

For a case now apparently inapplicable to this section by reason of changes in the law, see *Rieman v. Peters*, 2 Md. 110.

Cited but not construed in *Van Bibber v. Reese*, 71 Md. 613; *Hignutt v. Cranor*, 62 Md. 220.

See notes to sec. 3.

An. Code, sec. 2. 1904, sec. 2. 1888, sec. 2. 1798, ch. 101, sub-ch. 10, sec. 3.

2. If the first account shall not show the estate which was on hand to be fully administered, another account shall be returned within six months thereafter, and, within every term of six months thereafter, an account shall be returned until the estate shall appear to be fully administered; and whenever a discovery or receipt of assets shall take place after rendering an account, another account shall be rendered within six months thereafter; but an administrator shall not be obliged to render accounts when it appears to the court that the estate has been fully administered, except as to debts which the court shall deem desperate.

This section referred to as indicating that a final account, so far as debts are concerned, must be stated before orphan's court can order legacies paid, or distribution made. *Lowe v. Lowe*, 6 Md. 353. *Cf. Clarke v. Sandrock*, 113 Md. 426.

This section referred to in deciding that vouchers upon which an account is passed, do not become a part of records of orphans' court. *Randall v. Hodges*, 3 Bl. 484.

This section referred to in construing secs. 3 and 294. *Levering v. Levering*, 64 Md. 411; *Biddison v. Mosely*, 57 Md. 93; *Jones v. Jones*, 41 Md. 359.

Cited but not construed in *Hignutt v. Cranor*, 62 Md. 219.

An. Code, sec. 3. 1904, sec. 3. 1888, sec. 3. 1798, ch. 101, sub-ch. 10, sec. 9.
1831, ch. 315, sec. 3.

3. If an administrator shall fail to return an account as before directed within the time limited by law, or within such further time as the orphans' court shall allow not exceeding six months, his letters, on application of any person interested, may be revoked and administration granted at the discretion of the court; and the administrator to whom letters may be granted shall be entitled to put the delinquent's bond in suit and to recover such damages thereon as the jury may find; and in assessing such damage the jury shall allow such sum as will be equal to six per centum per annum on the amount of the inventory or inventories, from the time of the return or returns to the time of the verdict, over and beyond the damages, for such loss or injury as the estate may have sustained by the delinquent's conduct.

Where there was no evidence that executor intended to wrong anyone, or that anyone was prejudiced by his failure to render account in time, and his testimony shows a willingness to apply funds in his hands properly and to render an account, he will not be removed. An executor may only be removed for legal and specific causes and after citation and an opportunity to be heard. *Belt v. Hilgeman, Brundige Co.*, 138 Md. 135. And see *Stake v. Stake*, 138 Md. 54.

An appeal lies from refusal of orphans' court to remove executor for failing to account for certain money to which his testatrix was entitled in distribution of estate of her mother, and for omitting certain property from inventory. See notes to sec. 257. (Court declines to follow expression in *Hebb v. Hebb*, 5 Gill, 509.) *Stake v. Stake*, 138 Md. 54.

The act of executor in transferring stock of decedent to himself and selling same without order of court justifies his removal. When an executor may be removed. *Levering v. Levering*, 64 Md. 411.

An attorney for claimants is entitled to ask for a revocation of letters under this section. If an administrator has stated a final account, it is his duty to distribute. *Biddison v. Mosely*, 57 Md. 93.