The Marriage Contract of Jean Baptiste Réaume fils and Félicité Javillon dite Lafeillade
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IN PROGRESS, ROUGH DRAFT, especially the section identifying witnesses

First, some definitions: In New France, under the Custom of Paris, spouses governed by “la communauté des biens,” community property, knew their common possessions, those brought to the marriage, or purchased or acquired during their marriage, would be divided in half at the death of a spouse, one part going to the surviving spouse and the other to be divided among the heirs of the decedent, unless other provisions were established. A strict order determined who would inherit. Priority was given to children born to the marriage, male and female alike, and their descendants.1 Although property in a marriage was held in common, the law distinguished among:

“les biens propres,” personal property owned by an individual;
“les biens acquets,” real property acquired or received prior to marriage; and
“les biens immeubles,” real estate given by an ascendant even after marriage.

Common property, la communauté des biens, thus consisted of:

“les biens meubles,” furniture, clothing, tools, animals, etc., property that was moveable;
“les fruits générés par les biens propres,” for example, interest or income earned from property; and
“les immeubles,” real estate acquired after marriage or by donation (except from an ascendant, a parent or grandparent), called conquets.2

The communauté de biens did not ordinarily include the immovables called acquets (usually real estate), inherited by a wife before or during the marriage.

Three other important terms that distinguish the marriage contract in New France and that are often misunderstood are: First, the préciput or spouse's share after the death of either spouse, sometimes translated as an endowment; second, the douaire, widow's rights, established at the marriage by the husband and taken from his property to be granted to his widow if he dies first with no questions asked. Many English translations inaccurately call this a dowry and do not distinguish it from the third term, dot, (pronounced /duht/): the French word for what in English Law is called the bride’s dowry, but not subject to the same rules as English law. Under the Custom of Paris, a future bride could stipulate that some or all of her dot would remain her propres biens, hers legally to hand on to her heirs or to be returned to her family in the case of her death without children. The dot was usually a gift of the bride’s parents, sometimes real property or goods to help the couple become established.

The following translation is still in rough draft form. I choose to translate line by line during this phase. When a passage goes beyond the end of the line, I have indented it. You should also know that it was not uncommon for a notary to add details in the margin of an act, details that were most likely brought to his attention when a reading aloud was done of the text before signatures were affixed at the end. In this document, the additional details were marked by a //, within the text the first time, and the // was repeated

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1 Céline Gervais, "La Coutume de Paris dépoussiérée," Mémoires de la Société généalogique canadienne-française, Volume No. 41, #3, Automne 1990, pp. 217-30. If the marriage had no progeny, the ascendants (parents, grandparents) were next to inherit; and, lacking any of these, collateral relatives would receive the decedent’s estate in a prescribed order: first, brothers and sisters; next, uncles, aunts, nieces, and nephews; finally, cousins. The surviving spouse could rarely, and then only under complicated rules, inherit the half of the estate set aside for the decedent's family. See also my article on the Marriage Contract in New France on the FCHSM website.

in the margin and approved by the initials or the paraph (a fancy scribble that takes the place of a signature) of witnesses. For the second addition, a /// was used and recorded in the margin, followed, in this case, by a number of initials. It was also common for notaries to add an underline to close off each line in the document or to otherwise block out empty space. This was done to ward off any attempt to add to the document at a later time.

I have spelled the names as I see them in the text. Material added in square brackets is mine. Identification of the witnesses and my comments will follow. I thank Dan Sauve for sending me “Word and PDF versions of the transcription. It was transcribed by Quebec Palaeographer Guy Perron (transcriber of Prévoté de Québec, etc.),” as Dan informed me, although I have had a copy of the handwritten document from the archives for many years. I believe I can refine a few words transcribed by Guy Perron, in part because of my familiarity with the people involved. Some punctuation added.

