

British statutes of *mortmain*; purpose thereof. *Vansant v. Roberts*, 3 Md. 127; *Brown v. Thompkins*, 49 Md. 431; *Church Extension, etc., v. Smith*, 56 Md. 389.

A bequest to the President and Council of Mt. St. Mary's College held not to come within this article. What is a religious institution. *Mt. St. Mary's College v. Williams*, 132 Md. 189.

This article held not to apply to a devise and bequest to the convention of the Protestant Episcopal Church, etc., for the establishment of a memorial in a diocesan school. *Mather v. Knight*, 143 Md. 621.

A bequest "to my highly esteemed friend and pastor, the Reverend L. M. Gardner," held not to come within this article, since it was to Mr. Gardner in his personal and individual character for his own use. *Church Extension, etc., v. Smith*, 56 Md. 390.

Georgetown College, St. Vincent's, and St. Joseph's Orphan Asylum of Washington, D. C., held not to be sectarian institutions or within this article. *Speer v. Colbert*, 200 U. S. 143.

This article held to have no application to a deed made in 1773 (before its adoption). *Kelso v. Stiger*, 75 Md. 401.

Legislative sanction.

The fact that a corporation's charter gives it power to take and hold property to a specified amount, is not a legislative sanction under this article; the sanction must be expressly given to each particular devise or bequest. The fact that the bequest is made in the present tense, does not militate against the power of the legislature to subsequently sanction such bequest. *Church Extension, etc., v. Smith*, 56 Md. 391.

Whilst the sanction of the legislature must be expressly given to each particular devise or bequest, when title has been acquired by deed, a general sanction without particularizing the grant, is all that is required. A sanction to a deed held to have been given in a corporate charter. A deed held to vest a fee simple title in an orphan asylum; there is nothing in this article to the contrary. *Rogers v. Sisters of Charity*, 97 Md. 554.

A reasonable time should be allowed for obtaining legislative assent to bequests, etc., when such assent is given at the first session of the legislature after the death of the testatrix, it is in time although a final administration account has been stated in the meantime. *England v. Prince George's Parish*, 53 Md. 471.

Where A. conveys to a religious corporation and the latter conveys to another religious corporation, which last conveyance is sanctioned by the legislature, such sanction is necessarily a legislative assent to the first conveyance also. *Trustees, etc., v. Jackson Square Church*, 84 Md. 178.

The power given the legislature to sanction a gift, etc., wherever or however exercised, was simply the power to remove the disability imposed by this article; the legislature has no power to remove such disability and at same time to declare that an unincorporated body or association should, when incorporated, be capable of taking, etc. *State v. Warren*, 28 Md. 354.

Generally.

In giving the leave provided for by this article, the legislature may impose conditions and limitations both as to the extent and quantity of the estate and as to the uses to which it shall be devoted; power of a subsequent legislature over such conditions and limitations. The act of 1845, ch. 384, though not in terms referring to a deed in 1841, held to be a sufficient sanction thereof. There are two classes of sales or grants to which this article applies; first, sales to any religious sect when the quantity of land does not exceed two acres which is intended for a church, etc., or burying ground; and, secondly, sales where the quantity of land conveyed is more than two acres and the land is intended for both purposes or for any other purpose; no leave of the legislature is necessary to validate grants of the first class; *contra* as to grants of the second class. Contemporaneous construction of the Constitution. *Catholic Cathedral v. Manning*, 72 Md. 121. And see *Rogers v. Sisters of Charity*, 97 Md. 554.

It cannot be inferred from the amount of consideration paid that the grantor intended to convey an estate which the grantees were prohibited by this article from taking. This article referred to in deciding that property must be held and used in strict conformity with the deed, or it will revert to the heirs of the grantor. *Reed v. Stouffer*, 56 Md. 254. And see *Second Universalist Society v. Dugan*, 65 Md. 470.