

## French Civil Code

### BOOK I. Of Persons.

Decreed 17th March, 1803. Promulgated 24th of the same Month.

#### TITLE V.

##### *Of Marriage.*

#### CHAPTER I.

##### *Of the Qualities and Conditions required in order to be able to contract Marriage.*

144. A man before the age of 18, and a woman before 15 complete, are incapable of contracting marriage.
145. The government shall be at liberty, nevertheless, upon weighty reasons, to grant dispensations of age.
146. There can be no marriage where consent is wanting.
147. A second marriage cannot be contracted previously to the dissolution of the first.
148. The son who has not attained the full age of 25 years, the daughter who has not attained the full age of 21 years, cannot contract marriage without the consent of their father and mother; in case of disagreement, the consent of the father is sufficient.
149. If one of the two be dead, or under an incapacity of manifesting his or her will, the consent of the other is sufficient.
150. If the father and mother are dead, or if they are under an incapacity of manifesting their will, the grandfathers and grandmothers shall supply their place; if there be a disagreement between the grandfather and grandmother of the same line, the consent of the grandfather shall suffice.  
If the disagreement be between the two lines, this division shall import consent.
151. Where the children of a family have attained the majority fixed by article 148, they are required, previously to contracting marriage, to demand, by a respectful and formal act, the advice of their father and mother, or that of their grandfathers and grandmothers when their father and mother are dead, or under an incapacity of manifesting their will.

##### **Articles 152, 3 4, 5, 6, and 7, decreed 12th of March, 1824. Promulgated 22d of the same Month.**

152. From the majority fixed by article 148 to the age of 30 years completed for sons, and until the age of 25 years completed for daughters, the respectful act required by the preceding article and on which consent to marriage shall not have been obtained, shall be renewed two several times, from month to month; and one month after the third act it shall be lawful to pass on to the celebration of the marriage.
153. After the age of 30 years, it shall be lawful, in default of consent, upon a respectful act, to pass on, after the expiration of a month, to the celebration of the marriage.
154. The respectful act shall be notified to such person or persons of the ascending line as are pointed out in article 151, by two notaries, or by one notary and two witnesses; and in the statement which shall be drawn up thereof, mention shall be made of the answer.

155. In case of the absence of the ancestor to whom the respectful act ought to have been made, the celebration of the marriage may be proceeded in, on producing a judgment given declaring absence, or in default of such judgment that which shall have directed an inquiry, or if such latter judgment shall not yet have been pronounced, an act of notoriety delivered by the justice of the peace of the place where the ancestor had his last known domicil. This act shall contain the deposition or four witnesses officially summoned by the justice of the peace.
156. The officers of the civil power who shall have proceeded to the celebration of marriages contracted by sons not having attained the full age of twenty-five years, or by daughters not having attained the full age of twenty-one years, without having the consent of the fathers and mothers, that of the grandfathers and grandmothers, and that of the family, in a case requiring them, declared in the act of marriage, shall, on the prosecution of the parties interested, and of the government commissioner in the tribunal of first instance of the place where the marriage shall have been celebrated, be condemned to the fine inflicted by article 192, and further to an imprisonment, whose duration shall not be less than six months.
157. Where respectful acts shall have been omitted to be made in cases in which they are prescribed, the civil officer who shall have celebrated the marriage, shall be condemned to the same fine, and to an imprisonment of not less than one month.
158. The regulations contained in articles 148 and 149, and those of articles 151, 152, 153, 154, and 155, relative to the respectful act required to be made to the father and mother in the case contemplated by those articles, are applicable to natural children legally recognized.
159. The natural child who has not been acknowledged, and the child who after having been so, has lost his father and mother, or whose father and mother are unable to manifest their will, shall not be at liberty, before the full age of twenty-one years, to marry without the consent of a guardian ad hoc, who shall be nominated for him.
160. If there is neither father nor mother, neither grandfathers nor grandmothers, or if they are all found to be under an incapacity of manifesting their will, male or female children under the age of twenty-one years cannot contract marriage without the consent of a family council.
161. In a direct line, marriage is prohibited between all the ascending and descending branches legitimate or natural, and the kindred in the same line.
162. In the collateral line, marriage is prohibited between brother and sister, legitimate or natural, and the kindred of the same degree.
163. Marriage is further prohibited between the uncle and the niece, the aunt and the nephew.
164. It shall be lawful, nevertheless, for the government, on weighty grounds, to remove the prohibitions contained in the preceding article.

