

CAP. II.—OF WILLS AND TESTAMENTS.

1. Every person of sound intellect and of age, having the legal exercise of his or her rights, may devise or bequeath by last will and testament, whether the same be made by a husband or wife, in favor of each other, or in favor of one or more of their children, as the testator sees meet, or in favor of any other person or persons whatsoever, all and every their lands, goods or credits, whatever be the tenure of such lands, and whether they be *propres*, *acquets* or *conquets*, without reserve, restriction or limitation whatsoever; Provided always, that a husband or wife making such last will and testament, shall not devise or bequeath more than his or her part or share of their community, or other property and estate which he or she may hold, or thereby prejudice the rights of the survivor, or the customary or settled dower of the children: Provided also, that the said right of devising, as above specified and declared, shall not extend to a devise by will and testament, in favor of any corporation or other persons in mortmain, unless the said corporation or persons be, by law, entitled to accept thereof. (41 G. 3, c. 4, s. 1.)

2. The method followed at the time of the passing of the Act, 41 G. 3, c. 4, of proving last wills and testaments, made and executed according to the forms prescribed by the laws of England, before one or more of the judges of the courts of civil jurisdiction in Lower Canada, shall have the same effect, as if made and taken before a Court of Probate. (41 G. 3, c. 4, s. 2.)