

## **French Civil Code**

### **BOOK I. Of Persons.**

**Decreed 12th of March, 1803. Promulgated 21st of the same Month.**

#### **TITLE II.**

*Of Acts Before the Civil Authorities.*

#### **CHAPTER I.**

*General Ordinance.*

34. The records of the civil power shall declare the year, the day, and hour, at which they shall be received; the Christian name, surname, age, profession, and domicil of all those who shall be therein mentioned.
35. The officers of the civil courts shall insert nothing in the acts which they shall receive, either by way of note or of any explanation whatsoever, other than what is declared by the parties.
36. In those cases in which parties interested are not bound to appear in person, it shall be allowed them to make appearance by means of a special and authentic warrant of attorney.
37. Witnesses brought to attest documents in the civil Courts shall be of the male sex only, of the age of 21 years at the least, relations or others, and shall be chosen by the parties interested.
38. The officers of the civil court shall read over their acts to the parties appearing or to their attorneys, and also to the witnesses.  
The performance of this formality shall be mentioned therein.
39. These documents shall be signed by the officer of the civil court, by the parties appearing, and by the witnesses; or mention shall be made of the cause which prevents the parties and the witnesses from signing.
40. The records of the civil courts shall be enrolled, in every commune, in one or more registers kept in duplicate.
41. The registers shall be endorsed from first to last, and marked on each page, by the president of the court of first instance, or by the judge who shall supply his place.
42. The acts shall be inscribed on the registers in succession without any blank. Rasures and references shall be approved and signed in the same manner as the body of the act. No abbreviations shall be used nor any date inserted in figures.
43. The registers shall be closed and bound up by the officer of the civil court, at the end of every year; and within the month, one of the duplicates shall be deposited among the archives of the commune, the other among the rolls of the court of first instance.
44. The warrants of attorney and other papers which ought to continue annexed to the records of the civil courts, shall be deposited, after being marked by the person who shall have produced them and by the officer of the court, among the rolls of the tribunal with the duplicate of the registers which shall be deposited among the said rolls.

45. Every person shall be allowed to obtain from the depositories of the registers of the civil courts extracts from those registers; and extracts so obtained, corresponding with the registers and authenticated by the president of the court of first instance, or by the judge who shall supply his place, shall be evidence until proved false.
46. Where no registers exist, or where they shall be lost, proof of them shall be received, as well by written documents as by witnesses; and in such cases marriages, births, and deaths, may be proved as well by registers and papers coming from the possession of fathers and mothers deceased, as by witnesses.
47. Every act done in a civil court of a foreign country, either by Frenchmen or foreigners, shall be deemed valid, if reduced to writing according to the forms used in such country.
48. Every act done in a civil court, in a foreign country by Frenchmen, shall be valid, if it has been acknowledged conformably to the French laws by the diplomatic agents, or by the commissioners of the republic for commercial relations.
49. In all cases where mention of an act relating to a civil court ought to be made on the margin of another act already enrolled, it shall be done, at the request of the parties interested, by the officer of the civil court, on the current registers, or on those which have been deposited among the archives of the commune, and by the keeper of the rolls of the tribunal of first instance, on the registers deposited among the rolls; to which end the officer of the civil court shall give notice within three days to the commissioner of government in the said court, who shall take care that such mention is made in a similar manner on both registers.
50. Every offence against the preceding articles committed by any of the officers therein named, shall be prosecuted before the tribunal of first instance, and punished with a fine not exceeding 100 francs.
51. Every officer entrusted with the registers shall be answerable civilly for any alterations made therein, saving his remedy, as the case may be, against the authors of such alterations.
52. Every alteration, every falsification of the acts of the civil courts, every enrolment made upon a loose sheet and otherwise than on the registers designed for this purpose, shall give a right of action for damages to the parties, over and above the punishments contained in the penal code.
53. The commissioner of government at the court of first instance shall be bound to verify the state of the registers at the time of their being deposited among the rolls of the court; he shall draw up a concise statement of such verification, he shall certify all offences and crimes committed by the officers of the civil courts, and shall demand sentence of fine against them.
54. In all cases where a tribunal of first instance shall take cognizance of acts relating to the civil courts, the parties interested may appeal against the judgment.

## **CHAPTER II.**

### ***Of Acts of Birth.***

55. Declarations of birth shall be made, within three days after delivery, to the civil officer of the place: the child shall be shown to him.
56. The birth of the child shall be declared by the father, or, in his default, by the doctors in physic or surgery, the midwives, the officers of health, or other persons who shall have attended at the birth; and where the mother shall have been delivered out of her

own house, by the party at whose house such delivery took place. The act of birth shall be immediately reduced to writing, in the presence of two witnesses.