## **CHAPTER II.**

### ***Of the Formalities relative to the Celebration of Marriage.***

165. The marriage shall be celebrated publicly, before the civil officer of the domicil of one of the two parties.
166. The two publications directed by article 63, under the title "*Of the acts of the civil power,*" shall be made to the municipality of the place where each of the contracting parties shall have his domicil.

167. Nevertheless, where the actual domicil is only established by six months' residence, the publication shall be further made to the municipality of the last domicil.
168. If the contracting parties, or one of them, is or are, as regards the marriage, under the power of others, the publications shall besides be made to the municipality of the domicil of those, under whose power they are found to be.
169. The government, or those to whom it shall give charge to this effect, shall be at liberty, on weighty reasons, to dispense with the second publication.
170. A marriage contracted in a foreign county between natives of France, and between a native of France and a foreigner, shall be valid, if celebrated according to the forms used in that country, provided that it has been preceded by the publications prescribed in article 63, under the title "*Of acts of the civil power,*" and that the Frenchman has not infringed the regulations contained in the preceding chapter.
171. Within three months after the return of a Frenchman into the territory of the republic, the act of the celebration of marriage contracted in a foreign country, shall be transcribed into the public register of marriages, at the place of his domicil.

### **CHAPTER III.**

#### ***Of Oppositions to Marriage.***

172. The right of opposing the celebration of marriage belongs to the person connected by marriage with one of the two contracting parties.
173. The father, and in default of the father, the mother, and in default of the father and mother, the grandfathers and grandmothers, may oppose the marriage of their children and descendants, although they have accomplished twenty-five years.
174. In default of ancestors, the brother or sister, the uncle or aunt, cousin or cousins german, being of age, can make no opposition except in the two following cases:
  - 1st. Where the consent of the family-council, required by article 160, has not been obtained.
  - 2nd. Where the opposition is founded on a state of insanity in the future spouse : This opposition, of which the court is empowered to pronounce the pure and simple abrogation, shall never be received except on condition by the opponent of urging the interdiction, and causing a decree to be made thereon, within the interval which shall be fixed by judgment.
175. In the two cases contemplated by the preceding article, the guardian or curator shall not, during the continuance of the guardianship or curatorship, make opposition, except so far as he shall have been authorized by a family-council, which he is at liberty to convoke.
176. Every act of opposition shall set forth the quality which gives to the opponent the right to make it; it shall contain the election of domicil in the place where the marriage is to be celebrated; it shall, in like manner, unless it is made at the request of an ancestor, contain the motives of opposition: the whole on pain of nullity, and of suspension of the ministerial officer, who shall have signed the act containing the opposition.
177. The tribunal of first instance shall pronounce within ten days, on the petition for revocation.
178. If an appeal be made, a decision shall be made thereon within ten days from the citation.

179. If the opposition be rejected, the opponents, other nevertheless than ancestors, may be sentenced to damages.

## CHAPTER IV.

### *Of Petitions for Nullity of Marriage.*

180. A marriage contracted without the free consent of the married persons, or of one of them, can only be impeached by the married persons, or such one of them whose consent has not been free.

Where a mistake has occurred in the person, the marriage shall only be impeached by such one of the married persons as may have been led into the error.

181. In the case mentioned in the preceding article, the petition of nullity is no longer admissible, where-ever there has been cohabitation continued during six months after the married person has acquired full liberty, or after discovery made of the error.

182. A marriage contracted without the consent of the father and mother, of the ancestors, or of the family council, in cases where such consent was necessary, can only be impeached by those whose consent was requisite, or by such of the two married persons as stood in need of that consent.