The Text of the Contract

Before the notary [abbreviation] was present jean bapte reaume fils [the son] of deceased jean bapte Reaume interpreter for the king for the Indians [sauvages] of the pays d'en haut (the country up river from the mother colony) and dame Marieanne

Thomas [?] ___ his father and mother as one party, at this present time an adult [Majeur, 25 or older in this period]; and marianne Chavillon dite Lafeillade acting on the part of dam(selle) felicite Chavillon her daughter # [in the margin: # and with her consent, initialed jbr, mf, jg, mu, Su?, pg, as well as the paraph of the notary Dufresne. See image later in the article] as the other party; the which parties have with the agreement and counsel of their relatives and friends hereafter named, Be it known [Scavoir]: on behalf of the said Sr Jean Bte Reaume of S[ieur]s pierre St. germain [seemingly crossed out], friend; of philibert Laroque, friend, of Sr. jean gouneau dit LaCouture, of dame Marie hurtebise wife of the said Sr. jean gouneau, friends, on one part; and on the part of the said dam[selle] felicite Chavillon ## [in margin: # of dame catherine douville, wife of deceased Sr de Lachavignerie when alive oficier {???} in the marines of this country, initialed by cd, and ?? and followed by: and dame appoline blondeau, widow Ljnot {Lintot}, with initials cd vl v P ]

of Sr Matthieu Latour and Louise Leduc, his wife for the other party. / / / / / [diagonal lines to fill out this line] the which parties have voluntarily recognized and confessed having made the agreements and conventions of marriage that follow, Be it known, that the said Sr. Jean Bte Reaume has promised and promises to take the said dame[selle] felicite Chavillon as his legitimate wife ; the which dame[selle] felicite Chavillon also promised and promises to take the said Sr. Jean Bte Reaume as her legitimate future husband and to have the marriage celebrated and solemnized before a representative of [en face de l'église] and with the consent of our mother Holy Church apostolic and Roman as soon as it can be done and that they decide and agree that the future spouses will be one and common in all possessions [biens meubles (household goods, tools, animals, clothing, etc.)], unmoveable goods [acquets, usually real estate inherited before or during the marriage].
and those immovables [conquets immeubles, (usually real estate) acquired while married] during the said future marriage according to the Custom of Paris [Coutume de Paris] observed in this country to which they submit; [they] will not be held responsible for debts or mortgages [hypotheques] one nor the other, that were made and created before their espousals [;] to the contrary, if there are any [debts] they will be paid and acquitted by the one who is the debtor and from his / her possessions [Biens] without the other being held liable; the said future husband has dowered and dowers [doué et douë] the said future wife

with the customary dower [doüaire coutumier] or of the sum of five hundred livres of doüaire préfix or the customary [doüaire] at her or her children’s choice when the time comes [to choose, at the husband’s death]

without being required to ask for it legally nor to have to pay any debts owed to the said future [marital] Community, the préciput [goods or money to go to either of the surviving spouses] will be equal and reciprocal in the amount of two hundred and fifty livres to be taken by the surviving spouse from the possessions [Biens meubles] of the future Community after the appraisal of an inventory that will be taken and without an additional charge [Crüe, small payment for the evaluation] or in cash money [deniers comptant]

the future wife will be allowed to accept the said future Community or to renounce it, And in renouncing it she will be allowed to take freely and fully all that she brought to it, what she acquired and what came to her, as much through inheritance gift or otherwise, and her dower’s portion [doüaire] and préciput as above without being held liable for debts to the said future Community even if she is obliged or condemned [in law] in which case she will have her actions [legal procedures] indemnified and mortgaged by all the Biens present and to come of the future husband; and for the good affection the future spouses hold one for the other and as a token of it, they have made through these presents [this document] a pure and simple donation between living persons of all and every possession personal and real [biens meubles et immeubles] that will be found to belong to the first to die, to be enjoyed, transacted, and disposed of by the last to die as his / her personal possessions [propre biens] and of legitimate [Loyal acquets] acquisitions, provided that no child [enfant] will have been born or are about to be born to the said future marriage, in which case this donation will be null and void and as if never made; and to have this document put in full force and effect [insinuer] in the jurisdiction of Montreal or everywhere else as needed or will be needed within four months according to the ordinance, the said parties have named as their power of attorney the bearer of it to whom they give power as required to act and seek action, for in this way & promising & obligating & renouncing & made and passed au quartier St Joseph in the house of Sr Jean Gouneau dit LaCouture in the year seventeen hundred forty seven the third day of September in the afternoon and have with us, the said notaries, signed with the exception of the said future female spouse [* I read épouse, female spouse, or wife] and the said persons named above / / / / / / who have declared being unable to write or sign when asked after a reading was made according to the ordonnance

