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CIVIL AFFAIRS HANDBOOK ON ITALY

SECTION 3A - BOOK ONE

ITALIAN CIVIL CODE

BOOK ON ITALY

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MAY 1944

ARMY SERVICE FORCES MANUAL

M 353-3A

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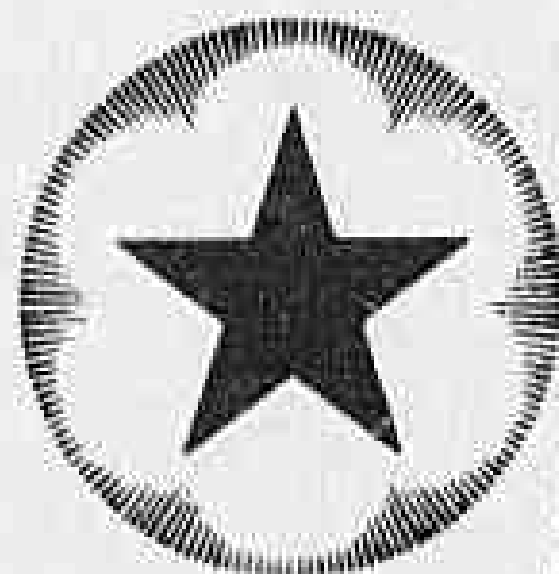
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HEADQUARTERS, ARMY SERVICE FORCES,

9 MAY 1944

ARMY SERVICE FORCES MANUAL

M 353-3A

Civil Affairs

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NUMBERING SYSTEM OF
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M1 - M99 Basic and Advanced Training
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M500 - M599 Fiscal
M600 - M699 Procurement and Production
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M800 - M899 Miscellaneous
M900 - up Equipment, Materiel, Housing and Construction

* * * *

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Italy, Section 3A: Book One, Italian Civil Code, has been prepared
under the supervision of The Provost Marshal General, and is published
for the information and guidance of all concerned.

[SPX 461 (21 Sep 43)]

By command of Lieutenant General SOMERVELL:

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Chief of Staff.

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This translation of the First Book of the Italian Civil Code was
prepared for the

MILITARY GOVERNMENT DIVISION, OFFICE OF THE PROVOST MARSHAL GENERAL
by the

RESEARCH AND ANALYSIS BRANCH OF THE OFFICE OF STRATEGIC SERVICES

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INTRODUCTION

Purposes of the Civil Affairs Handbook.

The basic purposes of civil affairs officers are (1) to assist the Commanding General by quickly establishing those orderly conditions which will contribute most effectively to the conduct of military operations, (2) to reduce to a minimum the human suffering and the material damage resulting from disorder, and (3) to create the conditions which will make it possible for civilian agencies to function effectively.

The preparation of Civil Affairs Handbooks is a part of the effort to carry out these responsibilities as efficiently and humanely as possible. The Handbooks do not deal with plans or policies (which will depend upon changing and unpredictable developments). It should be clearly understood that they do not imply any given official program of action. They are rather ready reference source books containing the basic factual information needed for planning and policy making.

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C I V I L A F F A I R S H A N D B O O K S
T O P I C A L O U T L I N E

1. Geographical and Social Background
2. Government and Administration
3. Legal Affairs
 3A. Book One - Italian Civil Code
4. Government Finance
5. Money and Banking
6. Natural Resources
7. Agriculture
8. Industry and Commerce
9. Labor
10. Public Works and Utilities
11. Transportation Systems
12. Communications
13. Public Health and Sanitation
14. Public Safety
15. Education
16. Public Welfare
17. Cultural Institutions

This translation of Book One of the Italian Civil Code was prepared for the MILITARY GOVERNMENT DIVISION, OFFICE OF THE PROVOST MARSHAL GENERAL by the RESEARCH AND ANALYSIS BRANCH, OFFICE OF STRATEGIC SERVICES.

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This handbook is a translation of Book One of the Italian Civil Code and is one of a series of six books covering the complete Code. The following outline indicates the place of this handbook in the series.

ITALIAN CIVIL CODE

- 3A. Book One (OF PERSONS) Italian Civil Code
- 3B. Book Two (OF SUCCESSIONS) Italian Civil Code
- 3C. Book Three (OF THE RIGHTS OF PROPERTY) Italian Civil Code
- 3D. Book Four (OF OBLIGATIONS) Italian Civil Code
- 3E. Book Five (OF THE RIGHTS OF LABOR) Italian Civil Code
- 3F. Book Six (OF THE PROTECTION OF RIGHTS) Italian Civil Code

This series of handbooks is believed to be the only available English translations of the Italian Civil Code.

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ITALIAN COURT SYSTEM

Corte di Cassazione		Court of Cassation	
Numero Collegio	1 (Roma) Presidente di Cassazione Consiglieri de Corte di Cassazione	Number Title	1 (Rome) President of Cassation Councillors of Court of Cassation
Numero dei Giudici Votanti	7 per sezione 15 per sezioni unite	Number of Judges per Court	7 for each section 15 for united sections
Suddivisioni	3 sezioni civili 2 sezioni penali 1 sezione unite	Subdivisions	3 civil sections 2 criminal sections 1 united section
Competenza per Territorio	Regno e colonie	Territorial Jurisdiction	All territory subject to Italian State
Competenza	Illimitata - solo su questioni di diritto	Jurisdiction over Subject Matter	Unlimited - on points of law only
Appello	Da ogni giudizio appellabile di corti di grado inferiore - dalla corte di rimando in determinate circostanze alle sezioni unite il cui giudizio e finale	Appeal	From any judgment of a lower court which may be appealed - under certain specified circumstances; from the court to which the case was referred, to the united sections, the decisions of which are final
Pubblico Ministero	Procuratore Generale presso la Corte di Cassazione	Public Attorney	Procurator General of the Court of Cassation
Corte d'Appello		Court of Appeals	
Numero Collegio	18 Presidente di Corte d'Appello Consiglieri di Corte d'Appello	Number Title	18 President of Court of Appeals Councillors of Court of Appeals
Numero dei Giudici Votanti	5 Sezioni No. varia di C. d'A. Una sezione per Magistratura del Lavoro	Number of Judges per Court	5 Sections No. varies of C. of A. 1 section for Magistracy of Labor

RESTRICTED

Pubblico Ministero Procuratore Generale presso la Corte di Cassazione
Public Attorney Procurator General of the Court of Cassation

Corte d'Appello		Court of Appeals	
Numero Collegio	18	President of Court of Appeals	18
Numero dei Giudici Votanti	5	Councillors of Court of Appeals	5
	Sezioni di C. d'A. No. varia	Sections of C. of A. No. varies.	5
	Una sezione per Magistratura del Lavoro	1 section for Magistracy of Labor	
	Corte d'Assise	Assize Court	
	(No. 91)	(No. 91)	
	(G.V. 7)	(J. 7)	
	(C.T. Circolo)	(T.J. Circuit)	
	(C. Penale per determinati reati)	(S.M. Criminal only for certain specified crimes)	
	(App. Inappellabile)	(App. None)	
Sud-divisioni	Tribunale dei Minorenni	Juvenile Court	
	(No. 24)	(No. 24)	
	(G.V. 3)	(J. 3)	
	(C.T. Distretto)	(T.J. District)	
	(C. Sotto anni 18)	(S.M. Under 18)	
	(App. Sezione speciale di Corte d'Appello)	(App. Special session of Court of Appeals)	
Competenza per Territorio	Tribunale delle Acque Pubbliche	Regional Tribunal of Public Waters	
	(No. 8)	(No. 8)	
	(G.V. 3)	(J. 3)	
	(C.T. Comuni di Cagliari, Firenze, Milano, Napoli, Palermo, Roma, Torino, Venezia)	(T.J. Municipalities of Cagliari, Florence, Milan, Naples, Palermo, Rome, Turin, Venice)	
	(App. Tribunale Supremo delle Acque Pubbliche)	(App. Supreme Tribunal No. 1 of Public Waters)	
Competenza	Distretto Illimitata	Territorial Jurisdiction District Subject Matter Unlimited	
Appello	Dai Tribunali	Appeal From Tribunals	
Pubblico Ministero	Procuratore Generale di Corte d'Appello	Public Attorney Procurator General of Court of Appeals	

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xxiiiITALIAN COURT SYSTEM (cont'd)

<u>Tribunali</u>		<u>Tribunals</u>	
Numero Collegio	142	Number Title	142 President - Judges
Numero dei Giudici Votanti	3	Number of Judges per Court	3
Suddivisioni	Sezioni - No. varia	Subdivisions	Sections - No. varies
Competenza per Territoria	Circondario	Territorial Jurisdiction	Department
Competenza	In materia penale reati non di competenza del pretore o della corte d'assise - in materia civile oltre 5000 lire o indeterminabile	Jurisdiction over Subject Matter	In criminal matters, all crimes which do not fall under the jurisdiction of local magistrate or assizes; in civil cases, matters involving value over 5000 lire or undetermined value
Appello	Dalle sentenze dei pretori	Appeal	From judgments of local magistrates
Pubblico Ministero	Procuratore del Re	Public Attorney	Procurator for the King

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<u>Pretura</u>		<u>Local Magistrate's Court</u>	
Numero Collegio	986	Number Title	986 Local Magistrate
Numero dei Giudici Votanti	1	Number of Judges per Court	1

<u>Pretura</u>		<u>Local Magistrate's Court</u>	
Numero Collegio	986 Pretore	Number Title	986 Local Magistrate
Numero dei Giudici Votanti	1	Number of Judges per Court	1
Suddivisioni	Pretori Aggiunti - Vice Pretori - Giudice Tutelare	Subdivisions	Substitute or extra local magistrate - Judge in charge of minors and incapacitated persons
Competenza per Territorio	Mandamento	Territorial Jurisdiction	District
Competenza	In materia penale, reati punibili con pena non superiore ai 3 anni o pecuniaria non oltre lire 10,000. In materia civile azioni reali e personali non superiore a lire 5,000. Senza limite di valore per azioni di sfratto per locazione finita, danni a fondi rustici, denunce di nuova opera o di danno temuto e distanze legali nel piantamento di alberi e ingiunzione a termini.	Jurisdiction of Subject Matter	In criminal matters, crimes punishable with penal servitude, not over 3 years or fine not over 10,000 lire. In civil matters for actions involving value not over 5,000 lire. For actions involving unlimited value in matters of expulsion for termination of lease, damages to country property, injunctions, legal distance in planting of trees and in boundaries.
Appello	Dalle sentenze dei conciliatori	Appeal	From judgments of the justices of the peace
Pubblico Ministero	Uditori, Vice Commissari di Pubblica Sicurezza, Segretario Comunale, Avvocato, Notaio, o Procuratore scelto dal Pretore	Public Attorney	Junior Magistrate, Local Chief of Police, Secretary attached to municipality, Lawyer, Notary, or Procurator chosen by the local Magistrate

Gradi della Magistratura

Primo Presidente della Corte di Cassazione
 *Procuratore Generale della Corte di Cassazione

Presidente di Sezione della Corte di Cassazione
 Primo Presidente della Corte d'Appello
 *Procuratore Generale di Corte d'Appello
 *Avvocato Generale di Corte di Cassazione

Consigliere di Corte di Cassazione
 *Sostituto Procuratore Generale di
 Corte di Cassazione
 Presidente di Sezione di Corte d'Appello

Consigliere di Corte d'Appello
 *Sostituto Procuratore Generale di Corte d'Appello
 Presidente di Tribunale
 *Procuratore del Re

Giudice di Tribunale
 *Sostituto Procuratore del Re

Aggiunti Giudiziani

Pretore
 **Vice Pretore

**Uditore

*Fanno parte del pubblico ministero - sono funzionari dell'ordine giudiziario senza le guarentigie dell'irremovibilità.
 **In materia penale - possono adempiere le funzioni del pubblico ministero su richiesta del pretore.

Grades of Judiciary

First President of the Court of Cassation
 *Procurator General of the Court of Cassation

President of Section of the Court of Cassation
 First President of the Court of Appeals
 *Procurator General of the Court of Appeals
 *Solicitor General of the Court of Cassation

Councillor of Court of Cassation
 *Deputy Procurator General of the
 Court of Cassation
 President of Section of Court of Appeals

Councillor of Court of Appeals
 *Deputy Procurator General of Court of Appeals
 President of Tribunal
 *Procurator for the King

Judge of the Tribunal
 *Deputy Procurator for the King

Adjuncts

Local Magistrate
 **Assistant Local Magistrate

**Junior Magistrate

*Members of the public attorney's office who come under Dept. of Justice, but do not enjoy the guarantee of irremovability (privilege of magistrates - beginning 3 years after their appointment as judges of tribunal by virtue of which they cannot be dismissed or transferred to other jurisdictions for the duration of their office except after trial in which they must appear in person.
 **May function as public attorney, in criminal matters, on request of the local magistrate.

