

CHAPTER 29.

(Senate Bill 28)

AN ACT to repeal and re-enact, with amendments, Section 314 of Article 93 of the Annotated Code of Maryland (1943 Supplement), title "Testamentary Law", sub-title "Widows", clarifying the provision as to the proportion of an estate to be received by a surviving spouse under certain conditions.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 314 of Article 93 of the Annotated Code of Maryland (1943 Supplement), title "Testamentary Law", sub-title "Widows", be and it is hereby repealed and re-enacted, with amendments, to read as follows:

314. A surviving husband or widow shall be barred of his or her right of dower in land or share in land or share in the personal estate by any such devise or bequest, unless within thirty (30) days after the expiration of the notice to creditors in the wife's or husband's estate, as the case may be, he or she shall deliver or transmit to the Court or Register of Wills where administration has been granted a written renunciation in substantially the following form or to the following effect:

I, A. B., widow or widower, as the case may be, of.....
, late of, deceased, do hereby renounce and quit all claim to any bequest or devise made to me by the last will and testament of my wife or husband, exhibited and proved according to law; and I elect to take in lieu thereof my dower in lands and my legal share of the personal estate of my said wife or husband, or my legal share of both the real and personal estate of my said wife or husband. If the widow or widower be insane at the time of election, the guardian (committee or trustee) or the Court shall have power to make the election for said widow or widower.

If the election be of dower in lands and the legal share of the personal estate, the said surviving husband or widow shall take dower in lands and one-third of the surplus personal estate (if the deceased spouse shall be survived by descendants), and dower in lands and one-half of the surplus personal estate (if the deceased spouse shall not be survived by descendants), and no more. If the election be of the legal share of both real and personal estate, the surviving husband or wife shall take one-third of the lands as an heir and one-third of the surplus personal estate (if the deceased spouse shall be survived by descendants); and one-half the lands as an heir, and one-half the surplus personal estate (if the deceased spouse shall not be survived by descendants, but shall be survived by a father or mother); and two thousand dollars or its equivalent in prop-