

sement has no longer any effect, and the collateral heirs of the *conjunct*, in whose favor it was stipulated, can claim no rights in such immoveables. (1)

Arrears of rents of immoveables are moveables and form part the community.

The products of quarries and mines opened before the marriage, are regarded as the revenues of the property and fall into the community; but they are excluded from the community if the mines and quarries have been opened during the marriage. (2)

Moveables substituted during the community for some property, exclusively belonging to either conjunct, do not form part of the community. Thus the price of an estate, the exclusive property of one of the conjuncts, sold during the community, although it remains a moveable of that conjunct, is, as regards the community, immovable and excluded from it. (3) A sum of money, which, upon the division of a succession consisting only of immovable property, may be due to one of the conjuncts *pour retour* to make his share equal to the share of his co-heirs, is an immovable, because it is substituted for his right in that which was immovable. (4)

The husband although he be master of the community, and, as such, may dispose of it as he thinks fit, provided he do it without the fraudulent intention of diminishing or expending the share of the community to which the wife, or her heirs, will become entitled to at its dissolution, cannot make a universal donation of moveables belonging to the community. He cannot, by his will, dispose of the half share of the community to which his wife, if she survive him, or her heirs if he survive her, will be entitled to at the time of his decease; nor can he give the property of the community to the children of his former marriage, nor to a concubine; nor to his illegitimate children. He is the master of the property of the community, but can only dispose of it with due regard to its interests.

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(1) *Charlebois vs. Hedley*. L. C. R., p. 213.

(2) Pothier, "*Communauté*," No. 97. (3) *Ib.* No. 99. (4) *Ib.* No. 100.