

hands unadministered, and also 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 the imperative duty of the 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 the effect of a refusal to give counter security, see *Wright v. Williams*, 93 Md. 70.

This section held inapplicable where prior to the expiration of the six months' 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 the provisions of a private act defining the powers of a surety company. *March v. Fidelity & Deposit Co.*, 79 Md. 310.

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

See notes to sec. 2.

As to bonds of executors and administrators, see art. 93, sections 38, 49, 62 and 75.

1904, art. 90, sec. 2. 1888, art. 90, sec. 2. 1860, art. 91, 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the court may revoke his letters and appoint a new administrator; if the executor or administrator whose letters have been revoked shall refuse or neglect, in a reasonable time after demand, to deliver over to such new administrator the property of his decedent in his hands unadministered,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 the orphans' court the 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.

Ibid. sec. 3. 1888, art. 90, sec. 3. 1860, art. 91, 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