

An. Code, sec. 241. 1904, sec. 225. 1888, sec. 207. 1874, ch. 483, sec. 109.

**256.** If any trustee shall fail or refuse to give such bond for the space of three months after the deed or instrument creating the trust is deposited with the clerk to be recorded, the clerk shall give notice thereof to the court of which he is clerk, or to the judge thereof, who, upon consideration of the circumstances and upon reasonable notice to the trustee, and such of the parties interested as may conveniently be served therewith, as the court or judge shall prescribe, shall proceed to appoint another trustee in lieu of the trustee who shall have failed or refused.

Art. 81, sec. 118, of the Code of 1860 (analogous in its provisions to this section), cited but not construed in *Sixth Ward Bldg. Assn. v. Willson*, 41 Md. 512.

As to counter security and the failure of a trustee to give the same, see art. 90, sec. 4.

An. Code, sec. 242. 1904, sec. 226. 1888, sec. 208. 1874, ch. 483, sec. 110.

**257.** Upon the trustee, so appointed by the court or judge, giving bond as before directed, the whole trust estate shall vest in him, subject to the provisions of the trust deed or other instrument creating the trust, and the same power may be exercised by the court or judge from time to time until a trustee shall be appointed and give bond.

Art. 81, sec. 119, of the Code of 1860 (analogous in its provisions to this section), cited but not construed in *Sixth Ward Bldg. Assn. v. Willson*, 41 Md. 512.

An. Code, sec. 243. 1904, sec. 227. 1888, sec. 209. 1874, ch. 483, sec. 111. 1884, ch. 26

**258.** It shall be the duty of the trustee within six months from the period of his giving bond to make report upon oath to the circuit court for the county or circuit court or circuit court No. 2 of Baltimore city of the whole amount of the trust estate and the disposition made of the same, and any sale of leasehold or fee simple property made by such trustee, before taking effect, shall be reported to and ratified by said court.

The court is invested with the same powers with respect to a sale reported by a trustee named in a deed or will, as it would have had if the sale had been made by a trustee appointed by the court. *Berry v. Foley*, 92 Md. 322.

Cited but not construed in *Bank of Commerce v. Lanahan*, 45 Md. 406.

The act of 1870, ch. 370 (requiring the report and confirmation of a sale made by a trustee under a deed or will), cited but not construed in *Sanderson v. Pearson*, 45 Md. 485; *Suit v. Creswell*, 45 Md. 531; *Sixth Ward Bldg. Assn. v. Willson*, 41 Md. 512; *Reid v. Gordon*, 35 Md. 183.

This section referred to in construing sec. 252—see notes thereto. *Cummings v. Wildman*, 116 Md. 308.

An. Code, sec. 244. 1904, sec. 228. 1888, sec. 210. 1874, ch. 483, sec. 112.

**259.** If any trustee shall fail to make report to the court, as required by the preceding section, the clerk shall issue a summons commanding him to appear before court at the next ensuing term to make such report, and if the summons is returned served, and the trustee shall fail to appear and report, an attachment shall issue to compel an appearance upon which similar proceedings shall be had as in other cases.

An. Code, sec. 245. 1904, sec. 229. 1888, sec. 211. 1870, ch. 247. 1878, ch. 107.

**260.** In any case in which a trustee shall have been, or may hereafter be appointed by deed or by will, either as sole trustee or as a trustee to act