

An. Code, 1924, sec. 314. 1912, sec. 305. 1904, sec. 301. 1888, sec. 295. 1798, ch. 101, sub-ch. 13, sec. 5. 1939, ch. 498.

318. But if in effect nothing shall pass by such devise, she shall not be thereby barred whether she shall or shall not renounce as aforesaid. In such case the widow shall take one-third of the lands as an heir and one-third of surplus personal estate (if the deceased husband shall be survived by descendants); and one-half the lands as an heir and one-half the surplus personal estate (if the deceased husband shall not be survived by descendants, but shall be survived by father or mother); and two thousand dollars or its equivalent in property, or any interest therein at its appraised value, and one-half of the residue of the lands as an heir and one-half of the surplus personal estate remaining (if the deceased husband shall not be survived by descendants or a father or a mother, but shall be survived by a brother or sister or a child or descendant of a brother or sister) and no more.

A widow is only to be regarded as a purchaser to extent of value of share she would have taken if she had renounced. *Chew v. Farmers' Bank*, 2 Md. Ch. 231; *Thomas v. Wood*, 1 Md. Ch. 300; *Hall's Case*, 1 Bl. 205.

Since widow is a purchaser under this section, a devise to her, if it does not exceed what she would be entitled to at common law, will not abate to pay debts in favor of specific legatees. *Mayo v. Bland*, 4 Md. Ch. 491.

As widow is a purchaser under this section, in case property devised to her is sold for payment of testator's debts, the sale should be subject to the widow's rights. *Gibson v. McCormick*, 10 G. & J. 113.

In order to entitle widow to dower under this section, there must be clear proof that nothing passed by the devise. Widow's claim under this section against mortgaged premises passed on. *Chew v. Farmers' Bank*, 9 Gill, 371.

This section does not alter necessity of a renunciation under sec. 314, and fact that widow is insane is immaterial. *Collins v. Carman*, 5 Md. 529.

This section applied and the word "purchaser" construed. *Coomes v. Clements*, 4 H. & J. 483.

This section applied and referred to in construing a will. *Daughters v. Lynch*, 93 Md. 309. And see *Kuykendall v. Devecmon*, 78 Md. 542; *Gough v. Manning*, 26 Md. 366; *Durham v. Rhodes*, 23 Md. 241; *Snively v. Beavans*, 1 Md. 223; *Mantz v. Buchanan*, 1 Md. Ch. 205.

Cited in *Marriott v. Marriott*, 175 Md. 574.

Cited but not construed in *Power v. Jenkins*, 13 Md. 458.

See notes to secs. 314 and 330.

An. Code, 1924, sec. 315. 1912, sec. 306. 1904, sec. 302. 1888, sec. 296. 1715, ch. 39, sec. 37.

319. If any married woman shall have any estate settled on her by her husband by jointure or other settlement, before marriage, such jointure or settlement shall bar her of her dower of such husband's lands, yet it shall be lawful for her to accept what her husband shall by his last will and testament devise to her.

This section does not deprive wife of her power to bar her dower by any other form of *ante-nuptial* contract. Effect of this section. *Naill v. Maurer*, 25 Md. 539; *Schnepfe v. Schnepfe*, 124 Md. 337.

See notes to sec. 330.

An. Code, 1924, sec. 316. 1912, sec. 307. 1904, sec. 303. 1888, sec. 297. 1798, ch. 101, sub-ch. 13, sec. 6. 1880, ch. 253.

320. If the widow commit waste in the lands of the deceased she shall be liable to an action by the heir or devisee, or his guardian.

Counterclaims against widow held not to bar dower; equities. *Rickwood v. Smith*, 146 Md. 191.

See notes to sec. 330.

An. Code, 1924, sec. 317. 1912, sec. 308. 1904, sec. 304. 1888, sec. 298. 1849, ch. 543, sec. 1. 1862, ch. 101. 1884, ch. 107.

321. In all cases where administration shall have been or shall hereafter be granted upon the estate of any married man who has left a widow