

clerk of the court by which said trustee or guardian was appointed or in which the deed was recorded or trust executed, or the register of wills in whose office the will was recorded shall record the same in a well-bound book to be kept for that purpose.]

[8.

Any receipt, release or final discharge from any person authorized to execute the same to any trustee or guardian as mentioned in § 7, acknowledged by any nonresident of this State before any officers authorized to take acknowledgments to deeds of real estate, and certified as required for deeds of real estate, may be received and recorded by such clerk or register.]

[9.

A copy of such receipt, release or final discharge acknowledged and recorded as directed in either of the preceding sections, duly attested under the seal of the office in which the same is recorded, shall be admitted as evidence to prove such receipt, release or final discharge.]

REVISOR'S NOTE: Art. 79, §§ 7 through 9 are repealed as obsolete. The remainder of former Art. 79 (§§ 11 through 13) are revised as § 5-305.1 of the Courts Article.

Article 90 – Sureties

[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 countersecurity 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 countersecurity, 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 for office work 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, misfeasance or malfeasance of such clerk or register.]

[6.

Before a court shall release a surety from further liability pursuant to the Maryland Rules it shall adjudge what proportion, if any, of the money paid such surety for going on such bond shall be returned to the fiduciary estate or party paying the same.]