

and other acts previously done by him shall remain as valid as if the letters were unrevoked; and the executor or administrator shall settle an account of his administration to the time of revocation and transfer all assets remaining in his hands to the person as whose executor or administrator he acted, or his duly authorized agent or attorney; provided, that nothing contained in this section shall validate the title of any persons to any money or property received as widow, next of kin or distributee of the supposed decedent, but the same may be recovered from such person in any case where recovery might be had if this section had not been passed. (e) Before any distribution of the proceeds of the estate of such supposed decedent, the persons entitled thereto shall respectively give bond with adequate security, to be approved by the court, in such sum and form as it shall direct, conditioned that if the supposed decedent shall in fact be at the time alive, they will respectively on demand refund the amounts received by each with interest thereon. If any such person is unable to furnish the security, the money shall be safely invested under the direction of the court, the accruing interest to be paid to the person entitled, the money to remain invested until the security is given, or the court, on application, shall order it paid to the person entitled. (f) After revocation of letters the person erroneously supposed to be dead may, on suggestion filed of record of the proper fact, be substituted as plaintiff in all actions brought by the executor or administrator, at any stage of proceedings, before or 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 judgment 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.

SEC. 2. *And be it enacted*, That this Act shall take effect from the date of its passage.

Approved March 30, 1908.