

is desired to be filed. Nature of wife's rights in property left her by her husband's will. *Kernan v. Carter*, 132 Md. 588.

Where widow renounces, she is only entitled under this section to one-third of personal estate of her husband, although there are no children. This section is not affected by act of 1916, ch. 325 (art. 46, sec. 1, *et seq.*), or the act of 1898, ch. 331 (art. 93, sec. 128, *et seq.*). *Harris v. Harris*, 139 Md. 192 (decided prior to act of 1922, ch. 348).

Under this section widow has six months from 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.

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 will but in opposition to it, and property bequeathed her remains as if no such bequest had been made. Effect of 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 sec. 330 where a husband renounces the costs of caveat proceedings should be borne by estate passing under will, and 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 register of wills as to 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. 330 and to art. 46, sec. 3.

1933, ch. 588.

315. The renunciation as provided in Section 311, be¹ made by the guardian of an infant spouse, when authorized so to do by the Court having jurisdiction of the infant's estate, or may be made on behalf of an incompetent when authorized by the equity court having jurisdiction of the person of said incompetent. The time to make such renunciation may be enlarged before its expiration by an order of the Orphans' Court where such will was probated for a further period of not exceeding six months upon any one application, upon a petition showing reasonable cause and on notice given to such persons and in such manner as the Orphans' Court may direct.

An. Code, 1924, sec. 312. 1912, sec. 303. 1904, sec. 299. 1888, sec. 293. 1798, ch. 101, sub-ch. 13, sec. 3.

316. 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 secs. 313 and 330.

An. Code, 1924, sec. 313. 1912, sec. 304. 1904, sec. 300. 1888, sec. 294. 1798, ch. 101, sub-ch. 13, sec. 4.

317. 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 sec. 314—see notes thereto. *Collins v. Carman*, 5 Md. 528.

Cited in *Dowell v. Dowell*, Daily Record, Jan. 3, 1940.

See notes to sec. 313.

See notes to sec. 330.

¹ The word "may" evidently omitted.