

placed in the hands, or made subject to the disposition of said trustee, the court may prescribe the amount of the bond to be given by such trustee.

**97.** If any trustee shall fail or refuse to give such bond for the space of three months after the deed or instrument creating the trust is deposited with the clerk to be recorded, the clerk shall give notice thereof to the court of which he is clerk, or to the judge thereof, who, upon consideration of the circumstances, and upon reasonable notice to the trustee, and such of the parties interested as may conveniently be served therewith as the court or judge shall prescribe, shall proceed to appoint another trustee in lieu of the trustee who shall have failed or refused.

*Id* s 109  
Trustee failing to give bond, court to appoint new trustee.

**98.** Upon the trustee so appointed by the court or judge, giving bond as before directed, the whole trust estate shall vest in him, subject to the provisions of the trust deed, or other instrument creating the trust, and the same power may be exercised by the court or judge from time to time until a trustee shall be appointed and give bond.

*Id* s 110  
Trust estate to vest in new trustee on bonding

**99.** It shall be the duty of the trustee, within six months from the period of his giving bond, to make report upon oath to the court in which the bond is filed, of the whole amount of the trust estate, and the disposition made of the same; and any sale made by such trustee, before taking effect, shall be reported to and ratified by said court

*Id* s 111  
Within what time trustee to report amount of trust estate.

Sales to be reported and ratified

**100.** If any trustee shall fail to make report to the court, as required by the preceding section, the clerk shall issue a summons commanding him to appear before the court at the next ensuing term to make such report, and, if the summons is returned served, and the trustee shall fail to appear and report, an attachment shall issue to compel an appearance, upon which similar proceedings shall be had as in other cases.

*Id* s 112.  
Proceeding where trustee fails to make report.

#### VACATING CONVEYANCES, ETC., AS FRAUDULENT AGAINST CREDITORS.

**101.** In no case of a proceeding in equity to vacate any conveyance or contract, or other act, as fraudulent against creditors, shall it be necessary for any creditor or plaintiff in the cause to have obtained a judgment at law on his demand, in order to the relief sought in the case, either in his own behalf or in behalf of any other creditors who shall claim to participate in the benefit of the decree in the case; but when the debt of such plaintiff shall not be admitted by the pleadings in the case on the part of the defendant interested in contesting the same, the court shall, on application of any of the parties, send to any court of law an issue for determining the fact of such indebtedness, subject to the rules usually applied to issues out of chancery.

*Art* 16, s 35  
1835, c 380, s 2.  
Proceedings to vacate fraudulent deeds or contracts  
11 Md 564, 14 Md 359 16 Md 69, 18 Md 496, 23 Md 506, 29 Md 311, 36 Md 42, 7 Gill 366