

suretyship, may apply to the court that appointed such trustee, and the court shall order the trustee to give counter security by a day named in the order; and if the trustee shall fail to give counter security, to be approved by the court, by the time so fixed, the court shall remove such trustee and appoint a trustee in his stead to complete the trust, and the court shall order such removed trustee to deliver over to the new trustee all the trust property in his hands, and all books, bonds, notes, evidences of debt, and papers belonging to or in any wise relating to the trust estate, and also to pay over to such new trustee all the money due by him on account of said trust; and the court may compel a compliance with such order by attachment and sequestration, or the new trustee may bring suit on the bond of the removed trustee.

P. G. L., (1860,) art. 91, sec. 5. 1867, ch. 284.

5. Whenever the surety of any clerk or register of wills of any county or the city of Baltimore shall, by petition under oath, certify to the judge of the circuit court for such county or city that he believes himself to be in danger of suffering from his securityship, from the defalcation of such clerk or register or from other malfeasance in office, the judge of such court shall forthwith pass an order requiring a copy of the said petition to be served on such clerk or register within five days, and shall within ten days thereafter take up the case; and if he shall be satisfied from the evidence, of the truth of the matters alleged, he shall pass an order requiring such clerk or register within a specified time to give counter security, to be approved in the same manner as his original bond; and for every day after the expiration of such specified time that such clerk or register shall fail to give such counter security, he shall be subject to a penalty of fifty dollars, which may be recovered by separate action for each penalty, in the name of the State, in the same manner provided for the recovery of small debts; and upon judgment for any such penalty the fees of office of such clerk or register, whether for office work or for State tax on commissions, may be attached by way of execution; and such penalty shall inure and be payable to the sureties of such clerk or register, to insure them against any loss which they may sustain by the defalcation, malfeasance or malfeasance of such clerk or register.