RESTRICTED

MagistraturaGrades of Judiciary

Corte di Cassazione
della Corte di Cassazione

First President of the Court of Cassation
*Procurator General of the Court of Cassation

della Corte di Cassazione
Corte d'Appello
di Corte d'Appello
Corte di Cassazione

President of Section of the Court of Cassation
First President of the Court of Appeals
*Procurator General of the Court of Appeals
*Solicitor General of the Court of Cassation

di Cassazione
Generale di
zione
di Corte d'Appello

Councillor of Court of Cassation
*Deputy Procurator General of the
Court of Cassation
President of Section of Court of Appeals

Appello
Generale di Corte d'Appello

Councillor of Court of Appeals
*Deputy Procurator General of Court of Appeals
President of Tribunal
*Procurator for the King

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Judge of the Tribunal
*Deputy Procurator for the King

Adjuncts

Local Magistrate
**Assistant Local Magistrate
**Junior Magistrate

o ministero - sono
giudiziario renza le
ibilibite.
sono adempiere le
nistero su richiesta

*Members of the public attorney's office who come under
Dept. of Justice, but do not enjoy the guarantee of
irremovability (privilege of magistrates - beginning
3 years after their appointment as judges of tribunals -
by virtue of which they cannot be dismissed or trans-
ferred to other jurisdictions for the duration of
their office except after trial in which they must
appear in person.
**May function as public attorney, in criminal matters,
on request of the local magistrate.

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RESTRICTED

ITALIAN CIVIL CODE

FIRST BOOK OF PERSONS

TITLE I.

NATURAL PERSONS

ARTICLE 1 - Legal Capacity.

Every person acquires civil rights at the moment of birth.

The rights recognized by law in favor of a conceived child vest at the actual birth of the child.

The limitations on the enjoyment of civil rights, when the holder of those rights belongs to any of certain specified races, are determined by special laws.

ARTICLE 2 - Majority. Legal Capacity.

The period of majority is fixed at the termination of the twenty-first year.

At that age any person is capable of doing any act of civil life, except where a different age is prescribed.

ARTICLE 3 - Capacity with regard to employment.

Minors over eighteen years of age may engage their services, execute agreements relative thereto and exercise all rights and maintain causes of action arising therefrom, except as otherwise provided by special laws establishing lower age limits.

ARTICLE 4 - Simultaneous deaths.

Whenever a legal consequence is subject to the contingency that one person survived another, and where there is no conclusive evidence as to which predeceased the other, all are deemed to have died at the same time.

ARTICLE 5 - Undertakings relative to the disposing of one's body.

Any undertaking relative to the disposing of one's body which causes a permanent impairment of the health or is otherwise contrary to law, public order or morals, is forbidden.

ARTICLE 6 - Right to the name.

Every person has a right to the name given him pursuant to law. The name includes given name and surname.

No changes, additions, or corrections of names are permitted except when the law specifically provides therefor, and always provided that all the required legal formalities are complied with.

RESTRICTEDARTICLE 7 - Protection of the right to the name.

A person, the right to the use of whose name is contested, or who may be injured by the use made of it by others, may petition the judicial authority for an injunction terminating the illegal practice and for damages.

The judicial authority may, in such cases, order the pertinent decree to be published in one or more newspapers.

ARTICLE 8 - Protection of the name for family reasons.

In the case considered by the foregoing Article, the action may be started by a person who, although not bearing the name which is the subject of the contest or of the use, has in its safeguard an interest based upon family reasons deserving protection.

ARTICLE 9 - Protection of pseudonyms

A pseudonym (nom de plume) used by a person in such manner as to have achieved the importance of the real name, may be protected under Article 7.

ARTICLE 10 - Abuse of another person's image.

Whenever the image of a person, or of a parent, spouse, or child thereof, has been exhibited or published in violation of existing legal restrictions or in a manner prejudicial to the decorum or reputation of such person or relative, the judicial authority, upon petition of the interested party, may order the termination of the abuse, and the party may sue for damages.

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TITLE II.JURIDICAL PERSONSCHAPTER I.GENERAL PROVISIONSARTICLE 11 - Public juridical persons.

Provinces and communes, as well as public bodies recognized as juridical persons, are entitled to the enjoyment of rights in accordance with the statutory law and with customs recognized as public law.

RESTRICTED

ARTICLE 12 - Private juridical persons.

Associations, foundations, and other private institutions, acquire the status of juridical persons through incorporation by royal decree.

For some specified types of these entities operating within the limits of a province, the government may delegate to the governor the power of incorporating by its own decree.

ARTICLE 13 - Partnerships and companies.

Partnerships and companies are regulated by the provisions contained in Fifth Book of the Rights of Labor.

CHAPTER II.

ASSOCIATIONS AND FOUNDATIONS

ARTICLE 14 - Document establishing associations and foundations.

Associations and foundations shall be established by public act. Foundations may also be established by testament.

ARTICLE 15 - Revocation of the charter establishing the foundation.

The legal instrument establishing a foundation may be revoked by the founder before incorporation or before the activities of the foundation are initiated by the founder.

The power to revoke shall not descend to the founder's heirs.

ARTICLE 16 - Instrument establishing the juridical person. Charter and by-laws and their modification.

The instrument establishing the corporate body, or the by-laws, must contain the name of such a body, the indication of its purpose, of its fund, and place of its headquarters, as well as the provisions concerning its organization and management. The instrument establishing an association shall furthermore determine the rights and obligations of its members and the conditions under which they are admitted, and the instrument establishing foundations must contain the principles and methods in accordance with which the income is to be used.

The instrument establishing the corporate body may also contain the provisions regarding the dissolution of such corporate body and the subsequent devolution of its fund, and the instrument dealing with foundations may contain provisions concerning their modification.

Any change in the instrument establishing the corporate body or in the by-laws, shall be approved by the governmental authorities in the manner specified in Article 12.

RESTRICTEDARTICLE 17 - Acquisition of immovables and acceptances of donations, inheritances and legacies.

Juridical persons cannot acquire immovable property, accept donations or inheritances, or obtain legacies, without the authorization of the government.

Without such authorization the acquisition or acceptance is null and void.

ARTICLE 18 - Officer's Liability.

The officers are liable to the juridical person in accordance with the provisions regulating mandate (See Fourth Book of Obligations).

However, any officer who has not participated in an action causing damage to the juridical person, is exempt from liability arising therefrom, unless, having notice that the harmful action was about to occur, such officer failed to announce dissent therefrom.

ARTICLE 19 - Limitations on the power of representation.

Such limitations on the power of an officer to represent a juridical person as do not appear in the register indicated in Article 33 have no effect with respect to third parties, unless it can be proved that such party had knowledge of the limitations.

ARTICLE 20 - Meeting of the association.

A meeting of the association to approve the balance sheet must be called once a year by the officers.

Furthermore, a meeting must be called whenever a necessity for such a meeting arises or whenever a request, with reasons stated, is approved by at least one-tenth of the members.

In the latter case, if the officers fail to make provision for such a meeting, it can be ordered by the president of the Tribunal.

ARTICLE 21 - Resolutions of the general meeting.

The resolutions of the general meeting must be passed by a majority of votes and in the presence of at least one-half of the members. If the meeting is convoked again, a resolution is valid regardless of the number of members present. The officers shall not vote in passing the resolutions concerning the approval of the balance sheet and the resolution involving their own liability.

For amendment of the instrument establishing the association and its by-laws, the presence of at least three-quarters of the members and the affirmative vote of a majority of those present are required, unless otherwise provided by the statute or the By-Laws.

The affirmative vote of at least three-quarters of the members is necessary to decree the dissolution of the association and the transfer of its funds.

RESTRICTEDARTICLE 22 - Actions against officers of the association based on their liability.

Proceedings by which the officers of an association are held responsible for acts committed by them, are instituted by a resolution of the general meeting and shall be prosecuted either by the newly elected officers or by the liquidators.

ARTICLE 23 - Annulment and suspension of the resolution.

Whenever a resolution of the general meeting is contrary to law, to the instrument establishing the association, or to its by-laws, it may be annulled upon demand of the officers of the association or any of its members, or by the public attorney.

The annulment of the resolution does not affect rights acquired by third parties in good faith on the basis of actions performed in execution of the resolution.

The president of the Tribunal, or the investigating judge, after consultation with the officers of the association, may, on request of the party who initiated the proceedings, suspend the execution of a resolution for well founded reasons. The decree ordering the suspension must set forth the grounds and must be communicated to the officers. Moreover, the carrying out of a resolution contrary to public order or to morals may be suspended by government authority.

ARTICLE 24 - Withdrawal and expulsion of members.

Membership is not transferable unless the transfer is permitted under the terms of the instrument establishing the association or of the by-laws.

Members may at all times withdraw from the association, unless they contracted an obligation to remain members for a specified period of time.

The declaration of withdrawal must be forwarded in writing to the officers and is effective at the termination of a current year, provided the declaration is made at least three months in advance thereof.

The expulsion of a member can be decided by the general meeting only for serious reasons. A member may appeal to the judicial authorities within six months from the date of notification of the decision of expulsion.

Members who have withdrawn, or have been expelled, or who for any reason cease to belong to the association, cannot recover the contributions already paid, nor have they any claims on the property of the association.

ARTICLE 25 - Control of the management of foundations.

The governmental authorities exercise control and supervision over the administration of foundations; they provide for the appointment and substitution of officers or of representatives whenever the provisions contained in the instrument of foundation cannot be carried out; they annul with final decree, upon consultation with the officers, all resolutions contrary to mandatory rules, to the instrument of foundation, or to public

RESTRICTEDARTICLE 25 (Cont'd)

order or morals; and they may dissolve the management and appoint a special commissioner whenever the officers do not act in conformity with the by-laws, the purpose of the foundation, or the law. The annulment of a resolution does not affect the rights acquired by third parties in good faith on the basis of performance of the resolution.

Actions against the officers, involving their liability, may be instituted only with authorization by the governmental authorities and shall be prosecuted by the special commissioner, the liquidators, or by the newly appointed officers.

ARTICLE 26 - Coordination of activities and unification of management.

The governmental authorities may order the activities of several foundations to be coordinated, or their management to be consolidated, taking, however, into consideration, as much as possible, the intent of the founder.

ARTICLE 27 - Termination of the juridical person.

In addition to the reasons contemplated in the instrument establishing a juridical person or its by-laws, a juridical person shall be terminated when its purpose has been achieved or has become impossible to attain. Furthermore, a juridical person shall be terminated when it has lost all its members. The termination is made public by the governmental authorities, upon request of any interested party or even ex-officio.

ARTICLE 28 - Modification of foundations.

When the purpose of the foundation has been achieved, has become impossible to attain or of little usefulness; or when its funds are no longer sufficient, the governmental authorities, instead of declaring the termination of the foundation, may provide for its modification, retaining, however, as much as possible, the purposes of its founder.

The modification shall not take place when the facts that would lead to it are considered in the instrument of foundation as a cause for terminating the juridical person and for transfer of the funds to a third party.

The provisions of the first paragraph of this article and of Article 26 do not apply to foundations for the benefit of one or more specified families.

ARTICLE 29 - New transactions forbidden.

The officers cannot engage in new transactions from the time when they are notified of the decree declaring the termination of the juridical person or of the decree by which the authorities have judicially ordered the dissolution of the association for a statutory reason, or from the time when a decision to terminate the association has been passed by the general meeting of members.

Failure to comply with this provision causes the officers to be personally, jointly and severally, liable.

RESTRICTEDARTICLE 30 - Liquidation

Following the declaration of termination of the juridical person or the dissolution of the association, the liquidation of the association's property takes place in accordance with the provisions of the law for the enactment of the code.

ARTICLE 31 - Transfer of Funds.

The funds of the juridical person remaining after the liquidation are transferred in accordance with the instrument establishing the juridical person or its by-laws.

When there is no provision to that effect, in the case of foundations, the governmental authorities transfer the funds to other legal entities having similar purposes; where an association is concerned the resolutions of the general meeting ordering the dissolution shall be observed. In the absence of such resolutions the governmental authorities shall dispose of the funds in the same way as stated above for foundations. Creditors who failed to enforce their claims during the liquidation period may, within a year from the close of the liquidation, recover their claims from those persons to whom the funds have been transferred on the basis and within the limits of amounts received by those persons.

ARTICLE 32 - Transfer of specially assigned funds.

When funds have been donated or bequeathed to juridical persons for purposes different from the purpose of the juridical person, the governmental authorities, in case of modification or dissolution of the juridical person, shall transfer such funds, under the same conditions, to other juridical persons having similar purposes.

ARTICLE 33 - Registration of juridical persons.

Each province shall have a public Register of juridical persons. The register must show the date of the instrument establishing the juridical person, the date of decree granting the incorporation, the name, its objectives, the funds, the duration (whenever it is determined), the place of headquarters of the juridical person, and the surname and the name of the officers, especially mentioning those who have the right to represent the juridical person.

The officers of an unregistered but incorporated association or foundation are personally, severally and jointly, liable together with the juridical person for the obligations they contracted.

RESTRICTEDARTICLE 34 - Registration of Documents.

