

decree the sale of the real estate of such infant or person *non compos mentis*, to save the personal.

Only those interested in both the real and personal property can institute suit to have the real estate sold to save the personalty, and the creditors must be protected. The suit must be treated as a creditor's suit. *Waring v. Waring*, 2 Bl. 674. Cited but not construed in *Stein v. Stein*, 80 Md. 309; *Williams' Case*, 3 Bl. 192.

An. Code, sec. 102. 1904, sec. 98. 1888, sec. 87. 1831, ch. 282, secs. 1, 2.

105. In any case where the surety of a sheriff, deputy sheriff or collector of taxes shall apply to the court, by bill or petition, the court, on being satisfied that such surety has suffered, or is likely to suffer loss or damage by reason of his suretyship, may appoint a trustee to complete his collections for the benefit of those concerned, and the court shall compel such sheriff, deputy sheriff or collector, or his representatives, to answer such bill or petition under oath, and disclose the state of his collections.

This section is a duplicate of art. 90, sec. 10.

An. Code, sec. 103. 1904, sec. 99. 1888, sec. 88. 1834, ch. 76, sec. 1.

106. If on the filing of a bill or petition under the preceding section, or at any other period in the cause, it shall be made to appear to the court, by affidavit, that an injunction is necessary to the security of the plaintiff, the court may issue such injunction, and may appoint a receiver to take charge of the collections of the defendant, and to perform the duty of the trustee mentioned in the preceding section, till the further order of the court; and the court may confer on him such powers, and pass such orders as may be necessary to effect the objects of such injunction and receivership.

As to injunctions, see sec. 81, *et seq.*

This section is a duplicate of art. 90, sec. 11.

An. Code, sec. 104. 1904, sec. 100. 1888, sec. 89. 1831, ch. 282, sec. 3. 1834, ch. 76, sec. 1.

107. The court may order the delivery to the trustee or receiver mentioned in the two preceding sections, by any person, of all books, papers and vouchers of or concerning the claims, demands and debts to be collected by such trustee or receiver, and may compel such sheriff, deputy sheriff or collector, or his executors, to disclose, under oath, all the books, papers and vouchers aforesaid, and where they are deposited, and the persons having the control or possession of the same; and such trustee or receiver is authorized to collect in the same manner, and by the same means that the officer whose collections he is appointed to complete.

This section is a duplicate of art. 90, sec. 12.

An. Code, sec. 105. 1904, sec. 101. 1888, sec. 90. 1831, ch. 282, sec. 5.

108. The three preceding sections shall apply to executors and administrators of any officer therein named, and to the executors and administrators of the surety of any such officer; but if the bill or petition is not filed till six years after the death of such sheriff, deputy sheriff or collector, or until six years after the term of office has expired, then the trustee or receiver appointed by the court shall make his collections in the mode lawful for the recovery of debts.

This section is a duplicate of art. 90, sec. 13.