

**326.**

A testator is presumed to have known that by the death of his daughter (before the testator), what he had intended as her share had gone to his three surviving children under his will, or that it would lapse or be saved from lapsing by this section; in either event the children of another deceased daughter of the testator would take what would have been their mother's share in the estate of the daughter first mentioned if she had survived the testator. *Duering v. Brill*, 127 Md. 112.

It is presumed that a testator made his will in view of this section, and that he intended in the event his wife was not living at the time of his death that his estate should go to those who were her heirs or next of kin at his death, unless a contrary intention appears; no such intent held to appear. This section applied. See notes to sections 301 and 336. *Redwood v. Howison*, 129 Md. 593.

To the first note to this section beginning on page 2149 of volume 2 of the Annotated Code, add *Redwood v. Howison*, 129 Md. 588.

**327.**

This section held to have no application to a will because it appeared from the clear language of the will that the testator intended to devise a life estate only. *Pattison v. Farley*, 130 Md. 411.

An absolute estate held to pass by a will under this section; cases distinguished. Effect of this section. *Johns Hopkins University v. Garrett*, 128 Md. 347.

To the second note to this section on page 2150 of volume 2 of the Annotated Code, add *Williams v. Armiger*, 129 Md. 230.

**328.**

A corporation held to have been formed in substantial compliance with this section and with the will. The statute of 43 Elizabeth, chapter 4, known as the "Statute of Charitable Uses," is not in force in Maryland. The law to the effect that, independent of that statute, equity could not, in the 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 under which so many devises and bequests to charitable uses had been stricken down. 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.

**330.**

To the last note to this section on page 2151 of volume 2 of the Annotated Code, add *Krieg v. McComas*, 126 Md. 382.

**332.**

To the first note to this section on page 2152 of volume 2 of the Annotated Code, add *Duering v. Brill*, 127 Md. 109.

**332A.**

This section referred to in construing a deed under the Rule in *Shelley's Case* and the Statute of Uses. Exception to sale sustained. *Williams v. Armiger*, 129 Md. 226.

**336.**

A devise or bequest of all the testator's real or personal property passes all of his property which he could dispose of by will at the time of his death. *Redwood v. Howison*, 129 Md. 590.