Any modification of the instrument establishing the juridical person and of the by-laws, after they have been approved by the governmental authorities shall also be registered; this applies also to the transfer of headquarters and the establishment of branch offices, to the replacement of officers indicating those entrusted with representation, to the resolutions to dissolve, to the decrees ordering the dissolution or declaring the termination, and to the surname and name of the liquidators.

If such registration did not take place, the facts indicated above cannot be used against third parties unless it can be proved that they had knowledge of the facts.

ARTICLE 35 - Criminal liability.

Administrators and liquidators who do not apply for the registration prescribed by Article 33 and 34 within the period and in the manner established by the law enacting the code, shall be punished with a fine of from 100 to 5,000 liras.

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CHAPTER IIIOF UNINCORPORATED ASSOCIATIONS AND OF COMMITTEESARTICLE 36 - Organization and management of unincorporated associations.

The internal organization and management of associations, which are not recognized as juridical persons, shall be regulated by agreements between the members.

Said associations may also appear in court through those whom such agreements invest with the presidency or directorship.

ARTICLE 37 - Common Funds

The contributions of the members and the property acquired with these contributions constitute the common fund of the association. As long as the association lasts, individual members cannot ask for the partitioning of the common fund nor claim their contribution in case of withdrawal.

ARTICLE 38 - Obligations.

Third parties can enforce their rights on the common funds of the association for obligations contracted by persons representing such association. Persons who have acted for such association and in its name are also personally, severally and jointly, liable for the same obligation.

RESTRICTED

ARTICLE 39 - Committees

Welfare and charity committees as well as committees to promote public works, monuments, expositions, fairs, festivities, etc., are regulated by the following provisions unless it is prescribed otherwise by special laws.

ARTICLE 40 -- Liabilities of Organizers.

The organizers and those who are in charge of the management of the funds collected, are personally, severally, and jointly liable for the conservation of the funds and for the employment of those funds for the announced purpose.

ARTICLE 41 - Liabilities of the members -- Representation in court.

Until the committee has been incorporated, its members shall be personally, severally, and jointly, liable for the assumed obligations. The subscribers shall be liable only for the subscriptions to which they are committed.

The committee may appear in court in the person of its president.

ARTICLE 42 - Other destination of the funds.

When the funds collected are not sufficient for the purpose, when the purpose is no longer attainable or when, after the attainment of the purpose there is a balance of funds left over, the governmental authorities shall determine the devolution of the funds unless this has been regulated at the time when the committee was established.

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TITLE III

DOMICILE AND RESIDENCE

ARTICLE 43 - Definitions

The domicile of a person is the place where he has his principal business establishment.

The residence is the place where the person has his habitual abode.

ARTICLE 44 - Change of residence and domicile.

A change of residence cannot be set up against parties in good faith unless such change has been formally announced in the manner prescribed by law.

When ever a person has domicile and residence in the same place and transfers the latter elsewhere, the domicile is deemed to have been transferred also with respect to third parties in good faith, unless it is otherwise stated in the document announcing the change.

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ARTICLE 45 - Domicile of the wife, minor, children and interdicted persons.

The wife who is not legally separated has the domicile of the husband. This does not apply when the husband is an interdicted person.

If the husband has transferred his domicile abroad, the wife can establish her own domicile within the territory of the state.

The unemancipated minor has the domicile of the person with parental authority or guardianship.

The interdicted person has the domicile of the guardian.

ARTICLE 46 - Headquarters of artificial persons.

Whenever the law causes certain specified consequences to be derived from the residence or domicile, weight is given to the place of the headquarters of the artificial person. In the cases where the headquarters established according to the rules of Article 16 or the headquarters shown in the register do not correspond with the actual one, third parties may consider the latter as the headquarters of the artificial person.

ARTICLE 47 - Selection of Domicile.

A person may designate a special domicile for the purpose of conducting certain specified transactions or actions.

This designation must be made expressly in writing.

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TITLE IV

OF ABSENTEES AND DECLARATION OF PRESUMPTIVE DEATH

CHAPTER I. ABSENTEES

ARTICLE 48 - Curator of the absent person.

Whenever a person does not appear in the place of his last domicile or of his last residence and has not been heard from, the court of the last domicile or residence may, upon application of the interested parties or of the presumptive heirs or of the District Attorney, appoint a curator to represent the aforesaid person in suits, in the filing of inventory and accounts and in the liquidation or partitions where the person has an interest. The court may also make further provisions necessary for the safekeeping of the estate of the absent person.

If there is a legal representative for the absent person the appointment of a curator does not take place.

If the absent person is represented by an attorney-at-law, the court makes provisions only for those acts which the attorney-at-law is not empowered to perform.

RESTRICTEDARTICLE 49 - Declaration of Absence.

The presumptive heirs and anyone who feels reasonably entitled to claims on the absent person's estate by reason of his non-appearance according to Article 48, may petition the court having jurisdiction for a declaration of absence two years from the day in which the person was last heard from.

ARTICLE 50 - Of the placing of the property into provisional possession.

When the decree declaring the absence becomes effective, the court may order the opening of the will of the absentee, if there be any such will, upon application of any interested party or of the District Attorney.

Those who may qualify as presumptive and lawful heirs on the day when the last intelligence of the absentee was received, or their respective heirs, may petition the court to be put into provisional possession of the estate of the absentee.

The legatees, the donees and all those with rights deriving from the death of the absentee may petition the court for the temporary exercise of those rights.

Those who may be exempted from obligations by reason of the death of the absentee may also be provisionally relieved from the fulfilling of those obligations, provided these obligations do not concern maintenance as provided in Article 434.

A bond in the amount set by the Tribunal shall be posted to obtain possession, provisional exercise of rights or provisional relief from obligations. If a person is unable to furnish such bond the tribunal may require other guarantees, with due regard to the persons involved and their relationship to the absentee.

ARTICLE 51 - Allowance for support of spouse of absentee.

The husband or wife of the absentee may, if in necessitous circumstances, receive from the court a maintenance allowance to be determined in accordance with the family conditions and the size of the estate of the absentee in addition to what the husband or wife is entitled to by virtue of marriage contracts or by inheritance.

ARTICLE 52 - Effects of the placing into provisional possessions.

The placing into provisional possession of the property shall be preceded by an inventory of the property.

The placing into provisional possession places the administration of the estate of the absentee in the beneficiaries and their heirs; it entitles them to represent the absentee in court and to receive the income of the estate.

RESTRICTEDARTICLE 53 - Enjoyment of the estate.

When the ascendants, the descendants or the spouse are placed in provisional possession, they shall receive the total amount of the income. Any others placed in possession shall set aside one-third of the income for the absentee.

ARTICLE 54 - Limitations on the use of the property.

Those placed in provisional possession of the property shall not alienate it, mortgage it, or subject it to pledge, unless a necessity arises or unless there is an obvious advantage in so doing, and unless duly approved by the Tribunal.

When authorizing these actions, the Tribunal makes provisions for the use and management of the amounts collected.

ARTICLE 55 - Claimants placed in temporary possession.

If, during the provisional possession, anyone gives proof of having had stronger or equal claim to that of the possessor on the day on which the last intelligence of the absentee was received, such person may supersede the possessor or become associated therewith. However, such person has no claim to the income and profits accruing prior to the date of the filing of the petition by such person.

ARTICLE 56 - Reappearance of Absentee or Proof of his existence.

If the absentee should reappear, or if the existence thereof should be proved during the provisional possession, then the effect of the judgment which declares the absence shall cease, except for such conservatory measures, if necessary, as are prescribed in Article 48.

Those placed in provisional possession shall make restitution of the property, but they shall continue to enjoy the advantages set forth in Article 52 and 53 up to the day when legal claim for restitution was filed and all action performed in accordance with Article 54 shall remain irrevocable.

If the absence has been voluntary and unjustified, then the absentee loses all rights to recover the accrued income reserved for him by the provisions of Article 53.

ARTICLE 57 - Proof of Absentees' death.

If the death of the absentee is proved during the provisional possession, the succession of the absentee shall be opened for the benefit of such heirs and legatees as existed at the time of the death of the absentee. In this case the provisions set forth in the second paragraph of the preceding Article shall also apply.

RESTRICTEDCHAPTER II.DECLARATION OF PRESUMPTIVE DEATHARTICLE 58 - Declaration of presumptive death of absentee.

When ten years have elapsed from the day of the last intelligence of the absentee, the competent tribunal according to Article 48, may, upon request of the public attorney or any of the persons specified in Article 50, pronounce a judgment declaring the presumptive death of the absentee from the day on which such absentee was last heard from.

Under no circumstances may such judgment be pronounced unless nine years have elapsed from the time when the absentee reached majority. The presumptive death may be declared even if there is no declaration of absence.

ARTICLE 59 - Limitations on the renewal of the request.

When the request has been rejected, it shall not be presented again before two years, at least, have elapsed from the time of the first request.

ARTICLE 60 - Other cases of declaration of presumptive death.

In addition to the contingency indicated in Article 58, the presumptive death may be declared in the following cases:

1. Whenever a person disappears in connection with war activities in which he is participating, -if he is in any way attached to the forces taking part in the activities, or if he is in any way involved in those activities and has not been heard from since and two years have elapsed since the peace treaty has become effective or, in the absence of a peace treaty, three years have elapsed since the end of hostilities.

2. Whenever a person has been taken prisoner by the enemy or interned by the enemy or whenever a person has been in any way removed to a foreign country and two years have elapsed since the peace treaty has become effective or, in the absence of a peace treaty, three years from the end of the year in which hostilities have ceased, and no information concerning such person has been received after the peace treaty has become effective or after the end of hostilities, respectively.

3. Whenever a person disappears in connection with an accident and no intelligence of him is received after two years from the date of the accident or, if the day of the accident is unknown, after two years from the end of the month in which the accident occurred or, if the month is also unknown, after two years from the end of the year in which the accident occurred.

RESTRICTEDARTICLE 61 - Date of presumptive death.

In the cases foreseen in numbers one and three of the preceeding Article, the judgment shall specify the day and, if possible, the hour in which the disappearance occurred in connection with the war activity or with the accident, and, in the case indicated in number two thereof, the judgment shall specify the day on which the absentee was last heard from. Whenever it is not possible to determine the hour, the presumptive death shall be deemed to have occurred at the end of the day specified.

ARTICLE 62 - Conditions and formalities pertaining to the declarations of presumptive death.

A declaration of presumptive death, in the cases indicated in Article 60, may be petitioned when the evidence required by law for the issuance of a death certificate has been impossible to obtain.

Such declaration shall be made by a judgment of the Tribunal on demand of the public attorney or of any of the persons indicated in the numbers of Article 50.

When the tribunal does not see fit to grant the petition for a declaration of presumptive death, it may declare the absence of the person who has disappeared.

ARTICLE 63 - Effects of the declaration of presumptive death of the absentee.

Once the judgment mentioned in Article 58 becomes effective, those persons who were put in provisional possession of the property of the absentee, or their heirs, may freely dispose of the property, and those who have obtained the provisional exercise of rights or the provisional exemption from obligation, specified in Article 50, attain definitive exercise of those rights or the definitive exemption from those obligations. The obligation concerning maintenance indicated in the fourth paragraph of Article 50 likewise ceases. In any case, all bonds are cancelled and all sureties discharged.

ARTICLE 64 - Provisional possession and Inventory.

If the provisional possession has not taken place, all persons who may have rights in accordance with the paragraphs of Article 50, or their heirs, shall obtain full exercise of their rights when the judgment mentioned in Article 50 has become effective. Those placed in provisional possession shall cause an inventory of the property to be taken before entering into possession. The heirs by virtue of the declaration of presumptive death indicated in Article 50 shall likewise cause an inventory of the property to be taken before entering into the inheritance.

ARTICLE 65 - Remarriage of the Spouse.

After the judgment declaring the presumptive death of the absentee becomes effective, the spouse is at liberty to contract another marriage.

RESTRICTEDARTICLE 66 - Proof of the Existence of the Person whose presumptive death has been declared.

If the absentee should reappear or if the existence thereof should be proved after the declaration of presumptive death, the absentee shall recover the estate, such as it may happen to be, the price of such part of it as has been sold, provided the price is still due, or such property as has been bought with the proceeds of his property which may have been sold. The absentee shall also have a right to the execution of the obligations considered cancelled in accordance with the Second paragraph of Article 63.

If proof of the date of death is brought forth, the rights foreseen in the first paragraph of this article pertain to those who would have been the heirs or legatees on that same date. The heir and legatees may likewise claim the execution of the obligations considered cancelled according to the second paragraph of Article 63 for the time preceding the absentee's death. The effects derived from prescription and usucaption remain unaffected.

ARTICLE 67 - Declaration of existence or confirmation of death.

The declaration of the existence or the confirmation of the death of the person whose presumptive death has been declared may be made at any time on request of the public attorney or any interested person, and can be enforced against those persons who were parties in the judgment in which the presumptive death was declared.

ARTICLE 68 - Of the nullity of subsequent marriages.

