

## 11.

The cases provided for by this section and sections 72 and 73, are far from parallel to the case of the rights of a surviving executor against his co-executor. There is support, however, for a contention that the terms "executor" and "administrator" are used interchangeably and that the duties of the executor or of a deceased co-executor are the same as those of the administrator of a deceased administrator. See notes to section 296. *Crothers v. Crothers*, 121 Md. 118.

To the first note to this section on page 2030 of volume 2 of the Annotated Code, add the case of *Crothers v. Crothers*, 121 Md. 118.

## Administration.

## 14.

The legal effect of the admission of a will to probate held, in so far as the case at bar was concerned, to conclusively establish the testator's residence or domicile at the time of her death. *Harding v. Schapiro*, 120 Md. 549.

## 22.

This section referred to in construing section 68—see notes thereto. *Lewis v. Logan*, 120 Md. 333.

## 30.

This section relates to cases of intestacy, since it forms one of a series of sections providing for the issue of letters "wherever any person shall die intestate." Hence if there be a will and a residuary legatee who applies for letters, a creditor can not be appointed. See note to section 33. *McCaughy v. Byrne, Adm.*, 115 Md. 88.

## 31.

See note to section 33.

## 32.

See note to section 33.

## 33.

The mere fact that a person takes an estate in remainder in the residue does not take her out of the category of residuary legatees. When there is only one person answering to the statutory description of the person entitled, he must be appointed; where, however, a class of persons is entitled, the orphans' court may select. The words "in the manner directed by law" relate to the provisions of sections 31 and 32 relative to notice, so that the persons entitled should have a day in court. See note to section 30. *McCaughy v. Byrne, Adm.*, 115 Md. 88.

## 37.

This section referred to in construing section 68—see notes thereto. *Lewis v. Logan*, 120 Md. 332.

## 39.

A guardian held to have been possibly acting under this section. *De Bearn v. Winans*, 119 Md. 394.

## Administration by an Executor.

## 56.

This section referred to and its application pointed out in construing sections 30 and 33—see notes thereto. *McCaughy v. Byrne*, 115 Md. 89.