

Gabriel Christie was, as such, entitled by law to one half of the property held en Fief, and to one third of the property held *en roture*, intended to be affected by the legacy in dispute, and had a right to have that legacy declared illegal.

It cannot be denied that by the Law of France as in force in Canada, previously to the passing of the act of Parliament of Great Britain, 14. Geo. III., ch. 83; there did exist a relative disability, as well on the part of the Father to devise, as on the part of his adulterous issue to receive, or accept under such last will and testament anything beyond a moderate alimentary allowance. The law upon that subject is clear and positive. "Les Bâtards incestueux ou adultérins ne peuvent pareillement recevoir de leur père ou mère d'autres legs que des legs d'alimens," Pothr. des Donations Testamentaires, ch. iii., p. 341. "A l'égard des Bâtards ordinaires, ils sont capables de legs particuliers, quoique considérables et en propriété, mais ils sont incapables de dispositions *universelles*," Poth. Donations entre vifs, p. 438.

"Les Bâtards adultérins et incestueux étaient par le droit Romain incapables de toutes Donations et Legs, même d'alimens. Par notre droit ils sont capables de donations et legs d'alimens, mais incapables de toute autre donation. A l'égard des autres Bâtards, ils sont incapables seulement de Donations universelles, mais ils sont capables des Donations de choses particulières quoique considérables." Poth. p. 449.

But in the decision of this case we feel ourselves bound to say, that the 14 Geo. III., has in effect removed all difficulty in the case as far as the powers of the Devisor are concerned, and with respect to the Devisee, the present Respondent, notwithstanding that the 41 Geo. III., ch. 4, has been held to be a *new and direct* law, removing for the future *only*, all legal disabilities in the persons of Devisees, yet upon investigation it will be found, that, altho' this latter Statute was passed subsequent to the making of the will, and subsequent to the demise of the Testator, Gabriel Christie, it has a most essential bearing on this case.