Marriages contracted in accordance with Article 65 are null if after said marriage the person whose presumptive death has been declared happens to return or if proof of his existence is produced. However the civil effects of the marriage declared null are valid. The nullity of the marriage shall not be declared if the death is confirmed even if the death occurred on a date later than that of the marriage.

CHAPTER IIIOF THE RIGHTS WHICH MAY BELONG TO A PERSON WHOSE EXISTENCE IS UNKNOWN OR WHOSE PRESUMPTIVE DEATH HAS BEEN DECLAREDARTICLE 69 - Rights of the person whose existence is unknown.

Whoever shall claim a right accruing to a person whose existence is not known, shall be bound to prove that such person existed at the time when the right in question accrued.

RESTRICTEDARTICLE 70 - Devolution of Inheritance.

If a succession is opened in favor of a person whose existence is not known, the inheritance shall devolve on those on whom the inheritance would have devolved if such person had not existed, except for the right of representation. It shall be the duty of those on whom the inheritance devolves to cause the taking of an inventory of the property and to post bond.

ARTICLE 71 - Extinguishment of rights pertaining to a person whose existence is not known.

The provisions of the preceding article do not affect the right to claim the inheritance or other rights belonging to the person whose existence is not known, nor the rights of his heirs, or other interested parties. However, the effects of prescription or usucaption remain unimpaired.

Restitution of the profits is due only from the day when legal claim for such restitution was filed.

ARTICLE 72 - Inheritance devolving on the person whose presumptive death has been declared.

If a succession is opened in partial or total favor of a person whose presumptive death has been declared, it shall be the first duty of those on whom the inheritance devolves, in the absence of such person, to cause the taking of an inventory of the property.

ARTICLE 73 - Extinguishment of rights belonging to the person whose presumptive death has been declared.

If the person whose presumptive death has been declared reappears or if proof of existence is produced at the time of the opening of the succession, such person, his heirs or other interested parties, may exercise the right of claiming the inheritance and enforce all other rights but they shall only recover the estate such as it may happen to be, and may recover the price of such part of it as has been sold, only when the price is still due, or the property in which the proceeds have been invested. However the effects derived by prescription and usucaption remain unaffected. The provisions of the second paragraph of Article 71 are observed.

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TITLE VOF CONSANGUINITY AND AFFINITYARTICLE 74 -

Consanguinity is the connection between persons descending from a common ancestor.

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ARTICLE 75 - Of direct and collateral consanguinity.

The relation between persons who descend from one another is called direct consanguinity and the relation between persons who do not descend from one another is called the collateral consanguinity, even if they spring from a common ancestor.

ARTICLE 76 - Degrees of consanguinity.

In the direct line there are as many degrees as there are generations without counting the common ancestor.

In the collateral line the degrees are counted by the generations from one of the relations up to the common ancestor and from the common ancestor to the other relations, without counting the common ancestor.

ARTICLE 77 - Limitations on consanguinity.

The law does not recognize any relation of consanguinity beyond the sixth degree except for certain specified cases.

ARTICLE 78 - Affinity.

Affinity is the relation between a married person and the kindred of the other spouse. A married person is connected with the relations of the spouse in the same line and degree as the spouse.

Affinity does not cease on account of death even if there are no children born of the marriage from which it springs, except for specified civil effects. Affinity ceases if the marriage is declared null, except for the effects specified in No. 4 of Article 87.

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TITLE VI

OF MARRIAGE.

CHAPTER I

PROMISE OF MARRIAGE

ARTICLE 79 - Effects.

The promise of marriage does not obligate the person to carry out agreements made in consideration of such marriage, if the marriage does not take place.

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ARTICLE 80 - Revocation of donations.

The person who made the promise of marriage may request the revocation of the donations made in connection with said promise, if the marriage does not take place.

The action for revocation shall be brought within one year from the day on which notice of the refusal to contract the marriage was received or from the day on which the death of one of the persons who made the promise occurred.

ARTICLE 81 - Payment of damages.

The mutual promise of marriage, when made by public act or private agreements by persons who have attained majority, or by a minor duly authorized by those who must give permission for the marriage, or when such permission is implied in the request for the publication of banns or license, obligates the person who refuses, without justifiable reason, to carry out the promise, to the payment of damages and the fulfillment of obligations which the other party has sustained by his default.

The damages are restricted to the total expenditure actually incurred and to the amount necessary to fulfil obligations undertaken by the party in contemplation of the marriage. The same liability attaches to the person who made the promise when such person is responsible for the grounds upon which the other party's refusal to contract may be based.

CHAPTER II

MARRIAGES CELEBRATED BY PRIESTS OF THE CATHOLIC CHURCH AND MARRIAGES CELEBRATED BY MINISTERS OF ANY RELIGIOUS SECT PERMITTED WITHIN THE STATE.

ARTICLE 82 - Marriages celebrated by priests of the Catholic Church.

Marriages celebrated by priests of the catholic church are regulated in accordance with the provisions of the concordat with the Holy See and other special laws on the subject.

ARTICLE 83 - Marriages celebrated by ministers of any religious sect permitted with the state.

Marriages celebrated by ministers of any religious sect permitted within the state are regulated by the provisions contained in the following sections except for the provisions of special legislation concerning such marriages.

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CHAPTER III

MARRIAGES CELEBRATED BY OFFICIALS OF THE VITAL STATISTICS RECORDS OFFICE

SECTION I

CONDITIONS ESSENTIAL TO CONTRACT OF MARRIAGE

ARTICLE 84 - Age.

No male under the age of 16 years and no female under the age of 14 years shall contract marriage.

The Sovereign or other competent authorities may make dispensation, for grave reasons, allowing the marriage of a male over 14 years or a female over 12 years of age.

ARTICLE 85 - Interdiction because of unsound mind.

No person interdicted for mental incapacity shall contract marriage. Pending the issue for the petition of interdiction, the public attorney may request that the celebration of the marriage be suspended. In this case the marriage cannot be celebrated until the time for appeal of the judgment for interdiction has elapsed.

ARTICLE 86 - Impediments.

No person bound by a previous marriage shall contract marriage.

ARTICLE 87 - Consanguinity, Affinity, Adoption and Fosterage.

Marriage shall not be contracted between the following persons:

1. The ascendants or descendants in the direct line, whether legitimate or natural.
2. Brothers and sisters whether of the whole or of the half blood.
3. Uncle and niece or aunt and nephew.
4. The collateral relations in the direct line. This impediment applies also in case the marriage from which it springs is declared null.
5. The collateral relations within the second degree.
6. The adoptive parent and the adopted child or the child's descendants.
7. The children adopted by the same person.
8. The adopted children and the children of the adoptive parents.
9. The adopted children and the spouse of the adoptive parent or the adoptive parent and the spouse of the adopted children.

RESTRICTEDARTICLE 87 (Cont'd)

The impediments contained in Nos. 6, 7, 8, and 9 apply also to fosterage. The impediments contained in Nos. 2 and 3 apply also if the connection is derived from an illegal relationship.

The Sovereign or the competent authorities may make exceptions in the cases indicated in Nos. 3, 5, 6, 7, 8, and 9; and in the cases indicated in No. 1. Exceptions may also be made in case contemplated in No. 4 when the affinity springs from a marriage which has been declared null.

ARTICLE 88 - Crime.

No person who has been convicted of murder or of attempted murder may contract marriage with the spouse of the victim. If the date has been set for the trial or if the arrest of the person has been ordered, the marriage shall not be celebrated until judgment of acquittal has been rendered.

ARTICLE 89 - Time Limitation on Re-Marriage.

The wife shall not be at liberty to contract another marriage until three hundred days after the dissolution or the annulment of her preceding marriage, unless the marriage has been declared null according to Article 123.

The Sovereign or competent authorities may make exceptions to such prohibition.

This prohibition terminates the day on which the wife gives birth.

ARTICLE 90 - Consent for Minors.

A minor shall not contract marriage without the consent of the person exercising parental authority or tutorship. Emancipated minors shall require the consent of the curator when the curator is one of the parents.

When the consent is not personally given before the public official who must order the banns or issue the license, such consent must be evidenced by registered documents or by duly notarized private documents wherein the identity of both parties must be indicated.

Whenever the consent is denied, the celebration of the marriage may be authorized, for grave reasons, by the procurator general of the Court of Appeals. The procurator general of the Court of Appeals may also appoint a curator to assist the minor in the stipulations of the marriage agreements.

ARTICLE 91 - Differences in Race or Nationality.

All marriages contracted between persons of different races are subject to the restrictions imposed by special laws. The special laws also determine what rules shall be observed by Italian citizens contracting marriage with persons of foreign nationality.

RESTRICTED

ARTICLE 92 - Marriage of the King Emperor and of the Princes of the Royal family.

The provisions contained in Articles 84, 87, Nos. 3, 5, 6, 7, 8, 9 and of the fourth paragraph of Article 90 do not apply to the King Emperor and to the members of the royal family.

The consent of the King Emperor is required for the validity of marriages contracted by the princes and princesses of the Italian Royal family.

SECTION II

OF FORMALITIES NECESSARY FOR THE CELEBRATION OF MARRIAGES.

ARTICLE 93 - Publication of license or banns.

The celebration of marriages shall be preceded by the publication of the license granted by the officials of the vital statistics record office. The publication of the license or banns shall consist of the posting on the door of the town hall of an instrument stating the name, surnames, occupation, place of birth and residence of the intended husband and wife. The instrument shall also indicate whether or not they have attained majority and the name of the place where they intend to celebrate the marriage.

ARTICLE 94 - Place in which publication of the license or banns must be made.

Application for the publication of the license or bans shall be made to the official of vital statistics records of the commune where either the intended husband or wife has residence, and the publication shall be made in both communes where the parties reside.

If the period of residence in the commune in which application is made is under one year, then the publication of the license shall be issued in the commune of the previous residence also.

The officials to whom application has been made to grant a license shall make all necessary provisions for the granting of said license and for publication in the other communes where it may be required.

The officials of the vital statistics records office shall forward to similar officials of other communes, on request, a certificate declaring that a license has been issued and publication made.

ARTICLE 95 - Period of publication.

The license or banns shall be posted on the door of the town hall for at least eight days including two successive Sundays.

ARTICLE 96 - Application for publication of license or banns.

The application for publication of license or banns shall be made by both parties or by a person especially appointed by them for that purpose.

RESTRICTEDARTICLE 97 - Documents necessary for the issuance of a license.

Whoever applies for a license from the officials of the vital statistics records shall submit birth certificates for both parties and evidence of parental consent for the marriage if such consent is required by law. They shall also submit such other evidence to prove their status and their family circumstances as may be required.

If the applicants fail to submit the necessary documents, the officials shall, upon their request, make provisions for the production of all such documents.

ARTICLE 98 - Denial of the application for the publication of license and banns.

The official of vital statistics records who does not see fit to grant a license, shall issue a certificate stating the reasons for the denial.

The denial may be appealed to the Tribunal, which shall rule on the matter at a sitting of the judges in chambers, having previously heard the findings of the public attorney.

ARTICLE 99 - Valid period for the celebration of the marriage.

The marriage shall not be celebrated before the fourth day from the end of the period required for the publication of the license or banns. If the marriage is not celebrated within one hundred and eighty days immediately following the publication of the license or banns such publication is nullified.

ARTICLE 100 - Reduction of the required period and dispensation from publication.

The sovereign, or the authorities duly appointed for the purpose, may reduce the period required for the publication of license or banns, for grave reasons. In this case said reduction shall be declared in the instrument itself.

When very grave reasons subsist, dispensation also may be granted by presenting a document witnessing a public declaration in which four persons, even tho related to the intended husband and wife,

1. Declare under oath before the judge having jurisdiction in the district of one of the parties, that they are well acquainted with them;
2. Give their exact names and surnames, occupation and residence as well as the residence of their parents;
3. Give assurance on their oath that none of the impediments for the marriage specified in Articles 85, 86, 87, 88 and 89 exist.

Before the public declaration is made the judge shall read the afore-said Articles to those about to make the declaration and warn them of the importance of their attestation and the gravity of possible consequences.

RESTRICTED

ARTICLE 100 (Cont'd)

When dispensation from publication has been granted the intended husband and wife shall submit to the official of vital statistics records all the documents required by Article 97 together with the decree of dispensation.

ARTICLE 101 - Marriage contracted while in imminent danger of death.

In case of imminent danger of death of one of the parties, the local official of vital statistics records may proceed with the celebration of the marriage without publication and without the consent to the marriage, if such consent be required, provided the parties previously swear to the absence of impediments between them which would affect the dispensation.

The official of vital statistics records shall make manifest in the marriage certificate his reason for believing death to be imminent.

SECTION III

OPPOSITION TO THE MARRIAGE

ARTICLE 102 - Persons entitled to oppose.

The parents and, in their absence, all other ascendants and the collaterals within the third degree may oppose the marriage of their relations because of any impediment of which they are aware. If one of the parties is subject to tutorship or curatorship, the right to oppose pertains to the tutor or curator.

