

*hypothèque* on the separate estate of his mother, created by the settlement of 1817, but whether he has any claim in respect of the legacy of 2,000 given to him by the Will of Mrs. *Brown*, upon the estate of his father in the hands of the Sheriff for distribution. The estate of *John Brown*, which has been sold, and against which the Respondent claims, is not proved to have been any part of the estate of his wife, nor to have been purchased with her separate property. The question therefore of *hypothèque* does not arise, but the claim is simply that of legatee, whose legacy is not charged, (at least by the Will, which is sufficient for the present purpose,) claiming to be paid out of the real estate of his father, to whom he is heir. It appears clear to their Lordships that the judgment of the Court of King's Bench at *Montreal* was right, and ought not to have been reversed, and that the Respondent is not entitled to claim priority of the judgment creditors against his father's estate: they think moreover that in reversing the judgment of the Provincial Court of Appeal, they ought to give the Appellant the costs of the proceedings in the Court below as well as here.

