

## CHAPTER 247.

AN ACT to amend the sixteenth Article of the Code of Public General Laws by adding thereto the following Sections relating to Trustees appointed by will or by a decree of a Court of Equity to fill a vacancy in the office of Trustee in any trust relating to real or personal estate or leasehold property created by will.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That in any case in which a Trustee shall have been or may hereafter be appointed by will, either as the sole Trustee or as a Trustee to act in conjunction with another person or with other persons, to manage, lease or sell any real or personal estate or leasehold property situated in the State, or shall have been or shall hereafter be appointed such Trustee by any Court of the 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 notice 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 said 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 past acts, defaults, or omission of duty.

1878 c 107

Trustees to manage.

Court to have jurisdiction.

Proviso.