§ 808. Liability of surety for assets received by principal in another fiduciary capacity

1. A fiduciary is liable for money or other personal property of the estate which was in his hands or under his control when his letters were issued or when he began to serve as lifetime trustee in whatever capacity it was received by him or came under his control.

2. Where the money or property was received by him or came under his control by virtue of letters previously issued to him or his previous appointment as lifetime trustee in the same or another capacity an action to recover the money or damages for failure to deliver the property may be maintained upon both bonds, but as between the sureties upon the bond given upon the issue of the prior letters or upon his prior appointment and those upon the bond given upon the issue of the subsequent letters or upon his subsequent appointment the latter are liable over to the former.