57. The act of birth shall set forth the day, the hour, and the place of birth, the sex of the infant, and the Christian names which shall be given it, the Christian and surnames, profession, and domicil of the parents, and those of the witnesses.
58. Every person who shall have found a newborn infant is required to carry it to the civil officer, as well as the clothes and other effects found with the infant, and to declare all the circumstances of the time and place when and where found ; a particular statement of which shall be drawn up, containing moreover the apparent age of the child, its sex, the names which shall be given to it, and the civil authority to which it shall be committed. This statement shall be inscribed upon the registers.
59. If a child is born at sea, the act of birth shall be drawn up within twenty-four hours, in presence of the father, if at hand, and of two witnesses selected from the officers of the vessel, or for want of them from the ship's crew. This act shall be reduced to writing, that is to say, on board the ships of the state, by the officer for the administration of the marine; and on board vessels belonging to a privateer or merchant, by the captain, master, or commander of the ship. The act of birth shall be inserted at the end of the roll of the ship's crew.
60. At the first port at which the vessel shall touch, whether to refit or for any other purpose, except laying up, the officers for the administration of the marine, the captain, master, or commander, are required to deposit two authentic copies of the acts of birth, which they shall have reduced to writing, that is to say, in a French port at the office of tire prefect of maritime inscription, and in a foreign port in the hands of the commissioners for commercial relations. One of these copies shall remain deposited in the office of maritime inscription, or in the chancery of the commissariat; the other shall be sent to the minister of marine, who shall cause a copy of each of the said acts, certified by himself, to be transmitted to the civil officer for the domicil of the father of the child, or of its mother, if the father is unknown: this copy shall immediately be inscribed on the registers.
61. On the arrival of the ship at its port of discharge, the roll of the ship's crew shall be deposited in the office of the prefect of maritime inscription, who shall send a copy of the act of birth, with his signature, to the civil officer at the domicil of the child's father, or of its mother, if the father is unknown: this copy shall then be inscribed on the registers.
62. The act of acknowledgment of a child shall be inscribed on the registers, at its date; and mention shall be made of this in the margin of the act of birth, if one exists.

### **CHAPTER III.**

#### ***Of Acts of Marriage.***

63. Before the celebration of a marriage, the civil officer shall make two publications, with an interval of eight days between them, one being on a Sunday, before the gate of the town-hall. These publications, and the act which shall be drawn up relating to them, shall set forth the Christian names, surnames, professions, and domicils of the parties about to be married, the circumstance of their majority or minority, and the Christian names, surnames, professions, and domicils of their fathers and mothers. This act shall set forth, moreover, the days, places, and hours at which the publications shall have been made; it shall be inscribed on one single register, which shall be

endorsed and marked as directed in article 41, and deposited at the end of every year among the rolls of the court of the circle.

64. An extract from the act of publication shall be affixed to the door of the town-hall, and remain so during the interval of eight days between the one and the other publication. The marriage shall not be celebrated until the third day exclusive after that of the second publication.
65. Where a marriage has not been celebrated within a year, to be computed from the expiration of the interval between the publications, it shall not be celebrated until new publications have been made according to the forms hereinbefore prescribed.
66. Acts of opposition to a marriage shall be signed, both original and copy, by the parties opposing, or by their attorneys, specially and authentically appointed; they shall be communicated, with a copy of the appointment, to the party, or delivered at the domicile of the parties, and to the civil officer, who shall put his visa on the original.
67. The civil officer shall, without delay, make mention concisely of the oppositions on the register of the publications; he shall likewise make mention, on the margin of the copy of the said oppositions, of the judgments or acts of renunciation which shall have been sent to him.
68. Where opposition has been made, the civil officer shall not be at liberty to celebrate a marriage, until he shall have had a renunciation transmitted to him, upon pain of a fine of 300 francs, together with all costs.
69. If there has been no opposition, a memorandum thereof shall be made in the act of marriage; and where publications have been made in several communes, the parties shall transmit a certificate from the civil officer of each commune, certifying that there is no opposition.
70. The civil officer shall cause to be transmitted to him the act of birth of each party about to be married. Where either party shall be unable to produce it to him, its place may be supplied by showing an act of notoriety delivered by the magistrate at the parties' place of birth, or at that of his domicile.
71. The act of notoriety shall contain the declaration of seven Witnesses of either sex, relations or otherwise, the Christian names, surnames, profession, and domicile of the future husband or wife, and those of the father and mother, if they are known; the place, and as nearly as possible, the date of birth, and the causes which prevent the producing of the act of birth. The witnesses shall sign the act of notoriety with the magistrate; and if there are any witnesses who are unable or too ignorant to sign their names, mention shall be made of that circumstance.
72. The act of notoriety shall be presented to the court of first instance in the place where the marriage is to be celebrated. The court, after having heard the commissioner of the government, shall give or refuse its approval accordingly, as it shall find the declarations of the witnesses, and the causes which prevent the production of the act of birth sufficient or insufficient.
73. The authentic act of the consent of fathers and mothers, or of grandfathers and grandmothers, or in defect of these; that of the family, shall contain the Christian names, the surnames, the professions, and domiciles of the future husband, or wife; and of all those who shall have concurred in the act, together with their degree of relationship.
74. The marriage shall be celebrated in the commune in which one or other of the parties shall be domiciled. This domicile, as regards the marriage, shall be established by six months' continued habitation within the same commune.

