

brother, sister, or mother, shall be considered as entitled, unless they shall apply for the same.

Id s 34
1798, c 101,
sub-c 5, s 24
Before whom
residuary lega-
tee entitled
34 Md. 102, 450.

94. 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, 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.

Id s 35
1839, c 21, s 1
Who shall not
administer.

95. No administration shall be granted to any judge of the Orphans' Court, or of the Circuit Court, or register of wills of the county where he is judge or register, unless he be next of kin or largest creditor.

1874, c 402.
Proceedings
upon the de-
clining of letters
by persons en-
titled, and upon
the resigning of
those who had
accepted.

96. If any person entitled to administration, shall deliver or transmit to the Orphans' Court a declaration in writing, that he is willing to decline the trust, the court shall proceed as if such person were not entitled, and in any case in which letters testamentary, or of administration, have been or may hereafter be granted to any person, either as sole executor or administrator, or as executor or administrator to act in conjunction with another person, or with other persons, and such executor or administrator shall be desirous to retire from and resign such appointment, after he shall have accepted the same, said executor or administrator may exhibit his petition, *ex parte*, in the court by which said letters were granted, accompanied by a full and particular account under oath of his or her receipts and disbursements, if any, as such executor or administrator, and the said court, upon the filing of such petition and accounts, shall have jurisdiction in the premises, and shall cause notice to be given by publication in one or more papers of the city or county where such letters were granted, and for such time as the said court may deem proper, of the filing of said petition, and if no good cause shall be shown to the contrary, by the day that may be limited in that behalf in said notice, the said court shall release and discharge the said executor or administrator from the further performance of the duties of said appointment, and may pass such order as to costs and commissions, and impose such terms in other respects, as the nature of the case may require; *provided*, that such executor or administrator and his sureties, shall not by such discharge be released from liability to any person in interest for past acts, defaults, or omission of duty.

Proviso.

ADMINISTRATION BY COLLECTOR.

Art 93, s 60!
1798, c 101,
sub-c 3, s 14
When letters
ad colligendum
to be granted
4 Md 444.

97. Letters *ad colligendum* may be granted by the Orphans' Court of the county in which the will was proved or authenticated, or where letters of administration ought to be granted in cases of delay on account of absence from the State of an executor, a contest relative to the will, or right of administration, or the absence