

surviving [husband or widow] *spouse* would take in the personal property of a resident spouse so dying testate; but such share shall be [subject to be] barred *unless a written claim or renunciation and election be filed as prescribed by Section 329 of Article 93* [by provisions in his or her favor by such will to the same extent and in the same manner as is provided by law with respect to barring dower by the acceptance of such testamentary provisions, and election not to accept said provisions shall be made in the same manner and within the same time as is so provided].

But nothing in this section shall be taken as giving a husband or wife any right of conveying, by deed inter vivos, his or her real estate free of any right of dower of any husband or wife therein, without the joinder of said husband or wife.

4.

[The Act of 1916, Chapter 325] *Sections 1 to 3 of this article* 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] *spouse* 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, *as prescribed in Section 329 of Article 93*; in which case such surviving [wife or husband] *spouse* 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].

SEC. 2. *And be it further enacted, That Sections 328, 329 and 330 of Article 93 of the said Code (1957 Edition and 1963 Supplement), title "Testamentary Law," subtitle "Widows and Widowers," be and they are hereby repealed and re-enacted, with amendments, to read as follows:*

328.

Every devise of land [or any estate therein,] or bequest of personal estate *or any estate in either*, to the [wife] *surviving spouse* of [the testator] *a testate decedent* shall be construed to be intended in bar of *his or her dower in [lands] land and share in land and [or] share [of] in the personal estate* [, respectively,] unless it be otherwise expressed in the will.

329.

(a) A surviving [husband or widow] *spouse* shall be barred of his or her right of dower in land [or] *and share in land [or] and share in the personal estate* [by any such devise or bequest], *even though nothing in effect shall pass to such surviving spouse by any devise or bequest in the will of the decedent, or even though no devise or bequest is made to such surviving spouse, unless within [thirty (30) days after the expiration of the notice to creditors in the wife's or*