



CHAPTER 180

An Act relating to the marriage contract of the Honourable
John Hall Kelly and Marie Adèle Dionne

[Assented to, the 11th of March, 1931]

WHEREAS the Honourable John Hall Kelly, Barrister Preamble.
and Legislative Councillor, of New Carlisle, has, by
his petition, represented:

That in virtue of his marriage contract dated the 9th of February, 1904, after stipulating separation as to property, he gave to his future wife, Marie Adèle Dionne, two insurance policies, one in the New York Life Insurance Company amounting to five thousand dollars and another in the Independent Order of Foresters amounting to one thousand dollars, and stipulating also that, in the event of his dying before his future wife, she would become the owner of everything that he would own at the time of his death; said marriage contract bears No. 10,922 of the minutes of notary Joseph Couture, of the city of Quebec, and was duly registered at New Carlisle, county of Bonaventure, on the 26th day of March, 1904, in register B, volume 15, page 751, under No. 552;

That after thus giving to his future wife the said sum of six thousand dollars, which immediately became her property, the said marriage contract stipulated that, if the said future wife died before the said John Hall Kelly, the ownership of the things given to her, meaning the said insurance policies, would return to the said John Hall Kelly in usufruct, and in ownership to the children born of the said marriage;

That of the said marriage only two children were born, namely, Ruth, now the wife of Guy Hudon, advocate, of the city of Quebec, and Kathleen, now thirteen years of age;

That the said Marie Adèle Dionne died in 1917;

Whereas certain doubts have arisen regarding the interpretation that might be given to the aforesaid marriage contract, as regards the property of the said John Hall Kelly other than the said insurance policies;

Whereas after seeking the advice of Notary Joseph Sirois, Professor of Law at Laval University, Quebec, and past president of the Board of Notaries of the Province of Quebec, and the advice of the Royal Trust Company, Montreal, both have advised that in order to do away with litigation after the death of the said John Hall Kelly it is desirable that this act should be passed;

Whereas the said Ruth Kelly duly authorized by her said husband, Guy Hudon, has given her consent hereto;

Whereas a family council composed of the relatives of the said Kathleen Kelly have also given it as their opinion that it is in the interest of the said minor Kathleen Kelly that the present act should be passed, which said advice was duly homologated by a judgment of the prothonotary of the Superior Court for the district of Gaspé, at New Carlisle;

Whereas it is expedient to grant the prayer contained in the said petition;

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

Ownership
of certain
insurance
policies
defined.

1. The insurance policies, described in the preamble, upon the life of John Hall Kelly, the one, in the New York Life Insurance Company for the sum of five thousand dollars, and the other, in the Independent Order of Foresters for the sum of one thousand dollars, belonging to Marie Adèle Dionne, predeceased wife of the said John Hall Kelly, are declared to belong in absolute ownership to the children, issue of their marriage.

Property
rights.

2. All the property, moveable and immoveable, which the said John Hall Kelly possesses, or which he shall possess hereafter, or at the time of his death, with the exception of the said two insurance policies, are, insofar as the said marriage contract is concerned, declared to be his absolute property, and he may, during his lifetime or at his death, dispose thereof as he deems it or shall deem it expedient.

Pending
cases not
affected.
Coming into
force.

3. This act shall not apply to pending cases.

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