

An. Code, sec. 4. 1904, sec. 4. 1888, sec. 4. 1844, ch. 305.

4. Any security or counter security of a trustee appointed by a court of equity, or any person interested in the estate of such security or counter security, who is afraid of suffering from suretyship, may apply to the court that appointed such trustee, and the court shall order the trustee to give counter security by a day named in the order; and if the trustee shall fail to give counter security, to be approved by the court, by the time so fixed, the court shall remove such trustee and appoint a trustee in his stead to complete the trust, and the court shall order such removed trustee to deliver over to the new trustee all the trust property in his hands and all books, bonds, notes, evidences of debt and papers belonging to or in any wise relating to the trust estate and also to pay over to such new trustee all the money due by him on account of said trust; and the court may compel a compliance with such order by attachment and sequestration, or the new trustee may bring suit on the bond of the removed trustee.

An. Code, sec. 5. 1904, sec. 5. 1888, sec. 5. 1867, ch. 284.

5. Whenever the surety of any clerk or register of wills of any county or the city of Baltimore shall, by petition under oath, certify to the judge of the circuit court for such county or city that he believes himself to be in danger of suffering from his securityship from the defalcation of such clerk or register or from other malfeasance in office, the judge of such court shall forthwith pass an order requiring a copy of the said petition to be served on such clerk or register within five days and shall within ten days thereafter take up the case and if he shall be satisfied from the evidence of the truth of the matters alleged, he shall pass an order requiring such clerk or register within a specified time to give counter security to be approved in the same manner as his original bond; and for every day after the expiration of such specified time that such clerk or register shall fail to give such counter security, he shall be subject to a penalty of fifty dollars, which may be recovered by separate action for each penalty, in the name of the State, in the same manner provided for the recovery of small debts; and upon judgment for any such penalty the fees of office of such clerk or register, whether for office work or for state tax on commission, may be attached by way of execution; and such penalty shall inure and be payable to the sureties of such clerk or register to insure them against any loss which they may sustain by the defalcation, misfeasance or malfeasance of such clerk or register.

An. Code, sec. 6. 1904, sec. 6. 1902, ch. 457, sec. 5A. 1902, ch. 590.

6. Any surety or the personal representative of any surety upon the bond of trustees, committee, guardian, assignee, receiver, executor, administrator, or any other fiduciary may apply by petition to the court wherein said bond is directed to be filed or which may have jurisdiction of said fiduciary, praying to be relieved of further liability as such surety for the acts or omissions of such fiduciary which may occur after the date of the order relieving said surety; any order or decree for such relief shall require such fiduciary to show cause why he should not account and said surety