

CHAPTER 457.

CHAP. 457.

AN ACT to add a new Section to Article 90 of the Code of Public General Laws, title "Sureties," to be designated as Section 5 A.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the following additional section be added to the Code of Public General Laws, title "Sureties," to follow section 5, and to be known as section 5 A of said Article. New section added.

5 A. Any surety or the representative of any surety upon the bond of trustees, committee, guardian, assignee, receiver, executor, administrator, or any other fiduciary, may apply by petition to the Court wherein said bond is directed to be filed, or which may have jurisdiction of said fiduciary, praying to be relieved of further liability as such surety for the acts or omissions of such fiduciary which may occur after the date of the order relieving said surety; any order or decree for such relief shall require such fiduciary to show cause why he should not account, and said surety be relieved from further liability as aforesaid, and said fiduciary be required to give a new bond; and shall be made returnable at such time and place, and to be served in such manner as said Court may direct, and said Court may restrain such fiduciary in the meantime from acting except in such manner as it may direct to preserve the estate; and upon the return of such order to show cause, if the fiduciary account in due form of law and file a new bond duly approved, then said Court shall make an order releasing said surety from liability upon the bond for any subsequent act or default of the fiduciary, and in default of said fiduciary accounting and filing such new bond, the said Court shall make an order directing such fiduciary to account and file a new bond within thirty days; and if he shall so account and file a new bond, duly approved, such surety shall be discharged from all further liability for the acts or omissions of the fiduciary after the date of such surety being so relieved or discharged; and if such fiduciary shall fail, within the time specified by order of Court, to account and file a new bond as directed therein, the Court shall remove such fiduciary and appoint a successor in the trust, who shall be authorized to proceed against such fiduciary and his bond for the recovery of the estate. The cost of proceeding under this Act shall be taxed in the discretion of the Court; provided, that the Court, before releasing such surety shall adjudge what proportion, if any, of the money paid such surety for going on such bond shall be returned to the estate or party paying the same. Relief of further liability asked.