

proved according to law; and I elect to take in lieu thereof my dower or legal share of the estate of my said husband." But by renouncing all claim to a devise or bequest, or devises or bequests of personal property made to her by the will of her husband she shall be entitled to one-third part of the personal estate of her husband which shall remain after payment of his just claims against him, and no more.

Under this section the widow has six months from the grant of letters after her husband's will is probated, within which to renounce. Renunciation held to have been made in time. Form of renunciation. *Pindell v. Pindell*, 40 Md. 539.

The law admits of no excuse for the failure to renounce, which under this section is a condition precedent to the wife's having dower. No one else can renounce for the widow, and the fact that she is insane, is immaterial. *Collins v. Carman*, 5 Md. 530.

Where a widow renounces, she is entitled to her share of the personal estate in kind under this section. In such cases she takes not under the will but in opposition to it, and the property bequeathed her remains as if no such bequest had been made. Effect of the renunciation upon other bequests. *Kuykendall v. Devecmon*, 78 Md. 542; *Hanson v. Worthington*, 12 Md. 438; *Darrington v. Rogers*, 1 Gill, 410.

Under this section and section 317 where a husband renounces, the costs of caveat proceedings should be borne by the estate passing under the will, and the husband should not be charged with any part of it. *Grabill v. Plummer*, 95 Md. 61.

This section applied. *Gough v. Manning*, 26 Md. 366; *Durham v. Rhodes*, 23 Md. 241.

If no provision for a widow is made by her husband's will, this section has no application. *Hokamp v. Hagaman*, 36 Md. 518.

For a case involving a mutilated renunciation, and a certificate of the register of wills as to the renunciation having been made, see *Handy v. State*, 7 H. & J. 46.

For a case involving the law relative to a renunciation prior to the adoption of this section, see *Griffith v. Griffith*, 4 H. & McH. 101.

Cited but not construed in *Ring v. Zimmerman*, 94 Md. 16.

See notes to sec. 317.

1904, art. 93, sec. 299. 1888, art. 93, sec. 293. 1860, art. 93, sec. 286. 1798, ch. 101, sub-ch. 13, sec. 3.

303. If the will of the husband 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.

This section applied. *Durham v. Rhodes*, 23 Md. 242.

See notes to sec. 317.

Ibid. sec. 300. 1888, art. 93, sec. 294. 1860, art. 93, sec. 287. 1798, ch. 101, sub-ch. 13, sec. 4.

304. If the will devise only a part of the real estate, or only a part of the personal estate, the devise shall bar her of only the real or personal estate, as the case may require; provided, nevertheless, that if the devise of either real or personal estate, or both, shall be expressly in lieu of her legal share of one or both, she shall accordingly be barred unless she renounce as aforesaid.

This section applied. *Durham v. Rhodes*, 23 Md. 241. *Thomas v. Wood*, 1 Md. Ch. 300.

This section referred to in construing section 302—see notes thereto. *Collins v. Carman*, 5 Md. 528.

See notes to sec. 317.