

Administration.

14.

The word "residence" as used in this section means the fixed and permanent home or domicile of the deceased as distinguished from a place of temporary abode; letters can only be properly granted by the orphans' court of the county in which the deceased had his domicile at the time of his death. The general rule is that in the absence of a decree of separation or divorce the legal domicile of the wife follows that of her husband. The orphans' court is authorized and required to determine the residence of the deceased at the time of his death, and its decision cannot be reviewed in collateral proceedings. *Whiting v. Shipley*, 127 Md. 117.

1904, art. 93, sec. 21. 1888, art. 93, sec. 21. 1860, art. 93, sec. 21. 1798, ch. 101, sub-ch. 5, sec. 13. 1898, ch. 331. 1918, ch. 118, sec. 21.

21. If there be neither surviving husband nor widow as the case may be, nor child, nor grandchild, nor father, the mother shall be preferred, and next to the mother brothers and sisters shall be preferred.

See notes to this section in volume 2 of the Annotated Code.

38.

In view of this section the action of the orphans' court in requiring an additional bond is not subject to review, certainly unless the discretion vested in that court has been abused or arbitrarily exercised, and whether even then its action may be reviewed is not decided. Action of orphans' court upheld. *Pratt v. Hill*, 124 Md. 255.

Administration by an Executor.

41.

In order to designate one as an executor, it is not necessary to use the word "executor," but any words which substantially confer upon a person the rights, powers and duties of an executor amount to an appointment; grant of letters held improvident. *Bowers v. Cook*, 124 Md. 569.

43.

Letters held to have been improperly revoked under this section and sections 44, 45 and 46, inasmuch as a motion to revoke letters must be filed within the same time after the applicant has knowledge that they have been granted as that provided by law within which an application for letters must be made; application for revocation held too late. *Bowers v. Cook*, 124 Md. 570.

44.

See notes to section 43.

45.

See notes to section 43.

46.

See notes to section 43.

Administration by Collector.

61.

To the note to this section on page 2049 of volume 2 of the code, add "And see *Warfield v. Valentine*, 130 Md. 592."