

all the books, bonds, notes and evidences of debt, which belong to or are due to the decedent, or which have been taken by him as executor or administrator since the death of the decedent, in his possession, and also pay over to such new administrator all the money due by him as executor or administrator of the decedent, the court may compel the delivery and payment over by attachment and sequestration of property, and may also direct the administration bond of such executor or administrator to be put in suit.

It is imperative duty of orphans' court to require counter security if applied for, the word "may" being construed "must." *Sifford v. Morrison*, 63 Md. 16; *March v. Fidelity Deposit Co.*, 79 Md. 310.

For effect of refusal to give counter security, see *Wright v. Williams*, 93 Md. 70.

This section held inapplicable where prior to expiration of six month's notice to creditors, two of three executors state an account distributing an estate to one of them as trustee under the will. *Yakel v. Yakel*, 96 Md. 245.

When sureties may proceed under this section. *Brown v. Murdock*, 16 Md. 531.

This section held applicable notwithstanding provisions of private act defining powers of surety company. *March v. Fidelity & Deposit Co.*, 79 Md. 310.

For case dealing with act of 1798, ch. 101, sub-ch. 14, sec. 11, see *Scott v. Burch*, 6 H. & J. 78.

See notes to sec. 2.

*Re. bonds of executors and administrators*, see art. 93, secs. 39, 50, 63 and 76.

An. Code, sec. 2. 1904, sec. 2. 1888, sec. 2. 1807, ch. 136, sec. 3.

2. The several orphans' courts may call upon any executor or administrator to whom they may respectively have granted administration to give new security approved by said courts; and if such executor or administrator shall refuse or neglect to give such new security within a fixed reasonable time, the court may revoke his letters and appoint a new administrator; if the executor or administrator whose letters have been revoked shall refuse or neglect, in a reasonable time after demand, to deliver over to such new administrator the property of his decedent in his hands unadministered, the court may compel the same by attachment and sequestration, and may direct his administration bond to be put in suit.

This section does not contemplate that revocation of letters shall precede or accompany the giving of a new bond. It designs to provide additional security, and to give orphans' court power exercised by courts of equity over trustees. *State v. Robinson*, 57 Md. 502.

Cited but not construed in *Martin v. Jones*, 87 Md. 46.

See notes to sec. 1.

An. Code, sec. 3. 1904, sec. 3. 1888, sec. 3. 1807, ch. 136, sec. 2. 1829, ch. 216, sec. 4.

3. If the security or counter security of a guardian or any person interested in the estate of such security or counter security shall conceive himself in danger of suffering from the securityship, he may apply to the orphans' court by which such guardian was appointed, or in which he gave bond, and the said court may call on such guardian to give counter security; and if the said guardian shall not, within a fixed reasonable time, give such counter security, the court may revoke his appointment and appoint a new guardian; and if the guardian whose appointment is revoked shall refuse or neglect, in a reasonable time after demand, to deliver to such new guardian the property of the ward, the said court may compel the same by attachment, and may direct the bond of such displaced guardian to be put in suit.

See art. 93, sec. 162.