[Note: No religious ceremony record survives to indicate that the promises made herein were kept.] Signatures follow:
Ecrire ny Signer de Ce enquis apres Lecture faites Suivan
t[onformance]

Jean Baptiste Réaume. It is the presence of this signature that causes me to believe the notary altered plural spouses into singular feminine spouse, or wife. The transcription provided to me omits this signature, but Félicité, the bride, definitely did not sign whereas the groom did sign.]

[** Marie Fafard:** In the text of the document, marianne Chavillon ditte Lafeillade is referred to by her married name, here standardized as Marie Anne Javillon ditte Lafeillade, through her marriage to Louis Javillon ditte Lafeillade.3 The Chavillon spelling is not unusual, appearing on other records. She signs this document, however, with her birth name, standardized here as Marie Anne Fafard. Both she and her husband later died at Detroit. Her mother is Marguerite Couc ditte Lafleur, daughter of Pierre Couc dit Lafleur de Cognac and Marie Mitéouamegoukoué. She was also known by the ditte name Maconce after her father’s, Jean Fafard’s dit name Maconce.

Marie Anne Fafard’s first three children by Louis Javillon ditte Lafeuillade, a soldier of Laforest, are said to be illegitimate, perhaps because their marriage record cannot be found: the first was an unnamed son baptized 23 June 1715, at Pointe Claire, up river from Montréal, and born just days before at Fort des Sables, on the New York shore of Lake Ontario.4 As I have indicated before, soldiers were not always granted permission to marry, and this should somewhat qualify the “illegitimacy” of these children, who were acknowledged and brought up as Javillons dit(e)s Lafeillades.

3 Louis Javillon, then a soldier, was documented at the fort 9 July 1713, when he served as godfather for a Huron (Ste. Anne de Détroit). He was first hired by Commandant Laforest in 1712. He and Marie Anne Fafard ditte Maconce have descendants in the Detroit area to this day.
4 Jetté and PRDH. Note: Fort des Sables is not Detroit, as Jetté and PRDH indicate, although the Javillon couple may well have been married at Detroit with the record now lost. The Javillon couple was definitely married by a representative of the Holy Roman Catholic Church before the baptism of their son Antoine 15 April 1723 at Bellevue, also up river from Montréal. Marie Anne and Louis died at Detroit, as cited above. Louis Javillon contracted to carry merchandise to Detroit for his captain, Laforest, then commandant at Fort Pontchartrain, 31 August 1712, Adhémar, photocopy. The Fox Indian “war” had begun 13 May of 1712 at the Fort.
Marie Anne Maconce, wife of Louis Javillon dit Lafeuillade, was buried at Detroit 29 September 1752, said to be 55.

Marie Anne Maconce, wife of La Feuillade [Louis Javillon dit Lafeuillade], about 55 years, 29 September 1752, buried in cemetery

Louis Javillon was buried on 20 September 1754. Ste. Anne de Detroit. The Denissen index does not read this latter record correctly. See my article in MHH, Vol. 23, #2 – April 2002, “Correction to Denissen – Louis Javillon dit Lafeuillade” – Suzanne Boivin Sommerville.

Louis Davignon [Javillon] dit La Feuillade, ancien soldat du Regiment du Carignan, que l'on nous a dit être de la paroisse de Limoges, 20 September 1754, buried in cemetery

The above is the digital image from the Drouin collection on ancestry.ca: au fort du Detroit herier

At least one time, the last name is spelled « Javignon » on another record, so the reading of Davignon could also be in error. Calling Javillon a soldier of the Carignan Regiment is definitely an error as he cannot possibly have been of an age to have arrived in New France in 1665 and died in 1754. He is not mentioned in any known records closer to the arrival date of the regiment.