75. On the day appointed by the parties after the interval for the publications, the civil officer in the town hall, in the presence of four witnesses, relations, or otherwise, shall read to the parties the before-mentioned documents, relating to their condition and to the formalities of the marriage, and from cap. 6. title "*Of marriage:*" "*On the respective rights and duties of married persons.*" He shall receive from each party, in succession, a declaration that they are willing to take each other for husband and wife; he shall pronounce, in the name of the law, that they are united in marriage, and he shall forthwith draw up an act to that effect.
76. In the act of marriage shall be set forth,
- 1st. The Christian names, surnames, professions, age, place of birth, and domicils of the married persons;
  - 2nd. If they are of full age or minors;
  - 3rd. The Christian names, surnames, professions, and domicils of the fathers and mothers;
  - 4th. The consent of the fathers and mothers, grandfathers and grandmothers, and that of the family, in the cases in which they are requisite ;
  - 5th. The respectful acts, if any have been made;
  - 6th. The publications within the different places of domicil;
  - 7th. The oppositions, if any have been made; the relinquishment of them, or the memorandum that no opposition has been made.
  - 8th. The consent of the contracting parties to take each other as husband and wife, and the declaration of their union by the public officer;
  - 9th. The Christian names, surnames, age, professions, and domicils of the witnesses, and their declaration whether they are relations or allied to the parties, on which side and in what degree.

## CHAPTER IV.

### *Of Acts of Decease.*

77. No interment shall take place without an authority on paper, free of all expense, from the officer of the civil power, who is forbidden to deliver it until he shall have been conducted to the deceased person to assure himself of the death, and that not earlier than twenty-four hours after decease, except in cases otherwise provided for by the regulations of the police.
78. The act of death shall be drawn up by the officer of the civil power on the declaration of two witnesses. These witnesses shall, if possible, be the two nearest relations or neighbors; or where a party shall die out of his own domicil, the person at whose house the decease shall take place, and a relation or other person.
79. The act of death shall contain the Christian names, surname, age, profession, and domicil of the deceased person; the Christian name and surname of the consort, if any, of the deceased, whether living or dead; the Christian names, surnames, age, profession, and residence of the deponents; and if they are relations their degree of affinity.
- The same act shall contain, moreover, as far as can be ascertained, the Christian names, surnames, profession, and domicil of the father and mother of the deceased and the place of his birth.
80. In cases of death in the military hospitals, civil or other public edifices, the governors, directors, managers, and masters of such edifices, are required to notify the same, within 24 hours, to the officer of the civil power, who shall repair to the place to satisfy himself of the death, and thereupon draw up an act conformably to the

preceding article, upon the declarations which shall have been given him, and upon the observations he shall then make.

Registers shall moreover be kept in the aforesaid hospitals and edifices for the purpose of inserting such depositions and observations.

The officer of the civil power shall transmit the act of death to the officer at the last domicile of the deceased, who shall insert it in the registers.

