court exercising equity jurisdiction in the city or county where said real or personal estate or said leasehold property may be situated, accompanied by a full and particular account, under oath, of his or her receipts and disbursements, if any, as such trustee; and the said court, upon the filing of such petition and account, shall have jurisdiction in the premises, and shall cause notices to be given by publication in one or more of the papers of said city or county, and for such time as the said court may deem proper, giving notice of the filing of such petition; and if no good cause shall be shown to the contrary by the day that may be limited in that behalf in said notice, the said court, by its decree, shall release and discharge the said trustee from the further execution of said trust, and may pass such order as to costs, and impose such terms in other respects, if any, as the nature of the case and equity may require; provided, that such discharge shall not release said trustee or his sureties, if any, from liability to any of the *cestui que trusts* or other persons, for passed acts, defaults or omissions of duty.

Cited but not construed in *Noble v. Birnie*, 105 Md. 79.

1904, art. 16, sec. 230. 1888, art. 16, sec. 212. 1870, ch. 247, sec. 2.

246. Upon passing such decree, as mentioned in the preceding section, or at any time thereafter, on the motion of any person interested in the further execution of said trust, where the character of the trust requires the appointment of another person as trustee in place of the discharged trustee, the said court shall appoint some suitable person to act thereafter in execution of said trust; provided, nevertheless, that where any person shall be in the same trust as a co-trustee, satisfactory evidence shall be produced before the appointment of a substituted trustee that such co-trustee had actual notice of the proposed appointment of such new trustee and full time to be heard in relation thereto.

Cited but not construed in *Western Md. R. R. Co. v. Goodwin*, 77 Md. 278.

Ibid. sec. 231. 1888, art. 16, sec. 213. 1876, ch. 245, sec. 1. 1894, ch. 530

247. A trustee in the State of Maryland, either by deed or will, or by appointment by order of the circuit court or circuit court No. 2 of Baltimore city, or by any court in this State having equity jurisdiction, or the committee of any lunatic having funds, money or property of any kind or description, whether invested, or uninvested, belonging to *cestui que trust* or lunatic, may, upon order of the circuit court or circuit court No. 2 of Baltimore city, or upon order of any court of this State having equity jurisdiction, or any judge thereof, transfer, assign or pay over the principal of said trust estate, of whatever it may consist, and being the property of his *cestui que trust*, or of such lunatic,