

A devise held to create a life estate only in view of limitations over, and the direction that the devisee was "to have the management and control of the same." *Nowland v. Welch*, 88 Md. 52.

Under a devise to A. during her life, and upon her death to her children, if she have any, the mother takes a life estate and any child or children she has, a remainder in fee. *Stump v. Jordan*, 54 Md. 629.

This section referred to in deciding that a son of the testator took an estate tail, which, under article 46, section 1, was converted into a fee simple estate. *Benson v. Linthicum*, 75 Md. 144.

This section referred to in connection with article 46, section 1, in passing on the right of a husband to a life estate under article 45. *Mason v. Johnson*, 47 Md. 356.

This section referred to in construing article 21, section 11. *Merritt v. Disney*, 48 Md. 350.

For a similar section applicable to deeds, see art. 21, sec. 11.

As to devises, etc., bordering on streets or highways, see art. 21, sec. 96.

1904, art. 93, sec. 322. 1888, art. 93, sec. 315. 1888, ch. 249.

328. No devise or bequest of real or personal property for any charitable uses shall be deemed or held to be void by reason of any uncertainty with respect to the donees thereof, provided the will or codicil making the same shall also contain directions for the formation of a corporation to take the same, and within the period of twelve calendar months from the grant of probate of such will or codicil a corporation shall be formed, in correspondence with such directions, capable and willing to receive and administer such devise or bequest.

This section does not make valid a devise in trust where the beneficiaries are uncertain and it is impossible to designate them. This section has no application where the testator does not provide in his will for the 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 the legislature, and the fact that the corporation's existence is limited to forty years, is immaterial. *Chase v. Stockett*, 72 Md. 238.

This section indicates that the legislature recognized that a gift *inter vivos* to an unincorporated association, was valid under article 23, section 415, of the code of 1904—see notes to article 23, section 88 (of the Annotated 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. 339, *et seq.*

As to the enforcement of a compliance by educational and other institutions with the terms of a gift, see art. 16, sec. 111.

1906, ch. 59.

329. 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.

1904, art. 93, sec. 323. 1888, art. 93, sec. 316. 1888, ch. 249.

330. 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.