which Relates to the Instruction of the Legatee either for a trade or some profession, or for his learning at School. For these wants are of another Nature; and are not so necessary as food Clothing and Lodging l. B. l. 2. tit. 1. §. 1. D. de Alim. Bib. Leg. If a Testator had bequeathed Alimony or a Maintenance indefinitely, without specifying any thing, and if he had been wont to Maintain the person to whom he had left this Legacy, it would be Regulated on the same foot: if not, it would be fixed either at a certain Sum of Money Yearly, or a certain quantity of Necessaries to be paid in Specie, and in proportion to the quality of the Legatee, the quality of the Testator and of his estate, the Confideration which the Testator might have had for the person of this Legatee, either out of Affection to him, or because of some duty or other tie, and according to the other Circumstances which might help us to judge of the Intention of the Testator l. 22. D. de Alim. Vel Cib. Leg. A Legacy of Alimony is due, altho the Legatary has ben Maintained some other way and even Gratis: The Executor is never the less Accountable for the Arrears to the Legatee, to whom the Executors Cessation of payment for several Years, would be of no Manner of Prejudice to him either for the time past, or for the time to come. For altho the Motive of the Testator was barely, that the Legatee should be Maintained, and that he has had his Maintenance, Yet this was a Charge that the Testator Imposed on his Executor. Now on his part it would be Unjust, that he should reap the Benefit of it, as it is just on the part of the Legatary, that he should have the Advantage both of the Bounty of the Testator, and of the Liberality of other persons who had Nourished and Maintained him, or of his own Industry, if he had lived by that l. 12. §. 1. l. 18. §. 1. D. de Alim. vel Cib. Leg. Annual Legacies Accrue to the Legatary when the Year begins: And altho he dies as soon as the Year is begun Yet the Legacy of that whole Year is Due l. 12. §. 1. 8. Quiano. dies Leg. C. Co. l. 1. C. Co. l. 5. D. de Annuis Leg. Legacies to pious uses are those Legacies which are Destined to some Work of Charity and Piety l. 28. pr. C. de Epis. & Cler. And which have their Motives Independent of the Consideration which the Merit of the Legatee might procure them. Whereas other Legacies have their Motives Confined to the Consideration of some particular person, or are Destined to

to some other use, than to a work of Piety or Charity. If a Legacy to pious uses, was not Destined to any particular use, as if a Testator had left a Legacy in General to the Church or to the poor; the Legacy to the Church would be for the Parish Church of the place where the Testator Lives: and the Legacy to the poor would be for the Hospital of that place if there were any: if there were no Hospital, the Legacy would go to the poor of that parish, Novel. 131. Cap. 9. If a Pious Legacy were Destined to some use, which could not have its effect, as if a Testator had left a Legacy for building a Church for a parish or an Appartment in an Hospital and it happened either that before the death of the Testator the Church or the said Appartment had been built out of some other Fund, or that it was no ways necessary or usefull, the Legacy would not for all that remain without any use; but it would be laid out on other Works of Piety for that parish or for that Hospital, According to the Directions that should be given in this Matter by the persons to whom this function should belong arg. l. 16. D. de usu & usu fruct. Leg. A Legacy left for some publick Unlawful use, will be Converted to a publick Lawful use l. 16. D. de usu & usu fruct. Leg. Groenweg. de Legib. Abrog. in l. 15. C. de SS. Eccles. Carpzov. part. 3. Constit. 13. Def. 27. Legacies in favour of Cloysters and other Popish Societies are Null as to them, and Accrue to the next Protestant Relation of the Granter at the time these were Destined to be Effectual Act 3. Sess. 9. Par. K. W. If an Executor is burdened with the payment of a Legacy, for some publick Work, as the building of a Bridge, and he Defray the Expence of the Work with less sum than the Testator Destined for it; the overplus is not to go to his own Pocket; but will be ordained to be employed on such another publick work 18 June 1697. Commissioners of Berwick shire contra Erasr. Les Loix Civiles &c. Tom. 1. part 2. Liv. 3. Tit. 1. Sect. 6. Art. 13. But if the Testator had not Regulated the sum for Defraying the Charges of the Building, Nor Specified the Manner of it, the same would be Regulated According to the Estate and quality of the Testator, and the use for which the building was Designed, Les Loix Civiles &c. ibid.

We must yet again Distinguish two other sorts of Legacies: Those which are pure and simple, that is to say whose Validity Depends not on any Condition, and those which are Conditional and which have not