

court, and if the same shall be adjudged well founded, the court shall have authority, in their discretion, to revoke the powers and authority of the executor or administrator so complained of, and to enforce by attachment and commitment, if necessary, the surrender and delivery to the remaining executor or administrator of the assets, and of all book accounts and evidences of debt of the estate that may be in the possession or control of the person so dismissed from the administration, and the remaining executors or administrators shall have remedy by an action on the case for the recovery of any loss or damage they may be subject to or suffer by the executor or administrator whose powers shall have been revoked as aforesaid.

One executor cannot sue his co-executor. If loss is apprehended from conduct of the co-executor, this section sets forth the remedy. *Beall v. Hilleary*, 1 Md. 197; *Hesson v. Hesson*, 14 Md. 14.

This section has no application to a petition by an executor asking that an account stated by his co-executors prior to expiration of time within which creditors might file their claims, and without notice to petitioner, be set aside. *Yakel v. Yakel*, 96 Md. 244.

This section applies only to proceedings by one joint administrator or executor against another. *Linthicum v. Polk*, 93 Md. 94.

An appeal lies from action of court in revoking letters under this section. This section distinguished from sec. 251. (See also art. 5, sec. 64.) *Magill v. McEvoy*, 85 Md. 290; *Forney v. Shriner*, 60 Md. 421; *Stake v. Stake*, 138 Md. 54.

See notes to sec. 236.

An. Code, sec. 247. 1904, sec. 246. 1888, sec. 242. 1831, ch. 315, sec. 6.

256. Whenever the orphans' court shall revoke letters testamentary or of administration or of guardianship, it shall be the duty of the party whose letters or guardianship may be revoked forthwith to render to such court an account of his administration or guardianship up to the period of the rendition of such account; and in case he shall fail to do so within the time fixed by such court, the court may compel the rendition of such account by attachment, sequestration of property and imprisonment of the party so failing, until such account shall be rendered as aforesaid.

This section referred to in construing sec. 235—see notes thereto. *Kealhofer v. Emmert*, 79 Md. 251.

An. Code, sec. 248. 1904, sec. 247. 1888, sec. 243. 1831, ch. 315, sec. 7.

257. When any orphans' court shall revoke any letters testamentary or of administration, and there be no remaining executor or administrator, it shall be the duty of the court to appoint a new administrator; and if the party whose letters testamentary or of administration may be revoked shall not, within a reasonable time to be fixed by the court, deliver over to such new administrator, or to the remaining executor or administrator, as the case may be, all the property of the deceased remaining in his hands unadministered, and also all the books, bonds, notes and evidences of debt or funds, and all title to property or stocks which belong to or are due, or which may become due to the decedent, in his possession, and also pay over to such new administrator or remaining executor or administrator of the decedent all the money due to him as executor or administrator of the decedent, the court may compel the delivery and payment over as aforesaid by attachment and sequestration of the property