

after judgment. He may, in actions previously brought against such representative, be substituted as defendant, upon like suggestion by himself or the plaintiff, and shall be then entitled to a reasonable time in which to prepare for trial. Judgments recovered against the executor or administrator may be opened on application of the supposed decedent made within three months from the date of revocation, supported by affidavit, specifically denying the alleged indebtedness or cause of action; otherwise such judgments shall have the conclusive effect of ordinary judgments. After substitution of the supposed decedent as defendant in any case of judgments as aforesaid, it shall become a lien upon his property in the same manner as other judgments. (g) Costs incident to the grant of letters hereunder shall be paid out of the estate of the supposed decedent, and where the application is denied, they shall be paid by the applicant.

Presumption is that life continued during seven-year period; no justification for finding that death occurred on day insured last seen. This section declaratory of common law. No presumption as to date of death. See notes to sec. 16. *English v. United States*, 25 F. (2nd), (Dist. Ct. Md.), 335.

This section referred to in discussing equity jurisdiction over estates. *Boland v. Ash*, 145 Md. 476.

#### 245.

To second note to this section, page 2954, vol. 2, of Code, add *Fulford v. Fulford*, 153 Md. 89.

#### 246.

See art. 72A.

#### 251.

This section referred to *re* jurisdiction in divorce case—see notes to art. 16, sec. 37. *Lowe v. Lowe*, 150 Md. 603.

#### 252.

Jurisdiction of Orphans' Court under this section and secs. 253, 256 and 257, not affected by fact that former administrator claims title to securities also claimed by new administrator. When equity will assume jurisdiction; injunction preventing access to safe deposit box. See notes to sec. 263. *Anderson v. Curran*, 155 Md. 544.

Cited but not construed in *Mobley v. Mobley*, 149 Md. 410 (see notes to sec. 53).

Petition charging concealment of assets, but alleging they were in defendant's possession as collateral for loan, without alleging that loan had been paid, is not sufficient to confer jurisdiction on Orphans' Court. *Hopper v. Hopkins*, 162 Md. 448.

Cited but not construed in *Marbury v. Ward*, 163 Md. 334.

#### 253.

Orphans' Court has authority under this section and sec. 269 to compel obedience to its order and to revoke letters; effect of final account. *Marx v. Reinecke*, 145 Md. 320.

To first note to this section beginning on page 2959, vol. 2, of Code, add *Anderson v. Curran*, 155 Md. 543.

To fourth note to this section, page 2959, vol. 2, of Code, add *Fulford v. Fulford*, 153 Md. 88.

Cited but not construed in *Marbury v. Ward*, 163 Md. 334.

See notes to sec. 252.