

from the house within the term. In Maryland, however, it rests on this ancient statute.

Quarantine must be assigned to the widow in a house of which she is dowable. A house is considered by the best writers as comprehending a garden and curtilage, as well as, of course, the adjoining buildings and appendages of a dwelling house, although* treating it here as synonymous with messuage, and so it is said to be, the ground to be appropriated to these purposes is limited to a quantity "not exceeding an acre or more." The authorities are collected in 2 Wms. Saund. 401 n. 2. It is to be assumed that in a house of which her husband died sole seised her possession is exclusive while it lasts, for the heir or other person having an adverse interest to her may, by procuring the assignment of her dower, terminate the quarantine. The day on which the husband dies is included in the term which therefore is, generally speaking, only thirty-nine days. During her residence she is entitled to maintenance out of her husband's estate. Lord Coke says, 2 Inst., 17, that "*estoverium* here is taken for sustenance; there is an opinion in our books that the widow cannot kill any of the oxen of the husband while she remain in the house; but the Register saith *Quod interim habeant rationabilia estoveria de bonis eorundum maritorum*, which seemeth to be an exposition of this branch." It is said in a marginal note by Newton to Fitzherbert's *Natura Brevium*, "that the woman shall not have meat and drink, for the Statute doth not extend to it." But Fitzherbert queries "if she may kill anything for her provision if there be not any provision in the house." F. N. B. 162 A. In a case reported in Jenk. Cent. 284, case 16, it was resolved by all the Judges, that during quarantine she was to be sustained with victuals in her husband's house. And in Bac. Abr. Dower (B), it is laid down broadly, that the widow during her quarantine is to be provided with all necessaries at the expense of the heir. By Art. 93, sec. 218 of the Code¹ (Acts of 1841, ch. 178, sec. 2, and 1845, ch. 357, sec. 3) it is enacted, that the provisions which at the death of any decedent shall have been laid up for the consumption of his family on his home or mansion house farm shall not be included in the inventory of his estate, but shall remain for the use of the family of such decedent; and by sec. 5² of the same Article, (Act. 1841, ch. 178, sec. 3,) the administrator may be allowed credit for any live stock killed for the necessary use of the family before a sale.

If the widow be evicted by the heir or terre-tenant before the expiration of her quarantine, she is entitled to a summary process upon the Statute for restitution of her possession. The form of the writ is given by Fitzherbert, F. N. B., 161-162. This writ termed a writ *de quarantina habenda* is directed to the Sheriff, and is in the nature of a commission to him. "By force of which writ," says Lord Coke 2 Inst. 16, "the Sheriff may make process

¹Code 1911, Art. 93, sec. 222.

²Code 1911, Art. 93, sec. 5 (as now amended). Widow also entitled to allowance from estate of deceased husband of \$150.00 (or \$75.00 if no infant child surviving) in money, or its equivalent in household and kitchen furniture. Code 1911, Art. 93, secs. 308, 309; *Crow v. Hubbard*, 62 Md. 560; *Linthicum v. Polk*, 93 Md. 84, 91.