

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. 12. *Merritt v. Disney*, 48 Md. 350.

For a similar section applicable to deeds, see art. 21, sec. 12.

As to devises, etc., bordering on streets or highways, see art. 21, sec. 114.

See notes to sec. 347.

An. Code, 1924, sec. 337. 1912, sec. 328. 1904, sec. 322. 1888, sec. 315. 1888, ch. 249. 1924, ch. 335.

343. 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.

Cited in construing Art. 16, Sec. 279. *Rabinowitz v. Wollman*, 174 Md. 9.

Will providing for formation of corporation, after expiration of life estates, for "home for unfortunate girls" held sufficient under this section. *Second Nat. Bank v. Bank*, 171 Md. 547.

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 Charitable Uses," is not in force in Maryland. The law to the effect that, independent of that statute, equity could not, in 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. 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.

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

This section indicates that legislature recognized that a gift *inter vivos* to an unincorporated association was valid under art. 23, sec. 415 of the Code of 1904—see notes to art. 23, sec. 111 (of this 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. 275, *et seq.*

As to the enforcement of a compliance by educational and other institutions with the terms of a gift, see art. 16, sec. 119.

An. Code, 1924, sec. 338. 1912, sec. 329. 1906, ch. 59.

344. 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.