[***veuve de lechauvign… The transcriber of the document saw “veuve de feu louis [Javillon?]” widow of deceased “louis [Javillon?]”, not knowing that the husband of Marie Anne Fafard, Louis Javillon dit Lafeuillade, was still very much alive at this time, 1747, so she could not have been a widow. I see this as the signature of Catherine Douville, wife of deceased Sr de Lachavignerie, thus a widow, and signing as such. See the notes below.]

[**** Pierre St. Germain. The transcription provided to me transcribes this name as pierre reaume, but it is actually that of Pierre Lamoureux dit St. Germain, whose signature later appears when he is present at religious events at Fort St. Joseph, starting in 1755, by which time he is legally married to marie javillon ditte la feuillade. First reference of Pierre Lamoureux dit St. Germain at St. Joseph, Ancestry.ca Drouin image 16 [text adapted from the published English translation]

In the year one thousand seven hundred and fifty the thirteenth of july of the same year I the undersigned Baptized according to the rite of our Holy mother the church catholic apostolic and roman, marguerite St germin legitimate daughter of pierre St germain and of marie javillon ditte la feuillade his wife both from the parish of montreal but at present residents and traders at this post. she had for godfather Louis juillet and for godmother marie

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5 Moreau-DesHarnais, 149-150.
6 La Feuillade was not a soldier of the Carignan Regiment. He had first been at Détroit in 1713 when he was a soldier in the company of Alphonse de Tonty. He was godfather to Louis, son of Hurons.
7 See my article about “My Relatives at Fort St. Joseph,” on the FCSHM website.
magdelaine reaume widow of the deceased Larche and wife of Louis chevallier who signed with me and the
godfather made his usual mark ( ) ( ) declaring he did not know how to sign. this day and year as above at St joseph

His first signature is on 18 March 1757, and his wife’s name is now felicite javillon his lawful wife

Drouin image 18

In the year one thousand seven hundred and fifty seven I the under signed jean Bapt Lamorinie Missionary of the
society of jesus at the post of the river St joseph. Baptized according to the customs and the forms (page 229) of our
Holy mother the church catholic apostolic and roman, marie Magdelaine St germain daughter of pierre St germain
residing in this post and of felicite javillon his lawful wife. she had for godfather Sieur porlier de Beynak and
Magdelaine Roy wife of Sieur nicolas lefebvre farmer [sic. fermier, which means agent of the fur trade, in this
context.] of this post. in testimony thereof I signed the present entry the same year as above the eighteenth of march.
the said child was three days old

jean Baptiste Lamorinie jesuit

magdelaine Roy

J. Porlier benac

pier St germin father

paschal chevalier witness

This is another example of his signature, on 19 August 1768:

[Drouin image 29]

The Nineteenth of august one thousand seven hundred and sixty eight by us the undersigned Vicar general of the
Illinois was baptized conditionally Charlotte born in the course of the month of may one thousand seven hundred
and sixty two of the Lawful marriage of pierre St. Germain and of felicite Chavignon his wife. The godfather was
Jean Bte La Douceur and the godmother anne St Germain who both as well as the mother declared they could not
sign. The father present signed with us.

pier St germin

Gibault Vic. g.

The identity of Jean Baptiste Réaume’s mother

Transcribers have seen Marianne Thomas. I agree that the first name is Marieanne, or Marie Anne, but I
am not as sure about the last name or the writing that follows this first name at the beginning of the next
line; the next word or words ends with an underline _____
I am not even sure the reading should be “Thomas”. Anyone have any guesses?

And this is as far as I am willing to go on the issue. The fact that this woman is not identified as a legitimate wife, with a blank line inserted, ____, adds to the mystery. No other known Marie Anne Thomas seems to fit a woman who would have given birth by at least 1722, since the groom here is said to be majeur, adult. PRDH has nevertheless linked this Marie Anne Thomas with the known wife of Jean Baptiste Réaume, Symphorose

PRDH Individual
# 75284
SYMPHOROSE OUOUAGOUKOUE Status(es) : Outside the population

The Other Witnesses

I always find reading the actual marriage contracts, as opposed to transcriptions of them, to be absolutely fascinating because I imagine the people assembled at the notary’s office or, as in this case, someone’s home. I see them attentively listening as the notary read the document aloud, particularly important for those who were unable to read. Those who heard anything contrary to the facts could then request additions or corrections to the text, which the notary would duly indicate in the margin with initials and paraphs added to attest to the verity of the addition. Not all translations or transcriptions, many of which are usually presented in paragraph form for ease of reading, indicate these additions in any noticeable way, simply incorporating them into the text.

