

REVUE CRITIQUE

DE

Législation et de Jurisprudence.

THE "FRASER INSTITUTE" CASE.

The importance of this case induces the Editors of *La Revue Critique* to publish the arguments of Counsel before the Court of Appeals, September term.

An action was brought by John Fraser and others, Appellants, as heirs-at-law and representatives of the late Hugh Fraser, their brother and uncle, demanding the nullity of a certain devise and bequest contained in his last will and testament, executed before J. C. Griffin and colleague, notaries, at Montreal, on the 23rd April, 1870.

The declaration set forth that by this will the said Hugh Fraser, after several bequests therein enumerated, did appoint the Honorable John J. C. Abbott and John Cowan, two of the Respondents, his executors for the purpose of carrying out the provisions of his will, and did divest himself in their hands of his moveable estate and effects to the end that they might pay the legacies, and immediately after to transfer the balance of the moveable property to a certain fund vested by the will in the fiduciary legatees and trustees in the terms following, to wit:

17th. "I nominate and appoint the said Honorable John J. C. Abbott and John Cowan my executors for the purpose of carrying out the provisions of this my will, and I divest myself in their hands of my moveable estate and effects to the end that they may pay the foregoing legacies, raising the necessary funds therefor in the most convenient manner without any unnecessary sacrifice, and immediately thereafter to transfer