

exercising equity jurisdiction in the city or county where said real or personal estate or said leasehold property may be situated, accompanied by a full and particular account, under oath, of his or her receipts and disbursements, if any, as such trustee; and the said court, upon the filing of such petition and account, shall have jurisdiction in the premises, and shall cause notices to be given by publication in one or more of the papers of said city or county, and for such time as the said court may deem proper, giving notice of the filing of such petition, and if no good cause shall be shown to the contrary by the day that may be limited in that behalf in said notice, the said court by its decree shall release and discharge the said trustee from the further execution of said trust, and may pass such order as to costs and impose such terms in other respects, if any, as the nature of the case and equity may require; *provided*, that such discharge shall not release said trustee or his sureties, if any, from liability to any of the *cestus que trusts* or other persons for past acts, defaults, or omissions of duty.

1870, c 247.
Court to appoint
new trustee.

94. Upon passing such decree as mentioned in the preceding section, or at any time thereafter, on the motion of any person interested in the further execution of said trust, where the character of the trust requires the appointment of another person as trustee in the place of the discharged trustee, the said court shall appoint some suitable person to act thereafter in execution of said trust; *provided*, nevertheless, that where any person shall be in the same trust as a co-trustee, satisfactory evidence shall be produced before the appointment of a substituted trustee that such co-trustee had actual notice of the proposed appointment of such new trustee, and full time to be heard in relation thereto.

Proviso.

TRUSTEES UNDER DEEDS OF TRUST.

1874, c 483, s 107
Trustees under
deed to give
bond
1 Md 524, 3 Md
99, 22 Md 146,
33 Md 120, 41
Md 506, 6 Gill
483

Bond how ap-
proved and
recorded

No title to pass
unless bond
filed and ap-
proved

Id. s 108
Court may
lessen amount
of bond

95. Every trustee, to whom any estate, real, personal, or mixed, shall be limited or conveyed for the benefit of creditors, or to be sold for any other purpose, shall file with the clerk of the court in which the deed or instrument creating the trust may be recorded, a bond in such penalty as the clerk may prescribe, being, as nearly as can be ascertained, double the amount of the trust estate, and with sureties to be approved by the clerk, conditioned for the faithful performance of the trust, by the deed or other instrument reposed in such trustee, which bond shall be recorded in the office of said clerk; but, when the sale is to be on a contingency, no bond need be given until the contingency happens; no title shall pass to any trustee as aforesaid until such bond shall be filed and approved as aforesaid, and no sale made by any such trustee without such bond shall be valid, or pass any title to such property or estate.

96. When, upon an investigation of the circumstances of the case, the Circuit Court of the county, or Circuit Court or Superior Court of Baltimore City, shall be satisfied that it would be improper to require a bond to be given for double the amount of the property