I find it amusing in this example that two of the women present insisted on having their names included, both women acting as witnesses for Félicité: dame catherine douville (read as “deriville?” by the transcriber), wife of deceased Sr de Lachavignerie [added in the margin] and dame appoline blondeau, widow Ljntot {Lintot}[added in the margin]

On the next page is an enlarged image of the second addition in the margin identifying these two women witnesses identified above #:
I summarize the entry in this way: [in the margin: # of *dame catherine douville*, wife of deceased Sr de Lachavignerie when alive *oficier {???}* in the marines of this country, initialed by *cd* (Catherine Douville?), and *v* ? (veuve, widow and ?); followed by: and *dame appoline blondeau*, widow *Lintot* {Lintot}, with initials *cd* (Catherine Douville?) *vl* (veuve, widow Lachavignerie or is it widow, *veuve* Linctot?); then: *v* and a *g* (?) and *paraphs*]

If anyone sees anything more clearly than I did, please advise me. The person who transcribed the document in French saw “escueir” in the phrase describing LaChauvignerie, but it does not make sense to me to say that when he was alive he was an “esquire of the troops of the marine in this country”. I see possibly “oficier,” officer of troops, which the man actually was. The transcriber also saw the name *douville* as *deriville*. 

For Jean Baptiste, the other witnesses, in addition to Pierre St. Germain were

**philibert Laroque**
I believe this man could be a son with the same name as this person:

Individual
# 38853
PHILIBERT COUILLAUD LAROCQUE LAROCQUEBRUNE Status(es) : Immigrant
Birth : around 1641 ev. nevers, nivernais (nievre)

First marriage : before 1677-10-15 Lieu indéterminé (au Québec)
with
CATHERINE LAPORTE STGEORGES
Father : JACQUES LAPORTE STGEORGES
Mother : MARIE NICOLE DUCHESNE
Family
© PRDH
www.genealogy.umontreal.ca

# 4480 [Couple]
of PHILIBERT COUILLAUD LAROCQUE LAROCQUEBRUNE
and CATHERINE LAPORTE STGEORGES
Father: JACQUES LAPORTE STGEORGES
Mother: MARIE NICOLE DUCHESNE
Family

Marriage: before 1677-10-15 Lieu indéterminé (au Québec)

Son
m before 1697 1721-09-30 1751-10-08
PHILIBERT [marriage date] [death date]
Lieu indéterminé (au Québec) Ste-Anne-de-Bellevue
Montreal
[Family] JEANNE BRUNET BOURBONNAIS

jean gouneau dit LaCouture
dame Marie hurtubise wife of the said Sr. jean gouneau

Individual
# 87783
JEAN RENE BAPTISTE GONAU COUTURE
Status(es): Immigrant
Father: JOSEPH GONAU
Mother: MARIE DUCHARMES
Family
Poitiers, Vienne)
Death: 1779-01-12
Burial: 1779-01-13
Ste-Geneviève (Pierrefonds)

First marriage: 1734-06-16 Montréal
with
MARIE ANDREE ANNE HURTUBISE
Father: PIERRE HURTUBISE
Mother: MARIE GENEVIEVE COURRAUD LACOSTE
• BAPTÊME PROVENANT DU FICHIER ORIGINE.
CITÉ DANS LE REGISTRE DES MALADES DE L'HÔTEL-DIEU DE QUÉBEC: "RECRUE, SOLDAT"
© PRDH
www.genealogy.umontreal.ca

Witnesses for Felicite
dame catherine douville, wife of deceased Sr de Lachavignerie [added in the margin]

Individual
# 53769
LOUIS DESMARAIAS DELACHAUVIGNERIE MARET Status(es): Immigrant
Father: JEAN MARET
Mother: JEANNE BRUNEAU
Family
Birth: 1667-07-30 st-vivien, ecoyeux, ev. saintes,
saintonge (ar. saintes, charente-maritime)
Burial: 1725-08-28 En mer [at sea]

