

ble Uses," is not in force in Maryland. The law to the effect that, independent of that statute, equity could not, in exercise of its ordinary jurisdiction, sustain and enforce a bequest to charitable uses, which, if not a charity, would be void, held good in Maryland until this section abolished, under certain conditions, the rule as to uncertainty. If a will passes property to a corporation for its general corporate purposes and uses, which are charitable uses or legal charities, such devise or bequest is valid. Will held not to create a trust. *Gray v. Orphans' Home*, 128 Md. 595.

A legacy held void since this section was not applicable. *Novak v. Orphans' Home, etc.*, 123 Md. 165.

This section does not make valid a devise in trust where beneficiaries are uncertain and it is impossible to designate them. This section has no application where testator does not provide in his will for formation of the corporation, etc., as prescribed. *Yingling v. Miller*, 77 Md. 107.

Purpose of this section. This section held to have been complied with and a devise upheld by virtue thereof. The corporation need not be created by a special act of legislature, and fact that corporation's existence is limited to forty years is immaterial. *Chase v. Stockett*, 72 Md. 238.

This section indicates that legislature recognized that a gift *inter vivos* to an unincorporated association was valid under art. 23, sec. 415 of the Code of 1904—see notes to art. 23, sec. 105 (of this Code). *Snowden v. Crown Cork and Seal Co.*, 114 Md. 651.

As to religious corporations and devises and bequests to them, see art. 23, sec. 274, *et seq.*

As to the enforcement of a compliance by educational and other institutions with the terms of a gift, see art. 16, sec. 114.

An. Code, sec. 329. 1906, ch. 59.

338. No conveyance, assignment or devise of any burial lot in any cemetery or graveyard, to any trustee in trust to hold the same in trust perpetually, or for any lesser period for the interment therein of any persons named or described, or of any family or descendants, or for the care and protection thereof against desecration or injury, shall be held void as a violation of the rule against perpetuities.

An. Code, sec. 330. 1904, sec. 323. 1888, sec. 316. 1888, ch. 249.

339. Every devise and bequest purporting to be of all real and personal property belonging to the testator shall be construed to include also all property over which he has a general power of appointment, unless the contrary intention shall appear in the will or codicil containing such devise or bequest.

This section applied. Appointee takes title directly from donor in same manner as if the power and the instrument executing it had been incorporated in one instrument. *Prince de Bearn v. Winans*, 111 Md. 469.

This section applies only to wills. How power may be validly exercised. Title upheld. *Farlow v. Farlow*, 83 Md. 122. And see *Mines v. Gambrill*, 71 Md. 35.

This section not relied upon because the will was a formal execution of the power. *Cherbonnier v. Bussey*, 92 Md. 425.

This section has no retroactive effect; law prior thereto. *Thom v. Thom*, 101 Md. 452; *Cooper v. Haines*, 70 Md. 283; *Balls v. Dampman*, 69 Md. 393; *Krieg v. McComas*, 126 Md. 382.

An. Code, sec. 331. 1904, sec. 324. 1894, ch. 438, sec. 316A.

340. In all wills hereafter executed, the real estate of every testator not specifically devised shall be chargeable with the payment of pecuniary legacies, wherever the personal estate after the payment of debts shall prove to be insufficient, unless the contrary intention shall clearly appear.

This section means that all the real estate of any testator, except that which is specifically devised, shall be chargeable, etc. Since the passage of this section an