

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.

Letters of administration are necessary for transmission of title to legatee. *Cecil v. Clarke*, 17 Md. 508; *Smith v. Wilson*, 17 Md. 460; *Cecil v. Rose*, 17 Md. 101.

There need be only *prima facie* evidence that deceased left personal estate; proof to contrary; questions of title. *Grimes v. Talbert*, 14 Md. 172.

Where a will has been probated in another state and letters taken out there, the executors are not authorized to sue in Maryland (except as provided in sec. 80), until they have proven the will here under sec. 369, and taken out ancillary letters. *Wright v. Gilbert*, 51 Md. 152; *Glenn v. Smith*, 2 G. & J. 493; *Ratrie v. Wheeler*, 6 H. & J. 94; *Corrie's Case*, 2 Bl. 498. But see *Citizens' Bank v. Sharp*, 53 Md. 521; *Barton v. Higgins*, 41 Md. 546; *Lucas v. Byrne*, 35 Md. 494.

The court will apply same rules as to time within which an application for a revocation of letters is made, as in an application for grant of letters. *Edwards v. Bruce*, 8 Md. 396; *Burgess v. Boswell*, 139 Md. 680. And see *Clagett v. Hawkins*, 11 Md. 387; *Edelen v. Edelen*, 10 Md. 56. *Cf. Stocksdale v. Conaway*, 14 Md. 107.

This section declares policy of law that there shall be a prompt administration of estates. This section construed to harmonize with sec. 17—see notes thereto. *Williams v. Addison*, 93 Md. 43; *Jones v. Harbaugh*, 93 Md. 273; *Edwards v. Bruce*, 8 Md. 387; *Burgess v. Boswell*, 139 Md. 676; *Dorsey v. Dorsey*, 140 Md. 171.

Cited but not construed in *Stouffer v. Stouffer*, 110 Md. 372.

This section referred to *re* jurisdiction in divorce case—see notes to art. 16, sec. 38. *Lowe v. Lowe*, 150 Md. 603.

Cited but not construed in *Norfolk v. Connor*, 167 Md. 688.

As to where probate may be granted, see sec. 356.

*Re*. power of orphans' court to revoke letters, see notes to sec. 243.

As to letters taken out in the District of Columbia, see sec. 80.

As to inheritance tax, see art. 81, sec. 109, *et seq.*

See also notes to secs. 64 and 356.

An. Code, 1924, sec. 15. 1912, sec. 15. 1904, sec. 15. 1888, sec. 15. 1798, ch. 101, sub-ch. 5, sec. 25.

**16.** Administration may be granted to two or more persons, with the consent of the person first entitled; provided, that administration in all cases shall extend to all the personal property of the decedent within the State.

Co-administrator cannot be appointed without consent of administrator until letters have been revoked. *Kerby v. Peters*, 172 Md. 7.

The matter of granting letters to a person jointly with another under this section is within discretion of court and no appeal lies. When a class of persons is first entitled, the one selected by the court as administrator is the person "first entitled" under this section. *Kailer v. Kailer*, 92 Md. 149. And see *Covey v. Charles*, 49 Md. 315; *Dorsey v. Dorsey*, 140 Md. 171; *Baldwin v. Hopkins*, 171 Md. 101.

The right of administration being a valuable one cannot be delegated. *Slay v. Beck*, 107 Md. 361; *Brodie v. Mitchell*, 85 Md. 519.

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

An Code, 1924, sec. 16. 1912, sec. 16. 1888, sec. 16. 1798, ch. 101, sub-ch. 5, sec. 3.

**17.** It shall be incumbent on the person applying for administration to prove such dying intestate to the satisfaction of the court, unless the same be notorious; and the court may examine such person on oath, touching the time, place and manner of the death, and whether or not the party dying left any will; and if such dying intestate be not proved to the satisfaction of the court, no administration shall be granted. No such administration shall be granted until at least twenty days after the death of the supposed intestate, and at least seven days after application therefor.

In a collateral proceeding to which administrator is not a party, finding of Orphans' Court as to date of death of decedent neither binds parties nor is *prima facie* evidence of such fact; possible exceptions. See notes to sec. 243. *English v. United States*, 25 F. (2nd), (Dist. Ct. Md.), 335.

This section referred to in construing sec. 33. *Horton v. Horton*, 157 Md. 135.

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