

involuntary and void, annuls the legacy; provided his intention to the contrary is not expressed. This is in conformity with the rule of the French Code, which is more simple, and more in accordance with the correct inference from the circumstances, than the rule of the old law, under which forced sales, expropriations for public purposes, and sales urged by pressing necessity formed an exception, and did not annul the legacy. Article **899** declares that heirs cannot be disinherited without all the formalities required for a will. Under the old law the act of exheredation needed only the ordinary notarial form. Under our present system these acts have become useless, inasmuch as a will disposing of the property to other persons than the one in view effectually excludes him from the succession; disinheritanes have therefore been brought under the same rules as other testamentary dispositions. Articles **905** and **924** supply a deficiency in the old law, by reason of which wills, in many instances, could not be executed, as no one but the testator could name testamentary executors. Under these articles the testator may not only name executors, but may provide for the manner in which they shall be appointed or successively replaced, and the courts and judges may appoint them whenever the testator has expressed his intentions to that effect, or whenever an executorship, which the testator intended to continue, has become vacant, and the will makes no provision under which the vacancy can be filled. Article **911** also supplies a deficiency by affording to testamentary executors a means of being relieved from the executorship for sufficient cause. Article **913** facilitates the execution of wills by providing that in the absence of one or more joint executors from the place, the others may do alone all acts of a conservatory nature, or requiring dispatch. The old law only allowed this to be done when the absence was out of Lower Canada. Article **917** furnishes a remedy which it was doubtful whether the old law afforded. It provides for the removal of testamentary executors who do not or cannot act, or who act improperly. Article **930** declares that substitutions made by other gifts than contracts of marriage may be revoked, so long as they have not opened, unless the substitute has accepted. Formerly, the acceptance required to be more formal than that of gifts in general; but the Code establishes a uniform rule, and any acceptance which would suffice for a gift will be sufficient to pre-