

REVUE

DE

LEGISLATION et de JURISPRUDENCE.

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IN APPEAL, }
LOWER CANADA, } QUEBEC, MARCH TERM, 1845.

George Hamilton and others (Plaintiffs *par reprise d'instance* in the court below,) in a suit wherein the late Napier Christie Burton, Esquire, was Plaintiff,

Appellants ;

and

William Plenderleath, Esquire, (defendant in the court below.)

Respondent.

A devise made to a *bâtard adultérin* not competent by the French law, when the will was made or when the devisor died, to accept such bequest, is good and valid, if it be a conditional one as a substitution, and if at the period when the entail took effect, *à l'ouverture de la substitution*, the disqualification of the devisee had been removed.—(41. Geo. III, c. 4.)

The executors of a testator have no quality to make a *reprise d'instance*, if such *instance* relates to real property.