

“The Court, &c., &c., considering that there never was or could be a community of property between the father and the mother of the parties in this cause, they having married in England, the place of their domicile, and no contract of marriage having been previously entered into, and that the transferring of their domicile to Lower Canada, where they died, could not have the effect of establishing such a community of property between them contrary to their presumed intention at the time of their marriage; and that the plea of the defendant in bar of the plaintiff’s action is therefore unfounded in law. It is considered and adjudged that the said plaintiffs in their said capacities of universal legatees of the late Richard Rogers, their father, are the sole, true and legal proprietors of equal portions in all the property left by the said Richard Rogers at his death, and amongst others of the said real property mentioned and described as follows, &c., and also of the moveable property mentioned in the said declaration, consisting, &c., and the Court doth condemn the said defendant to restore to the said plaintiffs without delay, the possession and enjoyment of the said immoveable property, and the rents, issues and profits thereof, to be valued by *experts*, named by the parties in this cause before a judge of this Court in vacation. And it is further ordered that the defendant do, within one month from the signification of the present judgment, make and render to the said plaintiffs a true and just account under oath according to law, of the moveable property and succession of the said late Richard Rogers, &c., &c. Defendant condemned to pay costs.”

For the plaintiff’s.—Messrs. Lafontaine and Berthelot.

For the defendant.—Messrs. Johnson and Burroughs.

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