

The stipulation of the *ameublissement* causes the real property by fiction of law, to be a moveable; the wife is thus excluded from a right of dower upon the property thus mobilised. (1)

The wife who has covenanted a conventional dower, by her contract of marriage, cannot afterwards claim the customary dower, unless permission be expressly granted by the contract of marriage itself. (2)

The predecease only of the husband will give the wife a right to the conventional dower, unless the stipulation to the contrary, and the renunciation to the dispositions of the *coutume* be most expressly made and formally stated in the contract of marriage. (3)

The *acquêt*, the price of which has been paid by the community, does not cease to be subject to customary dower, and the wife is not bound to pay the costs of the ameliorations made on the immoveable by the community. (4)

The children are the *quasi* proprietors of the dower; but they cannot become the real proprietors of it unless they survive their father, that they renounce to his succession, and that they return to it all they have received from him. The children who thus acquire the dower, take it free from any debts or mortgage created by their father since his marriage with their deceased mother; the property is, however, bound for the payment of any debts created before the marriage by the father. (5) The dower is equally divided among the children. If one of the children renounce the succession, his share of it does not go to the other children.

The child who claims dower cannot be the heir of his father; he must renounce his succession. (6) This rule is founded on the principle, that one of several heirs shall not derive an advantage from which the others are excluded, and on the incompatibility, if there be only one heir, of his uniting in himself the character of a creditor, in respect of his dower, with that of a debtor as heir. This rule prevails, as between him and the co-heirs, even although

(1) Toussaint vs. Leblanc. 1 L. C. R. p. 25.

(2) C. P. Art. 261. (3) Mercier vs. Blanchet, and Bignell vs. Henderson, 1 R. de L. p. 122. (4) Martigny appellants, and Archambault opposants, 2 R. de L. p. 211. (5) C. P. Art. 250. (6) C. P. Art. 251.