The right to oppose pertains also to the spouse of a person who intends to contract another marriage.

In case a marriage is contemplated in infringement of Article 89, the right to oppose pertains also to the parents of the preceding husband, if the marriage was dissolved. If the marriage was declared null the right to oppose pertains also to the person with whom said marriage was contracted and his parents.

The public attorney shall always oppose the marriage if he is aware of any impediment to it, or if he is cognizant of the fact that one of the parties is of unsound mind although not subject to interdiction proceedings because of age.

ARTICLE 103 - Document of opposition.

The document of opposition shall contain the capacity in which the person has a right to oppose and the reasons for the opposition, and shall include the election of domicile within the jurisdiction of the tribunal of the place where the marriage is to be celebrated. Both the parties and the official of vital statistics records must be served with notice of the document.

RESTRICTEDARTICLE 104 - Effects of Opposition.

The opposition made by whoever is entitled to oppose, if based on grounds recognized by the law, causes the celebration of the marriage to be suspended until the opposition is removed by a judgment and time for appeal of such judgment has expired.

If the opposition is overruled, the party making it may be required to pay the costs, unless the party is an ascendant or the public attorney.

ARTICLE 105 - Marriage of the King Emperor and the Princes of the Royal House.

The provisions of this Section and of the preceding Section do not apply to the King Emperor and to the Princes of the Royal House.

SECTION IVOF THE CELEBRATION OF MARRIAGESARTICLE 106 - Place of celebration.

The marriage shall be celebrated publicly in the town hall by the official of vital statistics records to whom request was made for the publication of banns or license.

ARTICLE 107 - Formalities of celebration.

On the day set for the marriage, the official of vital statistics records shall read off to the intended husband and wife the provisions of Articles 143, 144 and 145 in the presence of two witnesses, who may be related to the parties. He shall receive from each of the parties separately and in succession their declaration of the desire to take each other for husband and wife respectively and he shall then declare that the parties are united in marriage.

The marriage certificate shall be drawn up immediately after the celebration.

ARTICLE 108 - Prohibition of the setting of time limits and conditions.

The declaration of each party that they take each other in marriage shall not be subject to time limits or conditions. If the parties should add a time limit or a condition, the official of vital statistics records shall not proceed with the celebration of the marriage.

If the marriage is celebrated in spite of it, the time limit and conditions shall be disregarded.

RESTRICTEDARTICLE 109 - Celebration in another commune.

Whenever it is necessary or convenient to celebrate the marriage in a commune other than the one indicated in Article 106, the official of vital statistics records, after the period set forth in the first paragraph of Article 99 has elapsed, shall make written request to the official of vital statistics records of such commune to celebrate the marriage. Such request shall be mentioned and included in the marriage certificate. On the day following the celebration of the marriage, the official before whom the marriage was celebrated shall forward a certified copy of the marriage certificate to the official who made the request, for entry in the public records.

ARTICLE 110 - Celebration elsewhere than in the town hall.

If it is impossible for one of the parties to go to the town hall because of illness or other justified cause, the official of vital statistics records shall proceed with the clerk to the place where the incapacitated person is to be found and in that same place he shall celebrate the marriage according to Article 101 in the presence of four witnesses.

ARTICLE 111 - Marriages contracted by proxy.

The military and all persons attached to the military forces because of their duties, may celebrate marriage by proxy in war time. If one of the parties resides outside the kingdom and grave reasons are also present, the celebration of marriage by proxy may take place where such party resides. The gravity of such reason shall be determined by the procurator general of the court of appeal in the jurisdiction where the other party resides.

The document of proxy shall indicate the person with whom the marriage is to be contracted.

Proxy shall be witnessed by a duly registered document; the military and persons attached to the military forces may, in war time, avail themselves of the special forms of proxy to which they are entitled.

The marriage shall not be celebrated when one hundred and eighty days has elapsed from the day in which the proxy was given.

Cohabitation, even if temporary, after the celebration of the marriage shall nullify the effects of the revocation of the proxy if the other party was without knowledge of the existence of such revocation when the marriage was celebrated.

ARTICLE 112 - Refusal by officials to celebrate marriage.

The official of vital statistics records shall not refuse to celebrate the marriage except for reasons contemplated by law. If he refuses to celebrate the marriage he shall issue a certificate stating his reasons.

Such refusal may be appealed to the Tribunal which shall deliberate in chambers after having heard the report of the public attorney.

RESTRICTED

ARTICLE 113 - Marriages celebrated by a person with apparent power to act as official of vital statistics records.

Marriages celebrated by a person publicly exercising the functions of public official of vital statistics records, without in fact possessing such qualification, are deemed to have been celebrated by public officials of vital statistics records unless both parties had knowledge at the time of the celebration that the person did not possess such qualifications.

ARTICLE 114 - Marriage of the King Emperor and of the Princes of the Royal House.

The president of the senate is the official recorder for the marriages of the King and of the Princes of the Royal family.

The King Emperor shall also designate the place where the marriage is to be celebrated.

The marriage may also be made by proxy and in this case the provisions of Article 111 do not apply.

SECTION V

MARRIAGES OF ITALIAN NATIONALS IN
FOREIGN COUNTRIES AND OF ALIENS IN
THE KINGDOM

ARTICLE 115 - Marriages of Italian Nationals in Foreign countries.

All nationals shall abide by the provisions contained in the first section of this title even when the marriage is contracted according to the formalities observed in the foreign country where the marriage is celebrated.

The banns or license shall be posted in the Kingdom according to Articles 93, 94 and 95. If the national does not reside in the Kingdom, the banns or license shall be posted in the commune of the last domicile.

ARTICLE 116 - Marriages of aliens in the kingdom.

Aliens wishing to contract marriage in the Kingdom shall present to the official of vital statistics records a declaration from the competent authority in his or her country, to the effect that no impediment to the marriage exists according to the laws to which they are subject.

A foreigner, however, shall also comply with the provisions contained in Article 85, 86, 87, No. 1, 2 and 4, 88 and 89.

A foreigner who has domicile or residence in the Kingdom shall furthermore apply for the publication of the banns or license according to the provisions of this code.

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SECTION VI

OF THE NULLITY OF MARRIAGES.

ARTICLE 117 - Marriages contracted in violation of Article 84, 86, 87 and 88.

Every marriage contracted in violation of Article 84, 86, 87 and 88 may be attacked by either married person, by the immediate ascendants, by the public attorney, or by all those who may have a present and legitimate cause to attack it.

All marriages contracted by the spouse of the absentee may not be attacked as long as the absence lasts.

Whenever dispensation according to the last paragraph of Article 87 could have been made, the marriage may not be attacked until six months after the celebration. The provisions of the first paragraph of this Article apply also in the case of nullity of the marriage as provided in Article 68.

ARTICLE 118 - Minors.

Marriages in which one or both of the contracting parties have not attained the age prescribed in the first paragraph of Article 84, may not be attacked after the lapse of one month from the day in which full age is attained. If the wife is pregnant, such marriage cannot be attacked on ground of insufficient age of the wife.

ARTICLE 119 - Interdicts

Marriages contracted by persons interdicted for unsound mind may be attacked by the tutor or by the public attorney, provided the judgment of interdiction was already effective at the time when the marriage was contracted and the time for appeal of such judgment has passed; such marriages may also be attacked if the judgment for interdiction was subsequent to the marriage but the state of mental unsoundness existed at the time when the marriage was contracted.

The marriage may also be attacked by the interdict after revocation of the interdiction. This action is barred if the married persons cohabited together after the revocation of said interdiction.

ARTICLE 120 - Unsound Mind.

Marriages may be attacked by a spouse who, even though not interdicted, can prove his state of incapability of intention or volition, for any reason, even if temporary, at the time when the marriage was celebrated.

This action is barred if the married persons cohabited together for at least one month after the spouse has recovered his full mental capacity.

RESTRICTED

ARTICLE 121 - Lack of consent.

Marriages contracted without the required consent as prescribed by Article 90 may be attacked by the person whose consent was required and by the party for whose marriage said consent was necessary.

This action is barred when the marriage was expressly or tacitly approved by the person whose consent was required or when three months have elapsed from the day when notice was received of the celebration of the marriage.

This action is also barred to the party for whom the consent was required when one month has elapsed from the day when such person has attained majority.

ARTICLE 122 - Violence and error.

The marriage may be attacked by the party whose consent was induced by violence or whose consent was lacking through error or through mistake.

Error regarding the attributes of the spouse does not constitute grounds for nullity unless it amounts to a mistake of identity of the spouse.

This action is barred if the married person cohabited for at least one month after the spouse has recovered his full liberty or discovered the mistake.

ARTICLE 123 - Impotence

Perpetual impotence, whether curable or incurable, may be pleaded as a cause for nullity by either party when such impotence antedates the marriage.

Impotence to procreate may be pleaded as a cause for nullity only if one of the parties is without genital organs. This action may be prosecuted by the other spouse provided such spouse had no knowledge of such defect before the marriage took place. This action is barred after three months from the day in which such person became cognizant of the impotence.

ARTICLE 124 - Previous marriage.

One party may attack the marriage of the other spouse at any time. If the nullity of the first marriage is put forward as a defense, the question of such nullity shall be initially ruled upon.

ARTICLE 125 - Action of the public attorney.

No action to declare the nullity of the marriage shall be prosecuted by the public attorney after the death of one of the parties.

RESTRICTED

ARTICLE 126 - Separation of the spouses pending judgment.

When proceedings are started to declare the nullity of the marriage, the court, on demand of one of the parties, may order their temporary separation pending judgment; in case one or both parties are minors or interdicted, such separation may be ordered even ex-officio.

ARTICLE 127 - Right of action not transferable.

The right to sue for annulment of the marriage does not pass to the heirs, unless judgment on such action is already pending at the time when the person who instituted the action dies.

ARTICLE 128 - Putative marriage.

The marriage which has been declared null, produces nevertheless the civil effects of a valid marriage if contracted in good faith, as it relates to the parties, until judgment pronouncing its nullity.

The civil effects of a valid marriage are produced in favor of the children born or conceived during the marriage which has been declared null, as well as in favor of the children born before such marriage and who have been recognized before the judgment declaring the marriage null.

If only one of the parties acted in good faith, the marriage produces its civil effects only in his or her favor and in favor of the children born of the marriage.

When neither party is in good faith, the children born or conceived during the marriage have the status of illegitimate but acknowledged children in the cases where acknowledgment is permitted.

ARTICLE 129 - Civil effects of marriages declared null on grounds of violence.

When the consent of one of the parties was induced by violence, the civil effects indicated in the preceding article are produced only in favor of the party who has been the victim of said violence and in favor of the children

Civil effects are also produced in favor of the other party if the conditions mentioned in the preceding article are present.

SECTION VII

PROOF OF CELEBRATION

ARTICLE 130 - Of the celebration of marriages.

No one may claim the status of spouse and the civil effects of marriage except on presentation of the marriage certificate taken from the records of the office of vital statistics records.

The claim of status as husband and wife, although put forward by both parties, does not exempt them from the obligation to produce the document testifying to the celebration of the marriage.

RESTRICTEDARTICLE 131 - Claim of Marital Status.

The exercise of the right and duties of the marriage state in conformity with the marriage certificate cures any defect of form.

ARTICLE 132 - Lack of document witnessing celebration.

If the records of the office of vital statistics records are lost or destroyed, the existence of the marriage may be proved in accordance with Article 452.

Whenever there is reason to believe that the marriage certificate has not been duly entered in the proper register through fraud or negligence of the official of vital statistics records, or through force majeure, evidence of the existence of the marriage is admissible provided that the exercise of the rights and duties of the marriage state are ascertained to exist accordingly.

ARTICLE 133 - Celebration of the marriage evidenced by penal sentence.

Whenever the celebration of the marriage is evidenced by a criminal sentence, the entry of said sentence in the office of vital statistics records, safeguards all civil effects in connection with such marriage in favor of the spouse and the children.

SECTION VIIIPENALTY CLAUSESARTICLE 134 - Omission of publication of banns or licenses.

The parties and the official of vital statistics records who celebrate the marriage without previous publications of the banns or license as prescribed are each punishable with a fine of from 400 to 2000 liras.

ARTICLE 135 - Publication of banns or license when not requested or without documents.

The official of vital statistics records who proceeds with the publications of banns or license without the request prescribed in Article 96, or when any of the documents prescribed in the first paragraph of Article 97 are missing, is punishable with a fine of from 200 to 1000 liras.

ARTICLE 136 - Impediments known to the official of vital statistics records.

The official of vital statistics records who proceeds with the celebration of the marriage when he is cognizant of any impediment or prohibition to such marriage is punishable with a fine of from 500 to 3000 liras.

RESTRICTED

ARTICLE 137 - Incompetence of the official of vital statistics records.
Absence of witnesses.

The official of vital statistics records who, while not competent to act, nevertheless celebrated the marriage, is punishable with a fine of from 300 to 2000 liras.

