

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 of the party whose letters may be revoked, and may also direct to be put in suit the administration or testamentary bond of such executor or administrator whose letters have been revoked.

This section construed in connection with sec. 363. Where administrator *c. t. a.* is directed to sue bond, he can recover all property and money which the former administrator has in his hands, and also all which he has wasted or converted. *Stockbridge v. Smith*, 64 Md. 106.

Where letters are revoked and there are no relations in state entitled to notice under sec. 33, new letters may be granted on the same day. As to relations not entitled to notice and creditors, the matter of time within which new appointment is made is within discretion of court. *McGuire v. Rogers*, 71 Md. 589.

A declaration in a suit on a bond under this section must allege that the court order the bond to be put in suit. *Dittman v. Robinson*, 57 Md. 497.

Cited but not construed in *Marbury v. Ward*, 163 Md. 334; *Blum v. Fox*, 173 Md. 534. See notes to sec. 252.

An. Code, 1924, sec. 258. 1912, sec. 249. 1904, sec. 248. 1888, sec. 244. 1821, ch. 156, sec. 1.

259. In all cases where special acts of assembly have been passed authorizing any orphans' court to appoint a trustee to sell and dispose of real estate, the property of minors, and the trustee appointed hath died or removed without completing his trust, the orphans' court of the proper county shall appoint another trustee to carry into effect the provisions of the particular act.

An. Code, 1924, sec. 259. 1912, sec. 250. 1904, sec. 249. 1888, sec. 245. 1821, ch. 156, sec. 2.

260. The course of proceedings shall be regulated in each case in which proceedings may be had under the preceding section, by the provisions of the particular act under which a trustee has been appointed, who has died or removed without fully executing and completing his trust.

An. Code, 1924, sec. 260. 1912, sec. 251. 1904, sec. 250. 1888, sec. 246. 1802, ch. 101, sec. 6.

261. If letters testamentary or of administration shall be revoked by the orphans' court and new letters granted, pending any action at law or in equity against the executor or administrator whose letters are revoked, there shall be the same proceedings to make the proper executor or administrator a party in the action, upon the suggestion of such revocation, as in cases where a defendant has died pending an action.

As to abatement and revivor at law, see art. 75, sec. 29, *et seq.*; in equity, see art. 16, sec. 1, *et seq.*

An. Code, 1924, sec. 261. 1912, sec. 252. 1904, sec. 251. 1888, sec. 247. 1802, ch. 101, sec. 6.

262. If in the case mentioned in the preceding section, there has been a judgment rendered previous to the revocation of the letters, a *scire facias* shall issue upon such judgment against the proper executor or administrator, suggesting the revocation of the letters of the former executor or administrator, and there shall be the same proceedings as in ordinary cases against executors and administrators.

An. Code, 1924, sec. 262. 1912, sec. 253. 1904, sec. 252. 1888, sec. 248. 1802, ch. 101, sec. 7.

263. If a judgment shall be obtained against an executor or administrator who has been made a party to a suit in the place of an executor