81. When any signs or marks of violent death, or of other circumstances which give rise to suspicion, shall appear, interment shall not take place until an officer of the police, assisted by a doctor in physic or surgery, shall have drawn up a statement of the condition of the body, and of the circumstances relative thereto, as well as the information he shall have been able to collect respecting the Christian name, surname, age, profession, place of birth, and domicile of the deceased.
82. The officer of police is required to transmit forthwith to the civil power, at the place where the party died, all the informations set forth in his statement, after which the act of death shall be reduced to writing. The officer of the civil power shall transmit a copy thereof to the officer at the domicile of the deceased, if known: this copy shall be inserted in the registers.
83. The keepers of the criminal records are required, within 24 hours after the execution of judgments inflicting the punishment of death, to transmit to the officer of the civil power at the place where the condemned party shall have been executed, all the informations enumerated in the 79th article, after which the act of death shall be reduced to writing.
84. In case of death in prisons or houses of seclusion and detention, intimation thereof shall immediately be given, by the gaolers and keepers, to the officer of the civil power, who shall repair thither as directed in article 80, and shall reduce to writing the act of death.
85. In all cases of death, by violence, or in prisons and houses of seclusion, or by execution, no mention shall be made in the registers of these circumstances, but the acts of death shall be drawn up simply in the form prescribed by article 79.
86. In case of death during a sea-voyage, an act shall be drawn up within 24 hours, in presence of two witnesses selected from the officers of the vessel, or in defect of them, from among the ship's crew. This act shall be engrossed, in manner following, on board government ships, by the officer for the administration of the marine, and on board vessels belonging to a merchant or privateers, by the captain, master, or commander of the vessel. The act of death shall be inserted at the end of the roll of the ship's crew.
87. At the first port where a vessel shall touch, whether to refit, or for any other cause except to unload, the officers for the administration of the marine, the captain, master, or commander, who shall have committed to writing the acts of death, are required to deposit two copies thereof conformably to article 60. On the arrival of a vessel at her unloading port, the roll of the ship's crew shall be deposited in the office of the prefect of maritime inscription; he shall transmit one copy, with his signature, to the officer of the civil power at the domicile of the deceased person: this copy shall be forthwith inserted in the registers.

## CHAPTER V.

### *Of Acts of the Civil Power regarding the Military out of the Territory of the Republic.*

88. Acts of a civil nature done out of the territory of the republic, concerning the military or other persons attached to the army, shall be committed to writing in the forms prescribed by the preceding regulations; saving the exceptions contained in the following articles.
89. The quarter-master in every corps, consisting of one or more battalions or squadrons, and the captain-commandant in other corps, shall discharge the functions of the officers of the civil power; the same functions shall be discharged for officers without troops, and for persons attached to the army, by the inspector at reviews belonging to the army, or to a division of the army.
90. With every body of troops, a register shall be kept of acts of a civil nature relative to individuals of the corps, and another with the staff-officer of the army, or division of the army, for acts of a civil nature relative to officers without troops, and all others attached to the army; these registers shall be preserved in the same manner as other registers of the corps and staff, and deposited among the archives of the war, on the re-entrance of such corps or army into the territory of the republic.
91. The register shall be endorsed and marked, in every corps, by the commanding officer; and among the staff by the chief officer of the staff.
92. Declarations of birth in the army shall be made within 10 days succeeding the delivery.
93. The officer charged with the custody of the civil register must, within 10 days following the inserting of an act of birth in the said register, address an extract from it to the civil officer at the last domicil of the father of the child, or of its mother, if the father is unknown.
94. Publications of marriage among the military and those employed in the pursuit of arms, shall be made at their last domicil: they shall be put, moreover, 25 days before the celebration of the marriage, upon the order of the day of the corps, in the case of individuals who belong to such corps; and as regards officers without troops, and the employes attached to them, upon that of the army or division of the army.
95. Immediately after the insertion in the register of the act of celebration of marriage, the officer charged with the custody of such register shall transmit a copy thereof to the civil officer at the last domicil of the married persons.
96. The acts of death shall be drawn up, in every corps, by the quarter-master; and in case of officers without troops, and their employes, by the inspector at reviews of the army on the attestation of three witnesses; and an extract from these registers shall be transmitted, within ten days, to the civil officer at the deceased's last domicil.
97. In case of death in military hospitals, removable or stationary, the act thereof shall be drawn up by the director of the said hospitals, and sent to the quarter-master of the corps, or to the inspector at reviews of the army or division of the army of which the deceased formed part; these officers shall forward a copy thereof to the civil officer at the last domicil of the deceased.
98. The civil officer to whom a copy of any act of a civil nature shall have been transmitted from the army, is required forthwith to inscribe it on the registers.

## **CHAPTER VI.**

### ***Of the Amendments of Acts of a Civil Nature.***

99. When the amendment of an act of a civil nature shall be demanded, it shall be decreed accordingly, saving an appeal, by a competent tribunal, and on the request of the commissioner of government. Parties interested shall be summoned, if there be ground.
100. A judgment of amendment shall not at any time be objected to parties interested who shall not have demanded it, or who shall not have been summoned thereto.
101. Judgments of amendment shall be inscribed upon the registers by the civil officer, as soon as they shall have been transmitted to him; and mention thereof shall be made on the margin of the amended act.