

and an infant child or infant children surviving him, the said child or children being also the child or children of the said widow, such widow shall be entitled to an allowance of the personal estate remaining after the payment of funeral expenses, for her own use and that of the said infant children, of the sum of one hundred and fifty dollars, to be paid to her in money or in articles of household and kitchen furniture at their appraised value, as she may elect.

Change made in this section by act of 1884, ch. 107. The widow's right to her allowance becomes vested upon death of her husband and is not dependent upon a demand or claim by her or her election as to how it shall be paid. The election should, however, be made within a reasonable time; upon her failure so to do she should be paid her allowance in money. Upon widow's death before payment, the right to receive her allowance devolves upon her personal representatives. See notes to sec. 322. *Pyle v. Brown*, 123 Md. 16.

A widow held to have made a selection under this section in due time. Since act of 1884, ch. 107, the selection is limited to money or furniture; *contra*, prior thereto. This section applies where there is a will as well as to cases of intestacy. *Crow v. Hubbard*, 62 Md. 563.

This section referred to in construing sec. 322—see notes thereto. *Beachley v. Estate of Bollinger*, 119 Md. 156.

*Re.* jurisdiction of orphans' court under this section, see notes to sec. 245.

See also notes to sec. 330.

Cited in *Marriott v. Marriott*, 175 Md. 572.

An. Code, 1924, sec. 318. 1912, sec. 309. 1904, sec. 305. 1888, sec. 299. 1849, ch. 543, sec. 2. 1862, ch. 101. 1884, ch. 107.

**322.** If the decedent leave a widow and no infant child or children surviving him, the widow shall be in like manner entitled to an allowance of seventy-five dollars in money or its equivalent in household and kitchen furniture, as provided for in the foregoing section.

It is mandatory upon orphans' court, under this section, to make the allowance to widow. When the allowance is made under this section, it will be assumed that deceased left no infant children, in absence of anything to contrary in record. *Beachley v. Estate of Bollinger*, 119 Md. 156; *Pyle v. Bowie*, 123 Md. 15.

Widow held to be entitled to allowance prescribed by this section, although her petition therefor was not filed until March, 1914, and her husband died in July, 1910. See notes to sec. 314. *Malkus v. Richardson*, 124 Md. 228.

Cited but not construed in *Knapp v. Knapp*, 149 Md. 266 (involving validity of marriage); *Marriott v. Marriott*, 175 Md. 572.

Cited but not construed in *Linthicum v. Polk*, 93 Md. 91.

See notes to secs. 321 and 330.

An. Code, 1924, sec. 319. 1912, sec. 310. 1904, sec. 306. 1888, sec. 300. 1849, ch. 543, sec. 3.

**323.** The administrator of the decedent shall make return in writing of the articles, and the amount so taken by the widow, together with her receipt for the same, to the orphans' court granting administration; upon which return so being made, the court shall allow him a credit for the same upon his administration account.

See notes to sec. 330.

An. Code, 1924, sec. 320. 1912, sec. 311. 1904, sec. 307. 1888, sec. 301. 1830, ch. 99, sec. 1.

**324.** The orphans' courts may adjudge, determine and apportion, in their discretion, what part of the expenses shall be borne or paid by the widow which may accrue in making the necessary repairs or improvements on the real estate in which, at the time such repairs are so made and done, she may be entitled to a right of dower.

See notes to sec. 330.

An. Code, 1924, sec. 321. 1912, sec. 312. 1904, sec. 308. 1888, sec. 302. 1830, ch. 99, sec. 2.

**325.** Whenever expenses are or shall be incurred in effecting repairs or improvements on any real estate in which a widow shall hold a right