

“expenses of the management thereof, shall be forthwith conveyed over to the corporation to be thereby formed, to be called the “Fraser Institute” for the purposes herein declared.

“In order to prevent any difficulty arising in the conduct of the business of the trust hereby created, it is my will and desire that Mr. Abbott, as the senior Trustee, shall have a second or decisive voice in the event of any difference of opinion between him and his co-trustee, and in the event of a vacancy occurring in the said trust from any cause whatever whereby the number of Trustees is reduced from time to time to one, it shall be the duty of the other, and he is hereby authorized to name a Trustee to fill the vacancy so occurring by a notarial instrument to that effect, and thereafter the senior Trustee shall always have a second or decisive casting vote in any case of difference of opinion.

“And I hereby confer upon my executors hereinbefore named, full power to settle and adjust all matters connected with my moveable property, and upon my Trustees hereinbefore named, power to sell and realize such of my estate and effects as they shall deem expedient to acquire property wherein to construct suitable buildings, and to construct such buildings, and to proceed in all respects with all diligence in the carrying out of my desires hereinbefore expressed up to such time as the property and estate hereby devised to them shall be conveyed over to the “Fraser Institute.”

“I desire that the term of office of my executors be continued beyond the term limited by law, and until the duties hereby imposed upon them in the payment of special legacies be completed, and it is my will that my executors and Trustees shall be responsible each for his own default only; and lastly I hereby revoke and make void all former wills and codicils by me heretofore made and I do declare this to be my last will and testament.”

The declaration, after alleging the death without issue of the said Hugh Fraser, the births of the Plaintiffs, their relationship to the deceased, the possession of the estate by the Respondents, stated that the dispositions of the will above set forth were null and void, they being illegal and made in contravention of the formal disposition of the law, the sole intent and object of such bequest and devise being the establishment of a corporation or the creation of a body to which and in the interest whereof the