" Persons benefitted by a will need not be in existence at " the time of such wills, nor be absolutely described or identi- " fied therein. It is sufficient that at the time of the death of " the Testator they be in existence or that they be then con- " ceived, and subsequently born *viable*, and be clearly known to " be the persons intended by the Testator."

ARTICLE 864.

" The property of a deceased person which is not disposed " of by will, or concerning which the dispositions of his will are " wholly without effect, remains in his ab-intestate succession " and passes to his lawful heirs."

ARTICLE 869.

" A Testator may name legatees who shall be merely fidu- " ciary or simple Trustees for charitable or other lawful pur- " poses within the limits permitted by law, he may also deliver " over his property for the same object to his Testamentary " Executors or effect such purposes by means of charges imposed upon his heirs or legatees."

CONSIDERING.

6th. That the said Provincial Statute of the forty-first year of His late Majesty King George the Third was enacted for the triple purpose of explaining extending, and modifying the Imperial Act above cited, which must be construed in connection therewith, and that in and by its last proviso, it excepted from the otherwise unlimited power of bequest, all devises and bequests by will and Testament, in favor if any corporation or persons in *mortmain* unless the said corporation or persons were by law entitled to accept thereof.

That the Legislature of Canada, by the Articles of the Civil Code of Lower-Canada, above quoted (which are merely declaratory of the pre-existing laws, in so far at least as the said Edict or Ordinance of the twenty-fifth day of November, one thousand seven hundred and forty-three, the said Imperial Act 14th George III, and the said Provincial Statute 41st George III