

to account and file a new bond as directed therein, the court shall remove such fiduciary and appoint a successor in the trust, who shall be authorized to proceed against such fiduciary and his bond for the recovery of the estate. The cost of proceeding under this section shall be taxed in the discretion of the court; provided that the court before releasing such surety shall adjudge what proportion, if any, of the money paid such surety for going on such bond shall be returned to the estate or party paying the same.

An. Code, 1924, sec. 7. 1912, sec. 7. 1906, ch. 409.

7. Any surety or the personal representative of any surety, upon the official bond of any State, county, municipal or other public officer who is, by the constitution of the State of Maryland, or by any law, ordinance, rule or regulation, required to give such bond, may be discharged from further liability as such surety upon application by petition to the court, judge, officer, board or other person or persons or body having authority to approve such bond, who shall thereupon immediately, by order reciting such application, require such public officer to furnish a new bond in the same manner as if none had ever been given by him within thirty days after personal service of such order. Such personal service made either within or without the State of Maryland by the said court, judge, officer, board or other person or persons or body, or by any person authorized by them or at their request, by the surety or any agent or representative of the surety. When such new bond is given and approved, according to law, in compliance with said order, the surety on the prior bond shall remain liable for acts or defaults occurring prior thereto, but shall be discharged from all further liability from the acts or defaults of said officer which may be done or committed subsequent to the approval of such new bond. The office of any such State, county, municipality or other public officer shall become vacant at the expiration of thirty days from personal service as aforesaid, if the said officer shall not have complied with such order by filing new bond, and the said vacancy shall be filled as provided by law in case of death, resignation or removal; this provision shall be mandatory.

An. Code, 1924, sec. 8. 1912, sec. 8. 1906, ch. 453.

8. When the surety or sureties on the bond of any bank used as a depository for the funds of the State by the state treasurer shall notify the governor and the state treasurer of their or its desire to be relieved from further liability as such surety, the state treasurer may, in his discretion, immediately demand of such bank a new bond with good and sufficient surety or sureties; if such bank shall not within thirty days after service of notice upon it by the state treasurer furnish new bond with good and sufficient surety or sureties to be approved by the governor, it shall be the duty of the state treasurer to immediately withdraw all moneys of the State deposited with the said bank. Upon the approval and acceptance by the governor of the above mentioned new bond, and upon the payment of all moneys then due by such bank to the State, petitioning surety or sureties shall be released from any further liability on the bond executed by him, it or them.

In the case of a continuing bond given to protect state deposits, a surety has the right to be relieved from liability on notifying the state treasurer to that effect, who shall thereupon withdraw the deposits unless bank furnishes new bond. *Banking Co. v. Fid. & Dep. Co.*, 165 Md. 657.