

(c) Whenever a fiduciary, as herein defined, is engaged in war service as also herein defined, such fiduciary, or any co-fiduciary or his surety or sureties or other person having an interest in the administration of the decedent's or ward's estate, including a creditor or the Register of Wills, may present a petition to the Orphans' Court granting letters of such fiduciary, or to the Orphans' Court to which application for letters would be made if none have yet been granted, praying for the passage of an order revoking the letters and, where necessary, granting letters to a successor, or praying for an original grant of letters as the case may be. In addition to the name of the fiduciary engaged in war service, the petition shall state the nature of the petitioner's interest in the premises, the approximate value of the estate and the names and addresses of any co-fiduciaries or alternates, so far as known to the petitioner. The petition shall be sworn to by the petitioner and, if filed by a person other than the fiduciary engaged in war service, shall, in addition, be supported by the affidavit of such fiduciary, or by the affidavit of some other competent person certifying to the belief that such fiduciary is engaged in such war service or that since entering such service he has been reported or is believed to be missing.

(e) Upon presentation of the petition the court shall have jurisdiction, and after such hearing thereon, ex parte or otherwise, as the court may require, the court may, notwithstanding any other provision of law, where no letters had theretofore been granted to such fiduciary in war service, grant original letters as if said fiduciary had not been named in the will, or where letters had been previously granted, revoke the letters of the fiduciary engaged in war service, and upon the revocation of letters, if there be no remaining fiduciary, it shall be the duty of the court to appoint a new or substitute fiduciary in accordance with the provisions of this Article providing for such appointment upon the revocation of any letters testamentary or of administration or of guardianship.

SEC. 2. *And be it further enacted,* That this Act is hereby declared to be an emergency law and necessary for the immediate preservation of the public health and safety and being passed by a yea and nay vote, supported by three-fifths of all members elected to each of the two Houses of the General Assembly, the same shall take effect from the date of its passage.

Approved March 29, 1945.