

heir, and one-half of the surplus personal estate (if the deceased spouse shall not be survived by descendants) and no more.

The direction of a testator to a legatee to pay a nominal sum to testator's widow is not such a bequest to her as bars her right to one-third of personal estate in absence of a renunciation by her. The orphans' court may correct errors in administration accounts after final ratification, and abrogate and modify its own orders when necessary to promote justice. The application for such action must be made within a reasonable time; what is a reasonable time? Proof of widow's identity. See notes to sec. 318. *Malkus v. Richardson*, 124 Md. 228.

The laws admits of no excuse for failure to renounce, which under this section is a condition precedent to wife's having dower. No one else can renounce for widow, and fact that she is insane is immaterial. *Collins v. Carman*, 5 Md. 530; *Kernan v. Carter*, 132 Md. 588.

An administrator may not renounce for widow; *quære* whether a court of equity may do so where such widow is insane. Procedure where wife is insane and renunciation 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. 125, *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. 326 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. 326 and to art. 46, sec. 3.

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

312. 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 person estate.

This section applied. *Durham v. Rhodes*, 23 Md. 242.

See notes to sec. 326.

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

313. 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.