

A temporary absence from the state will not disentitle a daughter to administer. *Owings v. Bates*, 9 Gill, 465.

As to to what extent fact that applicant is a debtor, or both a debtor and creditor of estate, will affect discretion vested in court, see *Kailer v. Kailer*, 92 Md. 150; *Owings v. Bates*, 9 Gill, 466; *Dorsey v. Dorsey*, 140 Md. 171.

The fact that a party entitled has no interest in the estate is immaterial. *Williams v. Addison*, 93 Md. 45; *McColgan v. Kenny*, 68 Md. 259.

If a wife by an *ante-nuptial* contract releases all interest in her husband's estate, she is not entitled to letters. *Edelen v. Edelen*, 11 Md. 416; *Maurer v. Naill*, 5 Md. 324. *Cf. Ward v. Thompson*, 6 G. & J. 349.

This section referred to in deciding that a waiver of a right to administer, is a sufficient consideration for a promise to administer without compensation. *Mott v. Fowler*, 85 Md. 678. And see *Bassett v. Miller*, 8 Md. 550; *Brown v. Stewart*, 4 Md. Ch. 368.

Only in the cases spoken of in this section and sec. 31, are letters to be granted "at the discretion of the court." *Smith v. Young*, 5 Gill, 205.

This section referred to in construing sec. 32—see notes thereto. *Ehlen v. Ehlen*, 64 Md. 362.

Cited but not construed in *Williams v. Addison*, 93 Md. 45; *Pollard v. Mohler*, 55 Md. 289; *Georgetown College v. Browne*, 34 Md. 455; *Stocksdale v. Conaway*, 14 Md. 106.

See notes to sec. 19.

An. Code, sec. 19. 1904, sec. 19. 1888, sec. 19. 1798, ch. 101, sub-ch. 5, sec. 11. 1898, ch. 331.

**19.** If there be a surviving husband or widow, as the case may be, and no child, the surviving husband or widow, as the case may be, shall be preferred, and next to the surviving husband or widow, as the case may be, or children, a grandchild shall be preferred.

A widow will be granted letters although she and her husband had separated. *Nusz v. Grove*, 27 Md. 400.

This section referred to in construing sec. 32—see notes thereto. *Ehlen v. Ehlen*, 64 Md. 362.

Cited but not construed in *Williams v. Addison*, 93 Md. 45; *Pollard v. Mohler*, 55 Md. 289; *Georgetown College v. Browne*, 34 Md. 455.

See notes to sec. 18.

An. Code, sec. 20. 1904, sec. 20. 1888, sec. 20. 1798, ch. 101, sub-ch. 5, sec. 12. 1898, ch. 331.

**20.** If there be neither surviving husband nor widow, as the case may be, nor child, nor grandchild, the father shall be preferred.

This section referred to in construing sec. 32—see notes thereto. *Ehlen v. Ehlen*, 64 Md. 362.

Cited but not construed in *Williams v. Addison*, 93 Md. 45; *Pollard v. Mohler*, 55 Md. 289; *Georgetown College v. Browne*, 34 Md. 455.

See notes to secs. 18 and 21.

An. Code, sec. 21. 1904, sec. 21. 1888, sec. 21. 1798, ch. 101, sub-ch. 5, sec. 13. 1898, ch. 331. 1918, ch. 118, sec. 21.

**21.** If there be neither surviving husband nor widow as the case may be, nor child, nor grandchild, nor father, the mother shall be preferred, and next to the mother brothers and sisters shall be preferred.

A brother held to be entitled to letters under this section and sec. 23. *Stouffer v. Stouffer*, 110 Md. 370.

Upon the renunciation of the widow and one sister, the other sister is entitled. *Slay v. Beck*, 107 Md. 361.

This section referred to in construing sec. 34—see notes thereto. *Georgetown College v. Browne*, 34 Md. 457.

Cited but not construed in *Williams v. Addison*, 93 Md. 45; *Pollard v. Mohler*, 55 Md. 289.

See notes to secs. 18 and 69.