

An ordinance of the City of Baltimore of 1827, in so far as it prohibits the playing of baseball on Sunday in said city, held not to violate this article. *Hiller v. State*, 124 Md. 388.

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

Art. 27, sec. 560 (prohibiting work on Sunday), held not to violate this article. *Judefind v. State*, 78 Md. 511.

This article referred to in discussing meaning of term "citizen"—see notes to Code, art. 25, sec. 144. *Fitzwater v. Hydro-Elec. Corp.*, 149 Md. 466.

Ch. 185, Acts of 1937, providing for transportation of children attending private or parochial schools in Baltimore County, does not violate this Article. Board of Education *v. Wheat*, 174 Md. 323.

Cited in dissenting opinion in Board of Education *v. Wheat*, 174 Md. 339.

Art. 37. That no religious test ought ever to be required as a qualification for any office of profit or trust in this State, other than a declaration of belief in the existence of God; nor shall the Legislature prescribe any other oath of office than the oath prescribed by this Constitution.

History of this article. See notes to art. 1, sec. 6. *Davidson v. Brice*, 91 Md. 688. See art. 70 and notes to art. 36 of the An. Code.

Art. 38. That every gift, sale or devise of land to any Minister, Public Teacher or Preacher of the Gospel, as such, or to any Religious Sect, Order or Denomination, or to, or for the support, use or benefit of, or in trust for, any Minister, Public Teacher, or Preacher of the Gospel, as such, or any Religious Sect, Order or Denomination; and every gift or sale of goods, or chattels, to go in succession, or to take place after the death of the Seller or Donor, to or for such support, use or benefit; and also every devise of goods or chattels to or for the support, use or benefit of any Minister, Public Teacher or Preacher of the Gospel, as such, or any Religious Sect, Order or Denomination, without the prior or subsequent sanction of the Legislature, shall be void; except always, any sale, gift, lease or devise of any quantity of land, not exceeding five acres, for a church, meeting-house, or other house of worship, or parsonage, or for a burying-ground, which shall be improved, enjoyed or used only for such purpose; or such sale, gift, lease or devise shall be void.

Article not applicable.

This article has no application to personal property passing to foreign corporations or individuals living abroad; it is no concern of our state whether personal property accumulates in the hands of foreign corporations. This article is analogous to the 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