capable, or decline, or refuse to appear on proper summons or notice, or if other relations and creditors shall neglect to apply, administration may be granted at the discretion of the court.[1]

This section referred to in holding that relatives living in Greece of a deceased resident of that country who died in Baltimore were not entitled either to notice before grant of letters of administration in Baltimore to a citizen of this city, or to have such letters revoked; rights of consul general and his representative not superior to those of such relatives. Courts bound by treaties; construction thereof. Chryssikos *v.* Demarco, 134 Md. 536.

An applicant for letters held not to be "incapable" within the meaning of this section. Stouffer *v.* Stouffer, 110 Md. 372.

This section held applicable to letters granted under sec. 243 in case a party is absent and unheard of for more than seven years. Savings Bank of Baltimore *v.* Weeks, 110 Md. 92.

Only in the cases spoken of in this section and sec. 18, are letters to be granted "at the discretion of the court." Smith *v.* Young, 5 Gill, 205. And see Georgetown College *v.* Browne, 34 Md. 458.

Where the intestate's sister renounces and the next of kin fail to apply, administration is properly granted in discretion of court. Williams *v.* Addison, 93 Md. 46. And see Dalrymple *v.* Gamble, 66 Md. 308; Rockwell *v.* Young, 60 Md. 572.

In exercising its discretion, the court should as a general rule appoint the person having greatest interest in estate. Hoffman *v.* Gold, 8 G. & J. 84.

Letters of administration should not be granted to party sustaining relation of both debtor and creditor to estate. Owings *v.* Bates, 9 Gill, 466. *Cf.* Kailer *v.* Kailer, 92 Md. 150.

This section referred to in deciding that court would apply same rules in the matter of time within which an application is made to revoke letters as in an application for letters. Edwards *v.* Bruce, 8 Md. 397. *Cf.* Stocksdale *v.* Conaway, 14 Md. 107.

This section referred to in construing secs. 21 and 38—see notes thereto. Slay *v.* Beck, 107 Md. 362.

This section construed in connection with sec. 71—see notes thereto. Thomas *v.* Knighton, 23 Md. 325.

This section referred to in construing sec. 257—see notes thereto. McGuire *v.* Rogers, 71 Md. 589.

Cited but not construed in Brodie *v.* Mitchell, 85 Md. 518; Glenn *v.* Reid, 74 Md. 241. Pollard *v.* Mohler, 55 Md. 289.

See notes to secs. 18, 32 and 34.

An. Code, sec. 32. 1904, sec. 32. 1888, sec. 33. 1798, ch. 101, sub-ch. 5, sec. 7.

32. It shall not be necessary to give notice to a party entitled to administration if he be out of the State, nor shall it be necessary to summon or notify collateral relations more remote than brothers and sisters of the intestate, in order to exclude them from the administration; and no relations, except a widow, child, grandchild, father, brother, sister or mother shall be considered as entitled unless they shall apply for the same.

Who is entitled to notice?

The law only provides for a notice to those entitled—if they desire letters, they must apply. What amounts to notice? Dalrymple *v.* Gamble, 66 Md. 308.

A niece of decedent is not entitled to notice, nor is she entitled to letters unless she applies. Williams *v.* Addison, 93 Md. 46.

A brother being out of state is not entitled to notice, and as intestate left no other relatives who were entitled unless they applied, administration was properly granted to a stranger. Such letters will not be revoked in absence of fraud or

[1] For cases construing sec. 32 of Codes of 1860 and 1888, as amended by act of 1892, ch. 571—the section as amended being now repealed—see Hunter *v.* Hersperger, 96 Md. 294; Wilkinson *v.* Robertson, 85 Md. 447; Moore *v.* Taylor, 81 Md. 648; *In re* Lee's Estate, 76 Md. 110; McColgan *v.* Kenny, 68 Md. 260; Brown *v.* Bokee, 53 Md. 163; Mobray *v.* Leckie, 42 Md. 477; Hubbard *v.* Barcus, 38 Md. 181; Stockett *v.* Bird, 18 Md. 489.