

mistake. *Jones v. Harbaugh*, 93 Md. 274; *Ehlen v. Ehlen*, 64 Md. 364; *Rockwell v. Young*, 60 Md. 572.

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.

Under sec. 23, as between a son of the deceased and his sisters, no notice was required, nor was notice to another son who was out of state necessary. Waiver by widow of lack of notice. *Dorsey v. Dorsey*, 140 Md. 171.

#### Generally.

Non-residence does not disqualify a party otherwise entitled to letters. *Ehlen v. Ehlen*, 64 Md. 364.

This section referred to in dealing with a waiver of a right to letters of administration. *Pollard v. Mohler*, 55 Md. 289.

This section referred to in construing sec. 34—see notes thereto. *Brodie v. Mitchell*, 85 Md. 518.

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

This section referred to in construing sec. 71—see notes thereto. *Kearney v. Turner*, 28 Md. 425; *Thomas v. Kington*, 23 Md. 325.

This section construed in connection with sec. 257—see notes thereto. *McGuire v. Rogers*, 71 Md. 588.

Cited but not construed in *Georgetown College v. Browne*, 34 Md. 455.

See notes to secs. 34 and 69.

1920, ch. 318.

**33.** Notwithstanding anything contained in the preceding sections, no relation of the intestate who is not entitled to share in the estate shall be entitled, as of right, to administration thereon, whether applying therefor or not, nor shall it be necessary in any case to notify any such relation; but administration may, in the discretion of the Court, be granted to such relation.

An. Code, sec. 33. 1904, sec. 33. 1888, sec. 34. 1798, ch. 101, sub-ch. 5, sec. 24.

**34.** If letters of administration are to be granted, with a copy of the will annexed, and there be a residuary legatee or legatees in such will, he or they shall be preferred to all except a widow,<sup>1</sup> and it shall be incumbent on the court to proceed in the manner directed by law with respect to executors within the State, before administration shall be granted to any other person; and a male residuary legatee shall be preferred to a female.

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

This section provides for cases not covered by the preceding sections, and will be read in connection with them. The widow only is preferred to residuary legatee. If for any reason letters are not granted to either widow or such legatee (after notice prescribed by sec. 45 is given), then letters will be granted in order prescribed in preceding sections. *Georgetown College v. Browne*, 34 Md. 456; *Dalrymple v. Gamble*, 66 Md. 308.

<sup>1</sup> *Quære*, or a surviving husband.