The same penalty applies to the official of vital statistics records who has proceeded with the celebration of the marriage without the presence of the required witnesses.

ARTICLE 138 - Other infractions.

The official of Vital Statistics Records who in any way violates the provisions of Articles 93, 95, 98, 99, 106, 107, 108, 109, 110, 112, or acts in infraction of any other provision for which no special penalty is prescribed in this section, is punishable with a fine as established in Article 135.

ARTICLE 139 - Cause for nullity known to one of the parties.

A party to a marriage who is cognizant of a cause of nullity of the marriage before its celebration and allows the other party to remain in ignorance of such cause, is punishable with a fine of from 1000 to 5000 liras, if the marriage is annulled. The other party has a right to an adequate compensation even without specific evidence of the injury suffered.

ARTICLE 140 - Nonobservance of the period of mourning by the widow.

In the case of a woman who contracts marriage in violation of Article 89, the woman, the official who celebrates such marriage, and the other spouse, are each punishable with a fine of from 500 to 2000 liras.

ARTICLE 141 - Competence.

The Tribunal has jurisdiction over the offenses foreseen in the preceding articles.

ARTICLE 142 - Limitations on the manner in which the preceding provisions are applied.

The provisions contained in this section apply only when the infractions herein contemplated are not merged in a greater offense.

CHAPTER IV

OF THE RESPECTIVE RIGHTS AND DUTIES
OF MARRIED PERSONS.

ARTICLE 143 - Mutual duties.

Marriage binds the parties to the mutual obligation of cohabitation, fidelity and support.

RESTRICTED

ARTICLE 144 - Marital authority.

The husband is the head of the family. The civil status of the wife shall be identified with that of the husband; she takes his surname and is obliged to follow him wherever he chooses to reside.

ARTICLE 145 - Duties of the husband.

The husband is bound to protect his wife, to support her while with him and to furnish her with whatever is required for the convenience of life, in accordance with his means.

The wife shall contribute to the support of the husband if he lacks sufficient means.

ARTICLE 146 - Desertion of matrimonial domicile.

The husband's obligation to provide for the support of the wife is suspended when the wife abandons without lawful cause the matrimonial domicile and refuses to return to it.

Under certain circumstances the judicial authority may furthermore order the temporary sequestration of part or of the whole of the profits of the paraphernal property in favor of the husband and of the children.

ARTICLE 147 - Duties toward the children.

Marriage binds both parties to the obligation of supporting, educating and instructing the children. The education and instruction shall be consistent with moral principles and the national fascist sentiment.

ARTICLE 148 - Duty of sharing in the burden of maintaining the family.

The duty of supporting, educating and instructing the children pertains to the father and mother in accordance with their means; the means of the mother shall include the accrued profits of the dowry.

When the father and mother do not have sufficient means, this obligation falls to the other ascendants according to the degree of relationship.

CHAPTER V

OF THE DISSOLUTION OF MARRIAGE AND OF THE SEPARATION
FROM BED AND BOARD OF THE SPOUSES

ARTICLE 149 - Dissolution of marriage.

The marriage may only be dissolved through the death of one of the parties.

The widow keeps the name of her husband during the period of mourning.

RESTRICTEDARTICLE 150 - Separation from bed and board.

The separation from bed and board of the parties is recognized. The right to petition for such separation belongs to the parties and only for causes which are determined by law.

ARTICLE 151 - Causes of separation from bed and board.

The separation from bed and board may be requested on grounds of adultery, wilful abandonment, excesses, cruelty, threats or grave injury. The action for separation from bed and board on grounds of adultery on the part of the husband is barred to the wife unless relevant circumstances cause such adultery to constitute grave injury to the wife.

ARTICLE 152 - Separation from bed and board because of conviction in criminal proceedings.

The action of separation from bed and board may also be instituted against a spouse who has been condemned to penal servitude for life, or to penal servitude for a period over five years, or perpetual interdiction from public offices, except in the cases when the conviction or interdiction preceded the marriage and the other party had knowledge of the fact.

ARTICLE 153 - Separation from bed and board for failure to establish a residence.

The wife may request the separation from bed and board when the husband without justifiable reason, fails to establish a residence or, having the means to do so, refuses to establish such residence in a manner in keeping with his condition.

ARTICLE 154 - Reconciliation.

Reconciliation extinguishes the right to request the separation from bed and board; it also implies the abandonment of any action for separation which might have been started.

ARTICLE 155 - Provisions regarding children.

The court which decrees the separation from bed and board shall declare which of the parties has the custody of the children and shall provide for their support, education and instruction.

If one of the parties is of non-aryan race, the Tribunal, except for grave reasons shall make provisions in order that the children considered of Aryan race be entrusted to the spouse of Aryan race.

In any case, the Tribunal may, for grave reasons, order the children to be placed in an educational institution or with a third person.

Regardless of the person to whom the children are entrusted, the father and mother maintain their rights of supervision over the children's education.

RESTRICTEDARTICLE 156 - Concerning the effects of separation from bed and board.

The spouse who is not at fault in the separation from bed and board shall maintain all rights inherent to his or her status except those that are incompatible with the separation.

The spouse at fault in the separation for bed and board has only a right of support. Such spouse loses all profits which would accrue as a result of the marriage contract, even if they were stipulated with mutual benefit clauses. The Tribunal may also deprive such spouse, wholly or in part, of the usufructs of the minor children's property to which he may by law be entitled.

If both parties are at fault, each spouse incurs the loss indicated in the preceding paragraph, and the Tribunal makes adequate provisions concerning the usufruct, according to the circumstances.

The Tribunal may also, according to the circumstances, enjoin the wife from using the name of the husband.

ARTICLE 157 - Cessation of the effects of separation.

The parties, by mutual agreement, without the necessity of the intervention of the judicial authority, may cause the effects of the judgment of separation to cease thru a declaration to that effect or through the fact of cohabitation.

ARTICLE 158 - Separation by mutual agreement.

Separation through the mere consent of the parties has no effect, unless petition is made to the Tribunal and approved by it.

CHAPTER VICONTROL OF COMMUNITY PROPERTYSECTION IGENERAL PROVISIONSARTICLE 159 - Property rights.

The property rights arising from marriage are regulated by the agreements between the parties and by law.

ARTICLE 160 - Irrevocable rights.

The parties shall not derogate from any of the rights pertaining to the head of the family, or to the parties themselves.

ARTICLE 161 - General reference to laws or local usages.

The parties shall not mutually agree in a general way to have their property relationship wholly or partly regulated by laws to which they are not subject, or by customs with which they may intend to regulate such relationship.

RESTRICTED

ARTICLE 162 - Formalities governing marriage agreement and their immutability.

Marriage agreements shall be stipulated by public document, under penalty of nullity.

The agreements are not subject to change after the celebration of the marriage.

Agreements may be made between the parties after the celebration of the marriage in cases provided by law, provided such agreements do not alter the marriage covenants already stipulated.

ARTICLE 163 - Alterations in the marriage covenants before the marriage.

Alterations in agreements made in contemplation of marriage have no effect unless they are evidenced by a duly certified document, and are made simultaneously in the presence of and with the consent of the parties to the marriage contract.

Any alteration is without effect with reference to third parties unless a notation is made in the margin of the original document, incorporating a reference to the alteration. This notation shall be added to the copy of the marriage contract filed in the public archives by the same notary who received it and also to the copy which is submitted for entry in the public records, if the marriage contract has been so entered.

ARTICLE 164 - Contradictory declarations.

No evidence of fraud in the marriage covenants shall be admitted, even if such evidence proceeds from written contradictory statements.

Written contradictory statements may only have limited effects with reference to the parties between whom they take place when made in the presence of and with the simultaneous consent of all the parties in the marriage contract.

ARTICLE 165 - Capacity of minors.

A minor capable of contracting marriage has also the capacity to give his consent to all stipulations and donations that may be included in the marriage contract. These are valid if the minor has been assisted by the parent exercising the parental authority, by the tutor, by the curator in case of emancipated minor, or by the special curator appointed according to the last paragraph of Article 90.

ARTICLE 166 - Capacity of persons suffering under disability.

The assistance of the curator previously appointed is necessary for the validity of stipulations and donations made in the marriage contract by a person suffering under disability or by a person against whom proceedings for a judgment of disability have been instituted.

RESTRICTED

SECTION II
OF FAMILY ESTATE

ARTICLE 167 - General provisions.

Immovable property and securities which are to become family estate must be specified.

The establishment of family estate causes the property to become inalienable and the income to go to the benefit of the family.

Establishment of the family estate may be made even during the marriage, by either one or both of the spouses through public document, or by a third party through public document, or by will.

ARTICLE 168 - Family estate established by a third party.

If the family estate is established by a third party, who has not reserved for himself ownership to the movable property or to the securities, such property shall vest in the spouse on whom it has been bestowed, or, if no spouse is named, in both spouses.

Those who established the family estate are bound to warrant the property thus settled.

The warranty does not extend to defects in the property which has been settled, except by special agreement, unless the person who has constituted the community property failed to mention such defects in bad faith.

ARTICLE 169 - Registration. Notation of restrictions imposed on family estate.

The document establishing the family estate shall be recorded in the public register if it relates to immovable property.

The transfer of the securities shall be made binding by making them nontransferable through endorsement in an adequate manner.

The inalienability of the family estate shall not be a defense against creditors whose rights originated before the entry of the document in the public register or before the endorsement of the securities.

ARTICLE 170 - Alienation of the property and manner in which the collection of the profits or income may be secured judicially.

In case of necessity the Tribunal may authorize the alienation of the family estate when the title is in one of the spouses or both.

The Tribunal may also authorize such alienation when there is an obvious advantage in so doing and it shall determine the manner in which the proceeds shall be reinvested.

The law does not grant to a creditor the right to levy execution on the income of the community property for debts which the creditor knew had not been contracted for necessities for the family.

RESTRICTEDARTICLE 171 - Acceptance of the family estate established by a third party.

The establishment of the family estate through nontestamentary gift, when it is not made by one of the spouses, is completed through the acceptance of the spouse or spouses who are specified as the recipients in the document establishing the family estate.

The acceptance may take place through public document at a later date. In this case the settlement of the family estate is complete only from the moment in which the founder is notified of said acceptance.

ARTICLE 172 - Abatement.

The establishment of the family estate made by a third party is subject to abatement if at the time of the death of the founder, the property disposed of is found to exceed the share of which the founder had right to dispose according to the provisions regarding inheritance.

ARTICLE 173 - Management of the property.

The management of the property constituting the family estate is entrusted to the spouse who has title to such property. If the title is in both spouses or a third person, the management is entrusted to the spouse appointed for that purpose by the founder, or, in the absence of any appointment, to the husband.

The spouse who manages property the title of which is in others is bound to comply with the obligations which the law provided for the usufructuary.

ARTICLE 174 - Substitution of the spouse managing the community property.

When the spouse entrusted with the management of the family estate is unable to look after it in the proper manner, or fails to provide for the family with the income of the property, the court may entrust the management to the other spouse or even to another suitable person preferably chosen from among the near relations.

ARTICLE 175 - Cancellation of the warranty guaranteeing the family estate.

The warranty guaranteeing the family estate [see Article (6)] is cancelled on the dissolution of the marriage, if there are no children or if all the children have reached majority. Otherwise the bond remains good until the last child has attained majority.

However if at the time of the death of the spouse who owned the property, such property is found to be a part of the portion the spouse could not dispose of by will, then the judicial authority--when reasons of necessity are present or it is obviously advantageous for the children who have attained majority--may rule that the bond be reduced in order that the aforementioned children may receive the share of the inheritance to which they are entitled by law.

RESTRICTED

ARTICLE 176 - Management of the family estate after the dissolution of the marriage.

In the case foreseen in the second paragraph of the preceeding article, the surviving spouse is entitled to the management of the family estate in the absence of specific provisions by the founder.

If both parents are deceased and no appointment has been made by the founder or by the surviving spouse, the management is entrusted to the eldest child, unless the tribunal sees fit to appoint another one of the children for the reasons set forth in Article 174.

If one of the children has reached majority or is emancipated the manager is appointed by the judicial authority.

SECTION III

OF DOWRY

ARTICLE 177 - Meaning of term

By dowry is meant the effects which the wife or others in her behalf bring to the husband to support the expenses of marriage.

SUBSECTION I

ESTABLISHMENT OF THE DOWRY.

ARTICLE 178 - Settlement during the marriage.

Dowry may be settled or augmented even during the marriage either by the wife or by third parties.

ARTICLE 179 - Future effects.

The constitution of the dowry shall not include future effects.

ARTICLE 180 - Warranty of the dowry.

The grantors of a dowry are bound to the warranty of the property thus settled.

The warranty does not extend to the defects in the property which has been settled, unless the person who made the settlement failed to mention such defects in bad faith.

ARTICLE 181 - Interest and income of the dowry.

The grantors of a dowry before the marriage, in the absence of agreement to the contrary, are bound to pay interest thereon, if the dowry consists of liquidated sums of money. Otherwise they are bound to account for the proceeds of the property from the day of the marriage, notwithstanding any agreement for the delay of the payment of such proceeds.

