

**20.** 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.

Id s 245  
1821, c 156, s. 2  
Proceedings to  
be regulated by  
provisi  
special act.

**21.** 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

Id s 246.  
1802, c 101, s. 6.  
Proceedings to  
make proper  
administrator a  
party in actions  
pend ing at law  
or in equity.

**22.** If, in the case mentioned in the preceding section, there had 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.

Id s 247  
1802, c 101, s. 6.  
Scire facias to  
be issued  
against proper  
administrator  
on judgment  
rendered previ-  
ous to revoca-  
tion.

**23.** 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or administrator who has been made a party to a suit in the place of an executor or administrator whose letters have been revoked, and it shall not be found by the jury that the executor or administrator against whom such judgment has been rendered, has assets sufficient to discharge the same, the plaintiff in such judgment may also issue a scire facias on such judgment against the executor or administrator whose letters have been revoked, suggesting that such executor or administrator did receive assets of the deceased, liable to such judgment, more than was paid over or delivered by such executor or administrator, to the persons obtaining the said letters testamentary or of administration, and if the same shall be controverted, it shall be ascertained by a jury in the same manner as in cases of scire facias suggesting assets against the second executor or administrator, and in case of a verdict and judgment being given against such former executor or administrator, execution may issue thereon in the same manner as against other executors or administrators, and the plaintiff may also sue the bond of such former executor or administrator.

Id s 248  
1802, c 101, s. 7.  
When scire  
facias may be  
issued against  
administrator  
whose letters  
have been  
revoked

**24.** The Orphans' Court may, in all cases of controversy therein, upon the application of either party, direct a plenary proceeding by bill or petition, to which there shall be an answer on oath; and if the party refuse to answer any matter alleged in the bill or petition proper for the court to decide upon, he may be attached, fined, and committed, or his property may be attached and sequestered.

Id s 249.  
1794, c 101,  
sub-c 15, s. 16.  
Plenary pro-  
ceeding  
22 Md 346,  
32 Md 482.

**25.** On such plenary proceeding, all the depositions shall be taken in writing and recorded, and if either party require it, the court shall direct an issue or issues to be made up and sent to any court of law convenient for trying the same, and the issues shall be

Id s 250  
1798, c 101,  
sub-c 15, s. 17  
When issues to  
be sent to court  
of law  
20 Md 178, 21