

This section held not to apply because it did appear that testator intended to devise a less estate, etc. *Fairfax v. Brown*, 60 Md. 55; *Stonebreaker v. Zollickoffer*, 52 Md. 170; *Hammond v. Hammond*, 8 G. & J. 442; *Boyle v. Parker*, 3 Md. Ch. 46.

This section does not apply where devise is not of lands or real estate but of their rents and profits, and where it appears that testator intended a less estate. *Boyle v. Parker*, 3 Md. Ch. 44.

Prior to adoption of this section law was to contrary, and this section has no retroactive effect. *Preston v. Evans*, 56 Md. 487; *Moody v. Elliott*, 1 Md. Ch. 293; *Pue v. Pue*, 1 Md. Ch. 387.

This section applied. *Whitley v. Jump*, 94 Md. 189; *Henderson v. Henderson*, 64 Md. 192.

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

#### Generally.

This section apparently grew out of the opinion in *Beall v. Holmes*, 6 H. & J. 208. This section reverses rule that a life estate passed by a general devise without words of limitation. Burden of proof. *Backus v. Presbyterian Assn.*, 77 Md. 59. And see *Shreve v. Shreve*, 43 Md. 402; *Hammond v. Hammond*, 8 G. & J. 441.

Subsequent qualifying language in a will held to modify previous language so as to cut down a son's fee simple estate to a life interest. The gift which is posterior in local position usually prevails, the subsequent words denoting a subsequent intention. When word "desire" in a will is mandatory. *Grieves v. Grieves*, 132 Md. 305.

This section referred to in deciding that use of words "their heirs, executors and assigns" in a will was not controlling. *Bradford v. Mackenzie*, 131 Md. 334.

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.

A devise held to create a life estate only in view of limitations over, and the direction that 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; *Williams v. Armiger*, 129 Md. 230.

This section referred to in deciding that a son of the testator took an estate tail, which, under art. 46, sec. 1 (An. Code, 1912), was converted into a fee simple estate. *Benson v. Linthicum*, 75 Md. 144.

This section referred to in connection with art. 46, sec. 1 (An. Code, 1912), in passing on right of husband to a life estate under art. 45. *Mason v. Johnson*, 47 Md. 356.

This section referred to in construing art. 21, sec. 11. *Merritt v. Dismey*, 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. 98.

See notes to sec. 341.

An. Code, sec. 328. 1904, sec. 322. 1888, sec. 315. 1888, ch. 249. 1924, ch. 335.

**337.** 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, if the devise or bequest is immediate and not subject to a life estate or at any time between the date of probate of the will or codicil and the end of the twelve months next following the expiration of the life estate or life estates, if the devise or bequest is to take effect in possession after the expiration of a life estate or life estates, a corporation shall be formed in correspondence with such directions, capable and willing to receive and administer such devise or bequest.

A corporation held to have been formed in substantial compliance with this section and with will. The statute of 43 Elizabeth, ch. 4, known as "Statute of Charita-