of Quebec in 1789, the date of the will and bequest in favour of the testator's natural son, William Plenderleath, and has not been repealed.....

Both statutes being general in their terms for devisors and devisees, they can be controlled by no limitations or exceptions, unless specially declared.....

It seems evident, therefore, that the alleged incapacity of William Plenderleath Christie, if it existed, had been removed by the effect of the general capacitating law existing in the Province long anterior to 1835, the time of the opening of the substitution for his benefit, and enabled him to receive the bequest as any person whatsoever, and this is established by an undisturbed legislative and judicial concurrence, which may be resumed as follows :

First : Legislatively, by the statutory enactments of 1774 and 1801, condensed and combined in the 2nd section of chapter 34 of the Consolidated Statutes of Lower Canada of 1860, afterwards continued and adopted *in ipsissimis verbis* into the Civil Code, enacted and promulgated in 1866, and still in force, the whole without limitation or restriction upon the devisor to give or the devisee to receive.

Secondly : Judicially, by the judgment of the provincial Court of Appeal, in DUROCHER *vs* BEAUBIEN, in 1826, composed of five judges, and confirmed by the judgment of the Privy Council in 1828, which has not since been disturbed ; again, by the judgment in HAMILTON *vs* CHRISTIE, in the King's Bench of 1839, composed of three judges and supported on the merits by the unanimous opinion of the Provincial Court of Appeals, in 1845, composed of four judges ; then by the opinion of the three judicial Codifiers, as expressed in their Report upon Wills in January 1864, referred to above ; then again in this cause, by the considered judgment of the Court below, composed of one judge, from whose judgment this appeal to this Court has been taken ; and, finally, by this Court, composed of five judges, four of whom are in concurrence, and the fifth, Mr. Justice Monk, dissented mainly upon the non-retroactivity of the Act of 1801, which, he admitted, removed disqualifications in devisees from that time.

It would be difficult to present a more uniform and consistent legislative and judicial concurrence of interpretation in favour of