

ARTICLE 90.

SURETIES.

Counter Security.

1. When sureties of executor or administrator may procure counter security.
2. Orphans' court may call on executors or administrators to give new security, may revoke letters for failure to give.
3. Sureties of guardians may call for counter security; court may require it to be given.
4. Sureties of trustees may call for counter security; court may remove trustee for failure to give.
5. Sureties of clerks or registers may ap-

- ply for counter security; proceedings upon such application; penalty for failure to give.
6. Petition for relief from liability of surety.
 - 7-8. Release of sureties; failure to file new bond.
 - 9-10. Collateral security in lieu of surety bond; sale of collateral in event of default.

Bonds to State to Protect Sub-Contractors.

11. For labor and materials; provisos.

Counter Security.

An. Code, 1924, sec. 1. 1912, sec. 1. 1904, sec. 1. 1888, sec. 1. 1818, ch. 217, sec. 1. 1829, ch. 216, sec. 1.

1. If any security or any county security of an executor or administrator, or any person interested in the estate of any such security or counter security, shall conceive himself in danger of suffering from the securityship, he may apply to the orphans' court which granted the administration, and the said court may require the party to give counter security, to be approved by the court; and if the party when so required shall not, within a reasonable time fixed by the court, give such counter security, the court may revoke his letters and appoint a new administrator; and if the administrator whose letters are revoked shall not, within a reasonable time to be fixed by the court, deliver over to such new administrator all the property of the decedent remaining in his hands unadministered, and also all the books, bonds, notes and evidences of debt, which belong to or are due to the decedent, or which have been taken by him as executor or administrator since the death of the decedent, in his possession, and also pay over to such new administrator all the money due by him as executor or administrator of the decedent, the court may compel the delivery and payment over by attachment and sequestration of property, and may also direct the administration bond of such executor or administrator to be put in suit.

It is imperative duty of orphans' court to require counter security if applied for, the word "may" being construed "must." *Siford v. Morrison*, 63 Md. 16; *March v. Fidelity Deposit Co.*, 79 Md. 310.

As to the rights of a surety who pays a debt or judgment against his principal, see art. 8, sec. 5, *et seq.*

As to when premiums on surety bonds are included in taxable costs, see art. 24, sec. 10.

As to payment for surety bonds furnished county commissioners, see art. 25, sec. 21.

As to surety, casualty, liability and compensation insurance, see art. 48A, sec. 137, *et seq.*