



## CHAPTER 128

An Act concerning the contract of marriage of Stanislas Gaudreau, surgeon-dentist, and Marie-Hélène Déry

*[Assented to, the 17th of May, 1940]*

WHEREAS Stanislas Gaudreau and Marie-Hélène Preamble.

Déry, husband and wife, separate as to property, both of the city and district of Quebec, have, by their petition represented:

That a contract of marriage was entered into between them, on the 2nd of August, 1897, at Trois-Pistoles, before J. H. Michaud, notary, which contract was registered at the registration office of Quebec, on the 29th of November, 1897, under the number 99103;

That the petitioner, Stanislas Gaudreau, after having stipulated for a separation of property, gave to his wife the whole of the property that he would leave, in the event of his dying before his wife;

That clauses six, seven and eight of the said contract stipulated that:

Clause 6: "Nevertheless, if the future husband predeceased the future wife, and if at that time there were no children born of the present marriage, the future wife shall have the full enjoyment of all the property presently given, during her life, but at her death she shall restore one-half of the property comprised in clauses three, four and five of this contract to the brothers and sisters of the future husband, in equal shares, and, if all the latter were then deceased, to their children by roots, also in equal shares";

Clause 7: "In case the future wife should survive the future husband, without children, and she should

remarry, she shall thereupon divide the one-half of the property, as indicated in the preceding clause”;

Clause 8: “Finally, if the future wife should remarry, having children born of the present marriage, the one-half the property, as indicated and expressed in clause six of this deed, shall thereupon revert to these children in equal shares”;

That no child was born of their marriage;

That clauses six, seven and eight of the said contract involve, for the wife, upon the predecease of her husband, the prohibition to alienate any property left to her in usufruct;

That certain portions of the property constituting at the present time the patrimony of the petitioner, Stanislas Gaudreau, consist of immoveables, unproductive of revenue and costly as to upkeep, which the petitioner, Marie-Hélène Déry, on the predecease of her husband, shall have to part with in order to provide revenue for herself, and that she will find it impossible to do so, in view of the prohibition to alienate stipulated in clauses six, seven and eight of the said contract;

That the stipulations in clauses six, seven and eight of the said contract render illusory the advantages which the husband then intended to confer on his wife;

That the marriage contract entered into between the petitioners might, in its present form, be open to several interpretations, and give rise to litigation;

That the petitioners, signers of the said contract, request that the clauses bearing numbers six, seven and eight be struck out therefrom and cancelled;

Whereas the petitioners have prayed for the passing of an act for the above-mentioned purposes and it is expedient to grant their prayer;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Clauses of marriage contract cancelled.

**1.** The clauses bearing numbers six, seven and eight of the contract of marriage between Stanislas Gaudreau and Marie-Hélène Déry, passed before J. H. Michaud, notary, are struck out of the said contract and cancelled for all legal purposes.

Coming into force.

**2.** This act shall come into force on the day of its sanction.