183. A suit for nullity is no longer maintainable either by the married persons, or by the relations whose consent was required, in those cases where the marriage has been approved, either expressly or tacitly, by those whose consent was necessary; or when a year has elapsed without complaint on their part, subsequently to their knowledge of the marriage. Such suit is no longer maintainable by a spouse, after the lapse of a year without complaint on his part, subsequently to his having attained the competent age for consenting to the marriage in his own person.

184. Every marriage contracted in contravention of the regulations contained in articles 144, 147, 161, 2 and 3, may be impeached either by the married parties themselves, or by those who have an interest therein, or by the public authorities.

185. Nevertheless a marriage contracted by parties who have not yet reached the required age, or of whom one has not attained that age, is no longer liable to be impeached, 1st, where six months have expired since the married person or persons have attained the competent age; 2d, where the woman not having reached that age has conceived before the expiration of six months.

186. The father, the mother, the ancestors, and the family having consented to a marriage contracted under the circumstances mentioned in the preceding article, are inadmissible as plaintiffs in a suit for nullity.

187. In all those cases where, conformably to article 184, a suit for nullity may be instituted by all those who have an interest therein, such suit shall not be maintained by collateral relations, or the children born of another marriage of the survivor of the parties, but only where they have an actual and existing interest therein.

188. The married party, to the prejudice of whom a second marriage has been contracted, may demand the nullity thereof, even during the life of the party who was engaged with him.

189. If the new married parties oppose the nullity of the first marriage, the validity or nullity of such marriage must be decided previously.

190. The commissioner of government may and shall, in all cases to which article 184 can be applied, and subject to the modifications contained in article 185, demand the nullity of the marriage, living the two married persons, and cause them to be sentenced

to separation.

191. Every marriage not publicly contracted, and not celebrated before the competent public officer, may be impeached by the married parties themselves, by the father and mother, by the ancestors, and by all those who have an actual and existing interest therein, as well as by the public authorities.
192. If the marriage has not been preceded by the two publications required, or if the dispensations permitted by the law have not been obtained, or if the intervals prescribed between the publications and celebrations have not been observed, the commissioner shall cause a fine to be awarded against the public officer, which shall not exceed 300 francs; and against the contracting parties, or those under whose control they have acted, a fine proportioned to their fortune.
193. The punishments awarded in the preceding article shall be inflicted on the persons designated therein, for every contravention of the rules prescribed by article 165, even though such contraventions shall not be adjudged sufficient, whereon to pronounce a nullity of the marriage.
194. No person shall be at liberty to claim the title of spouse, and the civil consequences of marriage, unless upon the production of an act of celebration inscribed upon the register of the civil power, saving the cases provided for by article 46, under the title "*Of acts before the civil authorities.*"
195. The actual existence of marriage shall not discharge the pretended spouses, who shall respectively claim to be such, from producing the act of celebration of marriage before the officer of the civil power.
196. Where there is an actual marriage, and the act of celebration of marriage before the officer of the civil power is produced, the married parties are respectively incapable of suing for a nullity of this act.
197. Where; nevertheless, in the cases of articles 194 and 195, there are children, the issue of two individuals who have lived publicly together as husband and wife, and who are both deceased, the legitimacy of such children cannot be contested on the single ground of the non-production of the act of celebration, whenever such legitimacy is proved by an actual marriage uncontradicted by the act of birth.
198. When the proof of a legal celebration of marriage is acquired by the result of a criminal procedure, the insertion of the judgment on the registers of the civil power confirms to the marriage, computing from the day of its celebration, all its civil consequences, as well as regards the married parties as the children the issue of such marriage.
199. If the married parties are dead, or one of them, without having discovered the fraud, the criminal suit may be instituted by all those who have interest in causing the marriage to be declared valid, and by the commissioner of government.
200. If the public officer is dead at the time of the discovery of the fraud, the action shall be carried on in a civil form against his heirs by the commissioner of government, in the presence of the parties interested and on their accusation.
201. A marriage which has been declared null draws after it, nevertheless, civil consequences, as well with regard to the married parties as to their children, where the marriage has been contracted in good faith.
202. Where good faith exists only on the part of one of the married persons, the marriage is only attended by civil consequences in favor of such persons, and the children of the marriage.

