

said Napier Christie Burton, and the heirs male of his body lawfully begotten or to be begotten, and for default of such issue to the use of the heirs male of the body of him the said Gabriel Christie lawfully begotten or to be begotten, and for default of such issue, to the use of his natural son James Christie, and the heirs male of his body lawfully begotten, and for default of such issue, to the use of his natural son Gabriel Plenderleath and the heirs male of his body lawfully begotten, and for default of such issue to the use of his natural son George Plenderleath and the heirs male of his body lawfully begotten; and for default of such issue, to the use of his natural son William Plenderleath, (the defendant,) and the heirs male of his body lawfully begotten; and for default of such issue, to the use of the Testator's brother, William Christie, and his heirs for ever.

The declaration further avers that at the period of the institution of the suit, not only the testator's brother, William Christie, but also his natural sons, James Christie, Gabriel Plenderleath, and George Plenderleath had all departed this life.

It then avers that inasmuch as there is no male issue of the lawful marriage of the said Plaintiff, nor any other male issue lawfully begotten of the body of him the said late Gabriel Christie, save and except the said Plaintiff, and inasmuch as the said James Christie, Gabriel and George Plenderleath had departed this life without lawful issue, he the Defendant in virtue of the said will and Testament, would, if the said will were in that respect good and valid (which the Plaintiff did not admit, but wholly denied,) be entitled to claim, demand and obtain the rest and residue of the property of the said late Gabriel Christie, situate in *Lower Canada*.

It is then averred that the said William Christie, Brother of the Testator, departed this life before the 20th January 1799, without issue, and that by reason of all which premises an action had accrued to the Plaintiff to have the said will, *in as far as the same regards the property of the said Gabriel Christie* in Lower Canada, declared null and invalid, and the Plaintiff