

Where a widow does not elect to take her dower under sec. 4, she is entitled under this section to one-third of her husband's real estate. Contract to release dower. Where no part of husband's real estate is devised to wife, her legal rights therein are not affected by his will. *Pearre v. Grossnickle*, 139 Md. 9.

Cited but not construed in *Elwood v. Lannon*, 27 Md. 208; *Posey v. Budd*, 21 Md. 487.

See notes to sec. 1.

An. Code, sec. 4. 1916, ch. 325, sec. 4.

4. The Act of 1916, Chapter 325, shall not be construed as abolishing the estates known as the dower of a widow and the dower of a surviving husband, but any party entitled to such right of dower shall be presumed to have waived and surrendered the same, and to have accepted the provisions of the Act, unless within the period of six months after the death of the spouse by virtue of whose ownership such right of dower attached, such surviving wife or husband shall file with the Orphans' Court or Register of Wills for the county or counties where such real estate is situate, a signed written election to take the dower to which she or he is so entitled by virtue of such inchoate right; in which case such surviving wife or husband shall be entitled to dower, but shall be considered to have renounced any other right in the real estate in Maryland of the deceased spouse in favor of the other heirs, to whom the same shall pass.

Cited but not construed in *Elwood v. Lannon*, 27 Md. 208.

See notes to secs. 1 and 3.

An. Code, sec. 24. 1904, sec. 24. 1888, sec. 24. 1831, ch. 311, sec. 11.

5.¹ But where a trustee in fee tail or fee simple of any lands, tenements

¹ The act of 1916, ch. 325, repealed art. 46, secs. 5 to 23, 25 to 28 and 31 of the An. Code 1912. In order that the decisions construing those sections may not be lost sight of, however, they are here printed in a footnote following the section number in the An. Code of 1912 to which they refer.

5. Before an uncle of the intestate could claim under sec. 6, Code 1912, he must prove that intestate's grandfather is dead. *Elwood v. Lannon*, 27 Md. 208.

This section referred to in construing sec. 27 of An. Code 1912—see notes thereto in this footnote. *Suman v. Harvey*, 114 Md. 241.

6. In absence of all heirs to claim under prior sections, children of a deceased uncle of intestate inherit *per capita*, to exclusion of grandchildren of such uncle. *Stewart v. Collier*, 3 H. & J. 290.

This section referred to in construing sec. 27 of An. Code 1912—see notes thereto in this footnote. *Suman v. Harvey*, 114 Md. 241.

For cases held to be within the act of 1786, ch. 45 (act to direct descents), see *Stewart v. Jones*, 8 G. & J. 28; *Stewart v. Evans*, 3 H. & J. 287; *Medley v. Williams*, 7 G. & J. 71.

10. This section applied. *Levering v. Heighe*, 2 Md. Ch. 88.

13. This section referred to in construing sec. 27 of An. Code 1912—see notes thereto in this footnote. *Suman v. Harvey*, 114 Md. 241.

14. An estate descended from mother; held to be inherited by an aunt of intestate. *Snyder v. Jones*, 99 Md. 695. And see *Levering v. Heighe*, 3 Md. Ch. 374.

This section applied. *Billingsley v. Tongue*, 9 Md. 582.

This section referred to in construing sec. 27 of An. Code 1912—see notes thereto in this footnote. *Suman v. Harvey*, 114 Md. 241.

19. Under this section nieces inherit to exclusion of first cousins. No person can claim under sec. 21, An. Code 1912, until those included in this section and sec. 20 of said Code are extinct, and proviso at end of sec. 27, said Code, does not alter this rule. The word "descendants," construed. *Hoffman v. Watson*, 109 Md. 545. And see *Elwood v. Lannon*, 27 Md. 210; *Maxwell v. Seney*, 5 H. & J. 23; *Suman v. Harvey*, 114 Md. 241.

Grand-nephews are not entitled to inherit where intestate leaves nephews surviving.