RESTRICTED

SUBSECTION II

HUSBAND'S RIGHT IN DOWRY AND
ALIENATION OF DOTAL FUNDS

ARTICLE 182 - Dowry in money, movables or immovables with an assessed value.

If the dowry, or part of it, consists of a sum of money or movables which have been valued at the time of settlement of the dowry, the husband takes title and becomes liable for the amount involved or for the price for which the movables have been valued, unless the fixing of such value was accompanied by the declaration that no transfer of title ensued.

If the dowry consists of immovables, such evaluation does not cause the transfer of property to the husband, except by express agreement.

ARTICLE 183 - Immovables purchased with dotal funds.

The immovables purchased with dotal funds do not become a part of the dowry unless the act establishing the dowry stipulates what must be done with the investment of the proceeds.

The same applies to the immovable property given in payment for a dowry which has been settled in money.

ARTICLE 184 - Administration and actions related to the dowry.

When the wife retains title to the dotal property, the husband is the sole manager of said property during the marriage and has the right to collect the revenue.

However, it may be agreed upon in the marriage contract or in a document settling a dowry during the marriage, that the wife receive annually a part of the dotal income for her petty expenditures and personal wants.

The husband has the right to prosecute all actions against debtors and possessors of the dowry, to exact the restitution of the dotal funds and all other rights connected with the dowry. Nevertheless when the litigation concerns the wife's rights in the dotal property, the wife is entitled to be heard at the time of the trial.

All levies and executions on the dotal property shall be made with regard to both spouses.

ARTICLE 185 - Management of the dotal property. Impediment of the husband.

If the husband is away or is otherwise impeded, the tribunal may authorize the wife to manage the dotal property and exercise the rights pertaining to the husband in accordance with the preceding articles.

RESTRICTEDARTICLE 186 - Bonds.

The husband is not bound to give security upon his receiving the dowry unless he has been bound to do so by the document establishing the dowry, except for the statutory provisions regarding mortgages.

However, if during the marriage, the husband's estate has been subject to such changes as to jeopardize the dowry, the Tribunal, on request of the wife, of the person who has settled the dowry, or of a debtor of either, may order such security as may be necessary to safeguard the dowry.

ARTICLE 187 - Alienation of the dowry.

Unless expressly consented to in the document establishing the dowry, neither the dotal property nor anything relating to such property shall be alienated or mortgaged. Neither shall such dotal consideration be reduced or restricted except with the consent of the husband and wife and unless authorized by judgment of the Tribunal and then only in cases of necessity or obvious advantage.

ARTICLE 188 - Manner in which the collection of the revenue may be executed judicially.

The law does not grant to the creditor the right to levy execution on the revenue of the dowry for debts which the creditor knew had not been contracted for necessities for the family.

ARTICLE 189 - Barter and sale. Destination of funds collected as price.

If the barter of the dotal property has been authorized, the property received in exchange becomes dotal property. Any funds that remain out of the proceeds of the sale shall also remain dotal property and shall be reinvested as such.

The proceeds of a sale of dotal property, which has been authorized for reasons of obvious advantage, shall likewise be considered dotal property.

In both cases the Tribunal shall make provision for the reinvestment of the property in accordance with its decisions.

ARTICLE 190 - Nullity of alienation of the dowry.

The husband, during the marriage, may cause the alienation or mortgage of the dowry to be declared null, unless it is permitted in the document establishing the dowry or authorized by the Tribunal. A similar right pertains to the wife, even after the dissolution of the marriage.

The other party shall not make claim to recover the amounts paid in pursuance of the contract which has been declared null except insofar as the proceeds of such payment have been employed to the advantage of the wife or of the family.

RESTRICTED

ARTICLE 190 (Cont'd)

The husband however is liable for the damages to the person with whom he has contracted, unless he has declared in such contract that the property involved was dotal property.

The action declaring the nullity of the alienation or the mortgage shall not be instituted by a third party to the contract.

ARTICLE 191 - Execution of revenue on the dowry after the dissolution of the marriage.

After the dissolution of the marriage the property which constituted the dowry may be proceeded against also for the debts contracted by the wife during the marriage.

ARTICLE 192 - Husband's liability in connection with the dowry.

The husband is liable for all obligations that pertain to the usufructuary in connection with the dotal property and is also liable for any prescription and usucaption that might occur.

SUBSECTION III

RESTITUTION OF THE DOWRY

ARTICLE 193 - Wife's property.

Should the dowry consist of property, title to which has remained in the wife, the husband or his heirs are obliged to make restitution of such property, without delay, after the dissolution of the marriage.

ARTICLE 194 - Property of the husband.

Should the dowry consist of property to which the husband has taken title, the restitution may not be requested until a year has elapsed from the dissolution.

ARTICLE 195 - Action for waste.

If any of the movables, the ownership of which is vested in the wife, have depreciated by use and through no fault of the husband, he shall be bound to restore only such as may remain and in the condition in which they are.

ARTICLE 196 - Wife's privileges.

The wife may in all cases retain the linen and her personal effects under the obligation of deducting for their value when such linen and effects have been valued.

RESTRICTEDARTICLE 197 - Liability of the husband for failure to claim the dowry.

If the marriage is dissolved after ten years from the time when the settlement of the dowry falls due and such payment was not due by the wife, the latter or her heirs, may recover such payment from the husband or his heirs, unless there is evidence to prove that the failure to exact the payment was not due to the husband's fault.

ARTICLE 198 - Revenue of the dowry.

From the day of the dissolution of the marriage the income of the dowry vests by right in favor of those persons to whom such dowry must be returned.

However for the year immediately following the dissolution of the marriage, the widow may elect to demand from the husband's estate the amount necessary for her maintenance in an appropriate manner in lieu of the income of the dowry.

If no dowry has been settled, the wife has a right to support for the year immediately following the dissolution of the marriage.

In all cases the husband's estate shall provide for the period of a year the lodgings of the wife who is not separated from bed and board through her own fault.

ARTICLE 199 - Distribution of the income.

After the marriage is dissolved, the income of the dowry -- whether natural or civil -- is divided between the surviving spouse and the heirs of the last spouse in proportion to the length of time the marriage lasted after maturity or from the period when the income fell due, if such period is longer than one year. The year or the period are computed from the day when the marriage took place.

ARTICLE 200 - Leases

If the dotal property was leased by the husband alone, during the marriage, the statutory provisions on leases made by the usufructuary are to be observed.

ARTICLE 201 - Expenses and improvements.

The provisions applicable on the subject of usufruct are applied also for the reimbursement of the expenses and for the improvement made by the husband on the dotal property.

RESTRICTED

SUBSECTION IV

SEPARATION OF THE DOWRY FROM
THE HUSBAND'S PROPERTY.

ARTICLE 202 - Causes for separation.

The separation of the dowry is ordered by the Tribunal on petition of the wife when the latter is in danger of losing it or when the disorder in the husband's affairs gives grounds to fear that his property is not sufficient to discharge the rights of the wife, or that the income is being diverted from its lawful destination. Moreover, the separation of the dowry is ordered in the case of separation from bed and board when such separation has been decreed through the husband's fault.

If the separation from bed and board has been decreed through the fault of both parties, the judicial authority may order the separation of the dowry.

Every voluntary separation of dowry is void.

ARTICLE 203 - Invalidity of separation.

A separation of the dotal property, although ordered by the Tribunal, is void unless notice is given within sixty days after publication and unless it has been followed by an actual settlement within sixty days from the day when such judgment could no longer be appealed. The separation shall be made through public document and through actual settlement of the rights and claims of the wife, to the extent of the husband's property.

In any case, the aforesaid separation of the dotal property is void unless proceedings have been commenced for such separation by the wife in this sixty-day period.

ARTICLE 204 - Retroactivity of the judgment. Costs of restitution.

A judgment ordering the separation of property refers back as to its effect to the day of the petition.

The husband is liable for the cost connected with the restitution of the dotal property.

ARTICLE 205 - Application of wife's creditors for separation of property.

The wife's creditors cannot apply for a separation of property without her consent.

ARTICLE 206 - Actions permitted to the husband's creditors.

The husband's creditors can attack the separation of property ordered and even effected, when the necessary requisites for such action are present. They can even intervene in the suit for separation to oppose it.

RESTRICTED

ARTICLE 207 - Wife's liability.

The wife who has obtained the separation of the dotal property is still liable for the obligations set forth in the second paragraph of article 145 and in article 147.

ARTICLE 208 - Rights of wife.

The wife who has obtained the separation of the property retains the independent management of her property.

The dowry remains inalienable and the proceeds thereof are dotal property which shall be reinvested by the wife with the authorization of the Tribunal.

In case it is necessary to make provisions according to article 187, the Tribunal may authorize the alienation of the dotal property even without the consent of the husband.

ARTICLE 209 - Cessation of the effects of separation.

The dowry may be restored to the husband by accord of both parties and after a judgment of the Tribunal authorizing it. This shall be done by public instrument, and the effects of the separation are terminated from the time of the date of such instrument.

The wife's creditors may attack the reappointment of the husband ordered by the Tribunal and even effected, when the necessary requisites for such action are present.

SECTION IV

PARAPHERNAL PROPERTY

ARTICLE 210 - Definition.

All property of the wife which is not dowry, family estate or community of gains is paraphernal property.

ARTICLE 211 - Wife's contribution to the support of the family.

The wife who has paraphernal property shall contribute to the support of the family to the extent established by the marriage contract, or in the absence of the marriage contract, by article 148.

ARTICLE 212 - Management and enjoyment of paraphernal property.

The wife has the management and enjoyment of her paraphernal property. If the husband has the power of attorney and management of the property with the obligation to account to the wife for the revenue, he shall be liable to her as any attorney-in-fact.

If the husband has enjoyed the paraphernal property without power of attorney and the wife has made no opposition through written document,

RESTRICTEDARTICLE 212 (Cont'd)

or if the husband has enjoyed such paraphernal property through power of attorney but without any obligation to account for the income, then he and his heirs, upon demand of the wife or upon the dissolution of the marriage, are accountable for the revenue which is available at that time but not liable for the income which has been consumed up to that time.

ARTICLE 213 - Husband's liability.

The husband who has the enjoyment of the paraphernal property is subject to all the obligations of a usufructuary.

ARTICLE 214 - Wife's liability for the enjoyment of the husband's property.

The provisions of Articles 212 and 213 are applied also in the cases when the wife has had the management and enjoyment of the husband's property.

SECTION VCOMMUNITY OF GAINS OF THE
SPOUSESARTICLE 215 - Community of acquisitions and gains.

The spouse shall not agree to enter into any total community of property except with respect to acquisitions and gains. This community may be established even if a dowry has been settled, but only insofar as all preceding agreements remain unaltered.

ARTICLE 216 - General rules regarding community of gains.

The parties may enter into special agreements regarding the community of gains. In the absence of any agreement the following provisions relative to community of gains in general are applied.

ARTICLE 217 - Subject of community of gains.

The subject of the community of gains is the income and profits of the property, movable and immovable, present and future, of the spouses. Furthermore all acquisitions of either of the parties during the period of the community of gains, except those derived from donation or inheritance and except purchases made with the proceeds of property which already belongs to one of the parties, in such parties own right, are also a subject of the community of gains. However, in the latter case, such right must be expressly stated in the deed of purchase.

RESTRICTED

ARTICLE 218 - Effects of community of gains.

The community of gains is automatically in operation even if there is no mention of it in the deed of purchase.

In the case of immovables each one of the parties is entitled to cause the entry thereof in the registry for immovables.

ARTICLE 219 - Mode of sharing in profits.

Covenants by which the parties agree to share in unequal portions in the profits or to have the surviving spouse withdraw a certain portion of the profits are not considered subject to the rules on donations.

However no agreement shall be made that the amount to be contributed by one party shall exceed the amount which that party shall receive from the community of gains.

ARTICLE 220 - Management of the community of gains.

Only the husband has the management of the community of gains and the right to appear in court for all actions in connection with it. However he shall not alienate or mortgage the property falling in this category, except for a consideration.

ARTICLE 221 - Leases.

The provision for the leases made by the usufructuary apply to the leases made by the husband on the wife's property the enjoyment of which is part of the community of gains.

ARTICLE 222 - Management entrusted to the wife.

If the husband is away or is otherwise impeded, the wife may be appointed by the Tribunal to assume the temporary management of the community of gains, when this is necessary in protecting the community property.

In case of necessity or when it is obviously advantageous to do so, the wife may also be authorized to alienate such property, with such security as the court may see fit to require.

ARTICLE 223 - Obligations to which community of gains is subject.

The property which constitutes the community of gains is liable for all burdens and encumbrances on the property at the time of purchase, for all obligations relative to the management thereof, even for the property the enjoyment of which falls under the community of gains and for all expenses for the maintenance of the family and for the support due by law to either spouse.

RESTRICTEDARTICLE 224 - Obligations contracted by the husband and by the wife.

