

**308.**

Change made in this section by the act of 1884, chapter 107. The widow's right to her allowance becomes vested upon the death of her husband and is not dependent upon a demand or claim by her or her election as to how it shall be paid. The election should, however, be made within a reasonable time; upon her failure so to do she should be paid her allowance in money. Upon the widow's death before payment, the right to receive her allowance devolves upon her personal representatives. See notes to section 309. *Pyle v. Brown*, 123 Md. 16.

**309.**

A widow held to be entitled to the allowance prescribed by this section, although her petition therefor was not filed until March, 1914, and her husband died in July, 1910. See notes to section 302. *Malkus v. Richardson*, 124 Md. 228.

To the note to this section on page 892 of volume 3 of the Annotated Code, add *Pyle v. Bowie*, 123 Md. 15.

See notes to section 308.

**317.**

This section referred to in holding that there was nothing to show that a conveyance of personal property executed in the lifetime of the wife was in fraud of the legal rights of her husband who survived her. A person has the right in her lifetime to dispose of her personal property as she sees fit. *Brown v. Fidelity Trust Co.*, 126 Md. 184.

To the first note to this section on page 2144 of volume 2 of the Annotated Code, add *Jeavons v. Pittman*, 126 Md. 656.

**Wills.****323.**

Proof of execution and attestation of a will made in 1874 held sufficient to justify its probate. Requisites of the attestation of a will; effect of attestation clause; negative statement by one of attesting witnesses. *Woodstock College v. Hankey*, 129 Md. 679.

**324.**

In addition to the modes of revocation enumerated in this section, there may be an implied revocation resulting from an alteration of the estate of the testator between the time when the will is executed and when it goes into effect. Where a testatrix by a deed of trust transfers the legal title of property, a revocation is thereby worked of the will which she had previously executed devising such property. A will speaks as of the date of the testator's death and operates upon his property as then situated unless a contrary intention plainly appears. *King v. McComas*, 126 Md. 382.

When a testator, after having disposed of the whole of the estate owned by him at the time his will was made remarries and has children by his second wife, his will is revoked by operation of law. The marriage of a man, however, does not revoke his will, nor does the subsequent death of his wife. *Redwood v. Howlson*, 129 Md. 589.

The only methods of revoking a will in this state are those prescribed by this section. A will found "in the old back room which was full of different papers, letters and a lot of rubbish," upheld. *Woodstock College v. Hankey*, 129 Md. 683.

Attempted alterations of a will held to be without legal effect; there was no republication or re-execution of the will. *Pacholder v. Rosenheim*, 129 Md. 457.