

ch. 101, sub-ch. 13,) provides that every devise of land, or any estate therein, or bequest of personal estate to the wife of the testator shall be construed to be intended in bar of her dower in lands or share of the personal estate respectively, unless it be otherwise expressed in the will. Sec. 285<sup>20</sup> provides that she shall be barred of dower or thirds by any such devise or bequest, unless she renounce within six months after the first grant of letters on the estate, and elect to take her dower or legal share of personalty; which by the same section is made in case of such renunciation, one-third of the clear residue in all cases. Sec. 286<sup>21</sup> provides that if the will devise a part of both real and personal estate she shall renounce the whole, or be otherwise barred of her right to both real and personal estate. Sec. 287<sup>22</sup> provides that if the will devise only a part of the real estate, or a part of the personal estate, the devise shall bar her of only the real or personal estate as the case may require; but if the devise of either realty or personalty, or of both, is expressly in lieu of her legal share of one or both, she shall be accordingly barred unless she renounce. But by sec. 288,<sup>23</sup> if in effect nothing shall pass by such de-

accepted by the wife, will bar dower independent of statute. Venable's Real Property 30; 4 Kent Comm. 57. The widow will not, however, be compelled to elect unless on the face of the will there is strong ground for holding that she was not intended by the testator to take both. *Thompson v. Burra*, L. R. 16 Eq. 592.

<sup>20</sup> Code 1911, Art. 93, sec. 302. The widow is under no obligation to renounce when the will makes no provision for her *Hokamp v. Hagaman*, 36 Md. 518; *Matthews v. Targarona*, 104 Md. 442.

Where a *caveat* is filed to a will before its admission to probate and afterwards administration *pendente lite* is granted, the six months allowed the widow for renunciation run from the first grant of administration after the probate. *Pindell v. Pindell*, 40 Md. 537.

The renunciation of a widow is treated as equivalent to her death, unless to do so would contravene some manifest intention of the testator, and this frequently operates to hasten the time appointed for a sale, or to accelerate the vesting of remainders. *Small v. Marburg*, 77 Md. 11; *Randall v. Randall*, 85 Md. 439; *In re Rogers Trust Estate*, 97 Md. 674.

<sup>21</sup> Code 1911, Art. 93, sec. 303.

<sup>22</sup> Code 1911, Art. 93, sec. 304.

<sup>23</sup> Code 1911, Art. 93, sec. 305; *Daughters v. Lynch*. 93 Md. 309.

Where the husband leaves a will which makes no provision for the widow, she is entitled to her common law rights in his personalty, which are one-third if he leaves children and one-half if he leaves no children, but not to the whole fund even though there are no next of kin, since by making a will he shows his intention to deprive her of all but her rights at common law. *Hokamp v. Hagaman*, 36 Md. 518; *Harlan's Domestic Relations* 52.

The Act of 1898, ch. 331, (Code 1911, Art. 93, sec. 317), extends the provisions of secs. 301-305 above cited and also of sec. 306, (see note 11 *supra*), to the rights of surviving husbands in the estates of their deceased wives. See *Grabill v. Plummer*, 95 Md. 61; *Safe Dep. Co. v. Gittings*, 103 Md. 485; *Harlan's Domestic Relations* 51, 56 *et seq.*