

CHAP. 304. shall not be lawful for any executor or executrix, administrator or administratrix or guardian, to sell any property of his or her testator or testatrix, intestate or ward, as the case may be, without an order of the orphans court granting the letters, or making the appointment, being first had and obtained, authorising such sale or removal, and any sale made without an order of court previously had as aforesaid, shall be void, and no title shall pass thereby to the purchaser.

Should any administrator, &c. sell, court may revoke letters.

SEC. 2. *Be it enacted,* That should any executor, executrix, administrator or administratrix or guardian, sell or remove any property as aforesaid, the orphans court, may revoke his her or their letters or appointment, as soon as they are satisfied of such sale or removal having taken place, and appoint an administrator, administratrix or guardian as the case may be, whose duty it shall be to proceed immediately to get possession of the property so sold or removed and the said orphans court may authorise the administrator, administratrix or guardian, so by them appointed or to be appointed, to employ an attorney or attorneys, to assist in the recovery of said property, and to determine the amount of fees to be paid therefor, and any cost or expense incurred in getting possession of said property, and ascertained and awarded to be paid by the said court, shall be paid by the person or persons whose letters or appointment have been revoked, and may be recovered by an action on his, her or their testamentary administration or guardian bond, at the suit of the newly appointed administrator, administratrix or guardian.

Where there are two or more, and sale or removal has been made, a revocation to extend to the persons offending.

SEC. 3. *Be it enacted,* That when there are two or more executors, executrix, administrators, administratrix or guardians, and the sale or removal has been made without the consent of all, the revocation shall only extend to the person or persons so offending, and the remaining executor or executrix, executors or executrices, administrator, administrators or administratrix or administratrixes, guardian or guardians, shall have full power and complete authority to discharge all the duties connected with his or their office, as if no revocation had been made.

Not to apply to parties authorised to sell by will.

SEC. 4. *And be it enacted,* That nothing in this act shall be construed to apply to any cases where an executor or executrix may be authorised by will of his or her testator or testatrix, to make sale of any property, without application to the orphans court, or where an appointment of any guardian has been made by will with power to sell property without making a return of such sale to the orphans court.