## **CHAPTER V.**

### ***Of the Obligations accruing from Marriage.***

203. Married persons contract together, by the single act of marriage, the obligation of nourishing, supporting, and bringing up their children.
204. A child has no action against his father and mother for an establishment in marriage or otherwise.
205. Children owe a maintenance to their fathers and mothers, and other ancestors who are in want thereof.
206. Sons and daughters-in-law owe equally, under the same circumstances, a maintenance to their fathers and mothers-in-law; but this obligation ceases, 1st, when the mother-in-law has married again; 2nd, when such of the married parties as produced the affinity, and the children, the issue of the union with the other party, are dead.
207. The obligations resulting from these regulations are reciprocal.
208. Maintenance is only accorded in proportion to the necessity of the party who claims it, and to the fortune of the party who owes it.
209. When he who supplies or he who receives maintenance is placed in such a situation, that the one can no longer give, or the other has no longer a need thereof, in whole or in part, a discharge or reduction thereof may be demanded.
210. If the person who is bound to supply maintenance can show that he is unable to pay an alimentary pension, the court shall, on being made acquainted with the cause, give order that he shall receive into his house, and there nourish and support, the party to whom he owes maintenance.
211. The Court shall, in like manner, adjudge, whether a father or mother who shall offer to receive, nourish, and support within the house, a child to whom they owe maintenance, ought in this case to be discharged from paying an alimentary pension.

## **CHAPTER VI.**

### ***Of the respective Rights and Duties of Married Persons.***

212. Married persons owe to each other fidelity, succour, assistance.
213. The husband owes protection to his wife, the wife obedience to her husband.
214. The wife is obliged to live with her husband, and to follow him to every place where he may judge it convenient to reside: the husband is obliged to receive her, and to furnish her with every thing necessary for the wants of life, according to his means and station.
215. The wife cannot plead in her own name, without the authority of her husband, even though she should be a public trader, or non-communicant, or separate in property.
216. The authority of the husband is not necessary when the wife is prosecuted in a criminal matter, or relating to police.
217. A wife, although non-communicant or separate in property, cannot give, alienate, pledge, or acquire by free or chargeable title, without the concurrence of her husband in the act, or his consent in writing.
218. If the husband refuse to authorize his wife to plead in her own name, the judge may give her authority.

219. If the husband refuse to authorize his wife to pass an act, the wife may cause her husband to be cited directly before the court of first instance, of the circle of their common domicil, which may give or refuse its authority, after the husband shall have been heard, or duly summoned before the chamber of council.
220. The wife, if she is a public trader, may, without the authority of her husband, bind herself for that which concerns her trade; and in the said case she binds also her husband, if there be a community between them.  
She is not reputed a public trader, if she merely retail goods in tier husband's trade, but only when she carries on a separate business.
221. When the husband is subjected to a. condemnation, carrying with it an afflictive or infamous punishment, although it may have been pronounced merely for contumacy, the wife, though of age, cannot, during the continuance of such punishment, plead in her own name or contract, until after authority given by the judge, who may in such case give his authority, without hearing or summoning the husband.
222. If the husband is interdicted or absent, the judge, on cognizance of the cause, may authorize his wife either to plead in her own name or to contract.
223. Every general authority, though stipulated by the contract of marriage, is invalid, except as respects the administration of the property of the wife.
224. If the husband is a minor, the authority of the judge is necessary for his wife, either to appear in court, or to contract.
225. A nullity, founded on defect of authority, can only be opposed by the wife, by the husband, or by their heirs.
226. The wife may make a will without the authority of her husband.

## **CHAPTER VII.**

### ***Of the Dissolution of Marriage.***

227. Marriage is dissolved,  
1st. By the death of one of the parties;  
2d. By divorce lawfully pronounced;  
3d. By condemnation become final of one of the married parties to a punishment implying civil death.

## **CHAPTER VIII.**

### ***Of second Marriages.***

228. A woman cannot contract a new marriage until ten months have elapsed from the dissolution of the preceding marriage.