

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 amount to notice? *Dalrymple v. Gamble*, 66 Md. 308.

A niece of the 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 the state is not entitled to notice, and as the 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 the absence of fraud or mistake. *Jones v. Harbaugh*, 93 Md. 274; *Ehlen v. Ehlen*, 64 Md. 364; *Rockwell v. Young*, 60 Md. 572.

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 section 33—see notes thereto. *Brodie v. Mitchell*, 85 Md. 518.

This section referred to in construing sections 21 and 37—see notes thereto. *Slay v. Beck*, 107 Md. 362.

This section referred to in construing section 70—see notes thereto. *Kearney v. Turner*, 28 Md. 425; *Thomas v. Kington*, 23 Md. 325.

This section construed in connection with section 248—see notes thereto. *McGuire v. Rogers*, 71 Md. 588.

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

1904, art. 93, sec. 33. 1888, art. 93, sec. 34. 1860, art. 93, sec. 34. 1798, ch. 101, sub-ch. 5, sec. 24.

33. 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.

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 the residuary legatee. If for any reason letters are not granted to either the widow or such legatee (after the notice prescribed by section 44 is given), then letters will be granted in the order prescribed in the preceding sections. *Georgetown College v. Browne*, 34 Md. 456; *Dalrymple v. Gamble*, 66 Md. 308.

Although a widow supposing that her husband died intestate, renounces upon the subsequent discovery of a will she is entitled to notice under section 32 before letters *c. t. a.* are granted. *Brodie v. Mitchell*, 85 Md. 518.

Under the last clause of this section a male residuary legatee is preferred to a female one, no matter how close the latter may be related to the testator. Who is a "residuary legatee"? *Henning v. Varner*, 34 Md. 106.

**Quaere.* or a surviving husband.