

A deed to Samuel Corkran *et al*, trustees, and their successors, of a lot of land in trust for a place of worship not sanctioned by the legislature, as required by this article, held void. Title good by adverse possession. *Mills v. Trustees of Zion Chapel*, 119 Md. 513; *Trustees of Zion Church v. Hilken*, 84 Md. 171; *Gump v. Sibley*, 79 Md. 169; *Dickerson v. Kirk*, 105 Md. 639; *Regents of University of Maryland v. Trustees of Calvary Church*, 104 Md. 640.

Where a deed of land in trust for a religious sect does not express that it is "for a church, meeting-house or other house of worship and for a burying ground" and does not declare that the land "shall be improved, enjoyed or used only for such purposes" and no assent of the legislature thereto has been given, it is void under this article. *Grove v. Trustees of the Disciples*, 33 Md. 454; *Regents of University of Maryland v. Trustees of Calvary Church*, 104 Md. 638. *Cf. Gump v. Sibley*, 79 Md. 169.

This article referred to as showing that the constitution recognizes the distinction between a "gift," a "sale" and a "devise." The sanction of the legislature to a gift does not embrace a power to take by will. *Brown v. Thompkins*, 49 Md. 431. And see *Snowden v. Crown Cork Co.*, 114 Md. 662.

A legacy intended for the benefit of Saint Ignatius Church, Baltimore, and not for educational purposes, held to require the sanction of the legislature under this article. *Gardner v. McNeal*, 117 Md. 33.

Certain devises and bequests held to require the sanction of the legislature under this article. *Halsey v. The Convention, etc.*, 75 Md. 283.

As to religious corporations, see article 23, section 339, *et seq.* of the Annotated Code.

Art. 39. That the manner of administering the oath or affirmation to any person ought to be such as those of the religious persuasion, profession, or denomination, of which he is a member, generally esteem the most effectual confirmation by the attestation of the Divine Being.

Art. 40. That the liberty of the press ought to be inviolably preserved; that every citizen of the State ought to be allowed to speak, write and publish his sentiments on all subjects, being responsible for the abuse of that privilege.

The liberty of the press guaranteed by this article is a right belonging to everyone to publish whatever he pleases without the interference of the government, he being alone responsible for the abuse of the privilege. The proprietor of a newspaper is not exempt from liability for libel. Distinction between fair and legitimate discussion of the conduct of a public man and the imputation of corrupt motives. Action of libel; malice. *Negley v. Farrow*, 60 Md. 176.

This article referred to in discussing the jurisdiction of the chancellor over infants. *Corrie's case*, 2 Bl. 503.

See article 35, section 2, of the Annotated Code.

Art. 41. That monopolies are odious, contrary to the spirit of a free government and the principles of commerce, and ought not to be suffered.

To constitute a monopoly there must be a grant by the state to one or several of a sole right, that is, a right to the exclusion of all others. Article 27, section 122, of the code of 1904, prohibiting the sale or manufacture of oleomargarine, held valid. *Wright v. State*, 88 Md. 443.

The act of 1868, chapter 187, incorporating the Broadway, etc., Ferry Company, and authorizing it to use a certain wharf in common with others, held not to violate this article. *Broadway, etc., Ferry Co. v. Hankey*, 31 Md. 349.