

SUCCESSION—*Continued.*

and an action for partition brought when all the grandchildren born in the testator's lifetime were of age, but before the majority of some of the after-born grandchildren, was premature. *Muir v. Muir*, 220.

— *Payment of debts—Liability of universal legatees—Arts. 735, 736, 738, C. C.* Universal legatees may be sued for a debt of the succession though executors were appointed by the will of the deceased, and have accepted office and entered into possession of the estate. The universal legatees have a right to call upon the testamentary executors to pay the debt in their behalf, but they are not entitled to a suspension of the proceedings against them to permit them to exercise their recourse against the testamentary executors. *Bourassa v. Bourassa*, 1.

SUMMARY MATTERS. *See* PROCEDURE, 143, 206.

SUMMONS. *See* PROCEDURE, 153.

SURETYSHIP.

Obligation with a term—Insolvency of principal debtor—Arts. 1033, 1034, C. C. A surety whose obligation is limited to the capital of the debt, is entitled to the benefit of the term stipulated for payment, notwithstanding the insolvency of the principal debtor. *McCulloch v. Barclay*, 414.

TREE.

Removal of. *See* MONTREAL, 382.

TUTOR.

To Indian minor. *See* INDIANS, 304.

UNION OF CAUSES. *See* PROCEDURE, 272.

UNIVERSAL LEGATEES. *See* SUCCESSION, 1.

VENDOR AND PURCHASER. *See* SALE.

WARRANTY. *See* MONTREAL, 267.

WIFE. *See* HUSBAND AND WIFE.

WILL.

Unlawful condition—Arts. 760, 831, C. C. A condition of a will, by which the plaintiff was to have a share in the revenue of the testator's estate, in the event of her becoming a widow "or of her obtaining a separation of bed and board from her husband, so that he can have no control over her property," though not an impossible condition, is one contrary to good morals within the meaning of Art. 760, C. C., and the plaintiff was entitled to the share as though the condition were not written. *Webster v. Kelly*, 25.

— *See* SUBSTITUTION, 207; SUCCESSION, 229.