

even if the said Edict or Declaration of 1743, had never been promulgated, the bequest in question would have been equally illegal, null and void :

CONSIDERING.

(In view of the pretention that the said intended Trustees or fiduciary legatees were entitled to act as mandataries of the Testator for the purpose of vesting the property in the said "Fraser Institute" when incorporated).

14thly That no mandate can be created to take effect after the death of the Mandator :

That the mandate expires with the mandator, except in so far as the mandatory is obliged after the extinction of his mandate by the death of the Mandator to complete business which is urgent and cannot be delayed without risk of loss or injury.

15thly. *Considering* for all these reasons, that in the judgment appealed from there is error.

This Court doth reverse, set aside and annul the same ; and proceeding to pronounce the judgment which the Court below should have rendered ;

This Court doth dismiss the exceptions and pleas of the Defendants, and maintaining the action of the Plaintiffs, (except in so far as by the conclusions thereof, compensation in money is demanded, in the event of the executors failing to render to the Plaintiff's an account of the Estate of the said late Hugh Fraser, the value whereof has neither been proved by the Plaintiff's, nor admitted by the Defendants), doth declare that all that part of the said will of the said Hugh Fraser, wherein the said Testator orders this said Executors to transfer over the balance of his moveable Estate after payment of the legacies therein mentioned, to the trustees and fiduciary legatees therein named, with the intent of devising and bequeathing the rest and residue of his Estate real and personal, moveable and immoveable to the said Honorable John J. C. Abbott, and Frederick Torrance, to establish at Montreal an Institution "*fondation,*" to be composed of a free public Library, Museum and Gallery, under the name