First marriage: 1701-01-24 Montréal
with
MARIE CATHERINE JOLY
Father: JEAN JOLY
Mother: MARIE MARGUERITE AMIOT VILLENEUVE
Family
Second marriage: 1713-06-16 Lieu indéterminé (au Québec) with

**MARIE CATHERINE CHARLOTTE DANIAU DOUVILLE** [Daniau also spelled Dagneau]
Father: MICHEL DANIAU DOUVILLE
Mother: MARIE LAMY DEFOND

### Family

<table>
<thead>
<tr>
<th>Rank</th>
<th>Name</th>
<th>Occupation</th>
<th>Origin</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>LOUIS MARAYS DELACHAUVIGNERIE</td>
<td>OFFICIER DANS LES TROUPES</td>
<td>BOURG D'ESCOYEUX EN ST-ONGE</td>
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<td></td>
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<td></td>
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<tr>
<td>02</td>
<td>CATHERINE CHARLOTTE DAGNEAU</td>
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<td></td>
<td>SPOUSE OF 01</td>
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<tr>
<td>03</td>
<td>SPOUSE OF 01</td>
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<tr>
<td>04</td>
<td>FATHER OF 01</td>
<td>JUGE</td>
<td>BOURG D'ESCOYEUX EN ST-ONGE</td>
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<td>05</td>
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<tr>
<td>07</td>
<td>MOTHER OF 02 SPOUSE OF 06</td>
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<td>08</td>
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</tbody>
</table>

### Couple

dame appoline blondeau, widow *Lintot* [Lintot][added in the margin]
# 20751 [Family]
of
LOUIS RENE GODEFROY DELINCTOT
Death : 1745-05-12
Burial : 1745-05-13 Montréal
Father : RENE GODEFROY DELINCTOT
Mother : MARIE MADELEINE LEMOINE and MARIE CATHERINE APOLLINE BLONDEAU
Death : 1761-04-12
Burial : 1761-04-13 Montréal
Father : MAURICE BLONDEAU
Mother : SUZANNE CHARBONNIER LAFLEUR
Marriage: 1737-11-11 Montréal

**Latour and Louise Leduc**, his wife

The first husband of Marie Andree Anne Hurtubise (above) was Joseph Leduc

# 12839 [Family]
of
JOSEPH LEDUC
Death : 1731-03-25
Burial : 1731-03-26 Montréal
Father : JOSEPH LEDUC
Mother : MARIE CATHERINE CUILLERIER
Couple and

MARIE ANDREE ANNE HURTUBISE
Burial : 1789-11-18 Ste-Geneviève (Pierrefonds)
Father : PIERRE HURTUBISE
Mother : MARIE GENEVIEVE COURRAUD LACOSTE
Couple

Next marriage with JEAN RENE BAPTISTE GONAU COUTURE

A son of Joseph Leduc and Marie Andrée Anne Hurtubise emigrated to Fort Pontchartrain and served as bedeau there for the Ste. Anne de Detroit church built in 1755.

m
FRANCOIS Leduc [dir Persil]
Ste-Anne-de-Détroit
MARIE ANGELIQUE FAUVEL BIGRAS

A daughter of Joseph Leduc and Marie Andree Anne Hurtubise was another of the witnesses, with her husband, Mathias Latour, at the marriage contract:

f MARIE LOUISE Leduc

[marriage]
1724-07-23 1746-04-18 1781-03- Montréal Montréal Ste-Geneviève (Pierrefonds)

MATHIAS JEROME LATOUR
The other entry in the margin: The first addition in the margin, adding that Felicite is marrying with her own consent, initialed jbr (Jean Baptiste Reaume); MF (Marie Anne Fafard); jg (Jean Goneau); mu (Marie Urtubise); what appears to be the second notary, S?: and p g (Pierre St. Germain??), and paraphes.

Comments or corrections welcome. I am currently my only proofreader. The details about the witnesses would be presented in prose fashion rather than reproducing the PRDH “certificates” should I ever do anything further with this topic. As always, when I take on a new research project, I once more learned details I did not know before.