The property constituting the community of gains is also subject to the obligations of the husband or of the wife contracted before the settlement of such community of gains to the extent set forth in the preceding article.

The community of gains is not subject to the obligations contracted by the husband or the wife before the establishment of the community of gains. The creditors however may proceed against the property of their debtors even if the enjoyment of such property has been included in the community of gains.

ARTICLE 225 - Dissolution of the Community of gains.

The community of gains is dissolved through death, declaration of absence of one of the spouses, separation from bed and board, or judicial separation of the property.

ARTICLE 226 - Judicial separation of the property.

The judicial separation of the property may be decreed in case the husband is suffering under disability, or because of bad management of the community of gains. It may also be decreed when the state of disorder in the husband's affairs causes the interest of the wife to be jeopardized or when the husband fails to provide an adequate maintenance for the family. The provisions of Articles 204 and 205 are applied.

Separation of the property through the mere consent of the parties is null.

ARTICLE 227 - Division of the property constituting the community of gains.

When dissolution of the community property takes place, the profits and the losses are divided equally between the parties except when marriage covenants make provisions for an unequal division.

However the wife or her heirs have always the privilege of renouncing the community of gains, or accepting it under benefit of inventory in accordance with the provisions concerning inheritances which regulate the renunciation of inheritance or the acceptance thereof under benefit of inventory, and under the penalties therein provided.

ARTICLE 228 - Reservation of moveable property.

In the division of the community of gains, the spouses or their heirs, even in the case of renunciation or acceptance under benefit of inventory, have a right to reserve for themselves the property which belonged to them before the establishment of the community of gains.

The parties may also reserve for themselves the property they have acquired during the community of gains through inheritance or donation.

RESTRICTEDARTICLE 228 (Cont'd)

In the agreement establishing the community of gains, the parties shall make an authenticated description of the movable property owned by them at that time and they shall likewise list any other property they acquired during the period of the community of gains through inheritance or donation.

In the absence of such description or other authenticated document containing such a description, the property existing in the community of gains at the time of the dissolution shall be deemed to be a part of the community of gains.

ARTICLE 229 - Reimbursement of the value in the absence of the property which may be reserved.

If the movable goods which the wife or her heirs have a right to reserve according to the preceding article cannot be found, then they may be reimbursed for the value thereof attesting such value through notarial document if necessary except when the absence of that property is due to deterioration resulting from use or to other causes not attributable to the husband.

ARTICLE 230 - Limitation on the reservation with reference to third parties.

The reservations authorized by the preceding article shall not be made to the prejudice of third parties in the absence of a description of the property or of other definitely dated documents proving the title to the property.

However in such case the wife, or her heirs, have a right to restitution from the share of the community of gains belonging to the husband and also from other property of the husband.

TITLE VIIOF FATHER AND CHILDCHAPTER IOF LEGITIMATE CHILDRENSECTION IDEFINITION OF LEGITIMATE CHILDRENARTICLE 231 - Husband's paternity

The husband is the father of children conceived during the marriage.

RESTRICTED

ARTICLE 232 - Child presumed to have been conceived during marriage.

A child is presumed to have been conceived during the marriage if he is born one hundred and eighty days after the celebration of the marriage, and prior to the expiration of three hundred days from the dissolution or annulment of the marriage.

ARTICLE 233 - Child born prior to one hundred and eightieth day of marriage.

A child born prior to the one hundred and eightieth day of marriage is considered legitimate if the husband does not contest the paternity.

The husband shall not contest the paternity in the following cases:

1. If previous to the marriage he was acquainted with the fact that his wife was pregnant,
2. When it is apparent from the registration of the birth that the husband or his attorney-in-fact made the declaration of the birth.

ARTICLE 234 - Child born after three hundred days from dissolution of the marriage.

The legitimacy of the child born after three hundred days from the dissolution or annulment of the marriage may always be contested.

ARTICLE 235 - Denial of paternity.

The husband may disown the children conceived during the marriage only in the following cases:

1. If, during the period elapsed from the three hundredth to the one hundred and eightieth day before the birth, it was physically impossible for him to cohabit with the wife because of distance or for any other reason.
2. If, during the aforementioned period he was suffering from impotence, even if only impotence to procreate.
3. If, during the same period, a separation from bed and board from the wife was in effect even if the separation was a temporary one decreed by the court, except when the parties have reunited even for a temporary period.
4. If, during the same period, the wife has committed adultery and has kept her pregnancy and birth of the child secret from her husband. In any case the husband is entitled to give any other evidence tending to prove his non-paternity.

The declaration of the mother alone does not bar paternity.

RESTRICTED

SECTION II

OF THE MANNER OF PROVING
LEGITIMATE FILIATION

(Relation of father and child)

ARTICLE 236 - Registry of birth and proof by general reputation of
relationship as child.

The filiation of legitimate children is proved by the records of birth transcribed in the registry of vital statistics office.

ARTICLE 237 - Proof by general reputation. Facts constituting proof.

The status resulting from common repute is established by a sufficient collection of facts which on the whole demonstrate the relationship of filiation and paternity existing between an individual and the family to which he claims to belong.

In any case the following facts must be present.

1. That the individual has always borne the name of the father to whom he claims to belong.
2. That the father treated him as his child and that he provided as such for his education, maintenance and settlement in life.
3. That he has constantly been acknowledged as such to the world at large.
4. That he has been acknowledged as such within the family.

ARTICLE 238 - Record of birth in accordance with general reputation of
relationship as child.

Except for the provisions of the following articles no one shall claim a status contrary to the one which his records of birth as legitimate child and the reputation of relationship as child give him.

And reciprocally no one shall contest the status of a person who is by general reputation a legitimate child in accordance with the record of his birth.

RESTRICTEDARTICLE 239 - Alleged motherhood and substitution of newly-born child.

In the case of alleged motherhood or substitution of the newly-born child, the child may claim a different status even if there is a registry of birth which coincides with a general reputation as legitimate child. He may submit evidence proving the filiation even by witnesses according to and within the limits set forth in Article 241.

And reciprocally the legitimacy of the child may be contested even by evidence through witnesses (within the limits and according to the rules hereinbefore indicated) of the fact that the alleged motherhood does not correspond to facts or that the substitution of the child did occur.

ARTICLE 240 - Absence of marriage certificate.

The legitimacy of the child born of two persons who have lived publicly as husband and wife and are both deceased, shall not be contested merely on the grounds that there is no proof of the celebration of marriage. However the status of legitimate child must be evidenced by a general reputation as legitimate child which reputation is not in contradiction with the registry of birth.

ARTICLE 241 - Proof by witnesses.

In default of a record of birth or general reputation as legitimate child -- or if the child has been registered under a false name or as being born of an unknown father or mother -- proof of filiation may be made by witnesses.

Nevertheless such proof can only be received when the foundation for the claim is laid with documentary evidence or when the presumption and indications are sufficiently serious to admit the evidence.

ARTICLE 242 - Foundation of claim in documentary evidence.

The documentary evidence on which such a claim must be founded consists of family deeds, books and private papers of the father and mother, or official and even private documents emanating from one of the parties engaged in a controversy or from a third party who would have an interest therein, if alive.

ARTICLE 243 - Proof to the contrary.

Proof to the contrary may be made by all means which may establish the fact that the claimant is not the child of the woman whom he considers to be his mother, or, even if her maternity is proved, that he is not the child of the mother's husband.

RESTRICTED

SECTION III.

DISPROOF OF LEGITIMACY. ACTIONS
FOR DISCLAIMER AND FOR DENIAL OF
LEGITIMACY

ARTICLE 244 - Valid period for actions for denial of legitimacy.

The actions for denial of legitimacy, in the case set forth in Articles 233 and 235, must be initiated by the husband within the period of three months from:

The day of the birth, if he was in the same place where the child was born, at the time of the birth.

The day of his return to the place where the child was born or to the marriage domicile, if he was not in the same place where the child was born, at the time of birth.

In any case if the husband submits evidence proving he had no knowledge of the birth, the valid period is counted from the day in which he received such knowledge.

ARTICLE 245 - Suspension of the valid period.

If the husband is suffering under interdiction for mental unsoundness, the valid period is suspended for the duration of the period of such interdiction.

ARTICLE 246 - The manner in which actions may be transferred.

If the husband dies without having commenced the action, but before the end of the valid period for such actions, the ascendants or the descendants may prosecute the action, but shall institute it within three months from the death of the husband or, in case of a posthumous child, from the birth of such child.

ARTICLE 247 - Persons against whom the action should be brought.

If the child has reached majority the action should be brought against the child; if it is a minor or interdicted person, against the curator appointed by the Tribunal before which the action has been instituted. In a case of an emancipated minor or of a person having reached majority but suffering under disability, the action is brought against the child who is likewise assisted by a curator appointed by the Tribunal.

In all cases the mother shall be present at the trial.

RESTRICTED

ARTICLE 248 - Who may prosecute the action for contesting the legitimacy of children. No statute of limitations.

An action instituted for contesting the legitimacy may be prosecuted by the person who appears to be the parent in accordance with the registry of birth, or by any interested party, whether such claim of illegitimacy is founded on the nullity of the marriage, on alleged motherhood, on substitution of the newly born child, or on the birth of the child after three hundred days from the dissolution or annulment of the marriage.

There is no statute of limitation to such action.

If the action is instituted against the child who is a minor or otherwise suffering under incapacity, the provisions of the preceding Article are applied.

Both parents shall be present at the trial.

ARTICLE 249 - Claim of legitimacy.

Actions for claiming legitimacy are instituted by the child; however, if the child has not instituted such action and has died before reaching majority or within five years after reaching majority, said action may be instituted by his descendants. The action shall be brought against both parents, and in their absence, against their heirs.

No statute of limitation runs against such actions when brought by the child.

CHAPTER II.

OF ILLEGITIMATE CHILDREN AND OF LEGITIMATION

SECTION I.

OF ILLEGITIMATE CHILDREN

SUB-SECTION I.

OF THE ACKNOWLEDGMENT OF NATURAL CHILDREN

ARTICLE 250 - Acknowledgment.

The natural child may be acknowledged by the father and mother either jointly or separately.

An acknowledgment can not be made by the father who has not reached eighteen years of age or by a mother who has not reached fourteen years of age, unless such acknowledgment is made in conjunction with their marriage.

RESTRICTEDARTICLE 251 - Acknowledgment of children born of incestuous intercourse.

Children born of persons related to each other -- even if such relationship is only a natural one -- in the direct line to the farthest degree, or in the collateral line in the second degree, or of persons bound by affinity in the direct line, shall not be acknowledged by their parents unless they were not cognizant of their mutual relationship at the time when the child was conceived.

If only one of the parents acted in good faith, he alone may acknowledge the child.

ARTICLE 252 - Acknowledgment of Adulterine.

Adulterine children may be acknowledged by the parent who was not bound by marriage at the time when the child was conceived.

They may also be acknowledged by the parent who was bound by marriage at the time when the child was conceived, if such marriage is dissolved through the death of the other spouse.

If there was issue to the marriage thus dissolved, whether legitimate or legitimated, the acknowledgment is only effective from the day when it was granted through royal decree, handed down with a previous favorable pronouncement of the council of state. The acknowledgment shall not be granted if the children -- legitimate or illegitimate -- have not reached majority and have not been consulted on the subject of the acknowledgment.

If the parent died after making the petition and before the granting of the decree, the effects of such decree are valid from the time of his death. If the acknowledgment is contained in a will, the petition for the granting of the decree shall be made by the child or by his attorney within a year from the publication of the will.

ARTICLE 253 - No acknowledgment in contradiction to status as legitimate child.

No acknowledgment is admitted which is in contradiction to a recognized status as legitimate child.

ARTICLE 254 - Formalities to be complied with for acknowledgment.

Acknowledgment of the natural child is made in the registry of birth or with an express declaration to that effect made after the birth or conception of the child, before an official of the vital statistics records office or before the judge in charge of minors and incapacitated persons or through public document or in a will, regardless of the form of such will.

The petition for legitimation of a natural child presented to the Court of Appeals or the declarations of the testament to legitimate the child expressed by the father through public document or in a testament implies acknowledgment even if the legitimation does not take place.

RESTRICTEDARTICLE 255 - Acknowledgment of a child after death.

The acknowledgment of the child after death may take place in favor of the child's legitimate descendants and of his acknowledged natural children.

ARTICLE 256 - Irrevocability of acknowledgment.

Acknowledgment is irrevocable. If it is contained in a will, its effect dates back from the time of the death of the testator, even if the will has been revoked.

In the case foreseen in the second paragraph of Article 252, the acknowledgment contained in a will is effective only when such will was made after the dissolution of the marriage.

ARTICLE 257 - Clauses to limit the effects of acknowledgment.

Any clause intended to limit the effects of the acknowledgment is null.

ARTICLE 258 - Effects of acknowledgment.

The acknowledgment is effective only with reference to the parent by whom it was made.

The document of acknowledgment of one of the parents shall contain no reference to the other parent. References, if they are made, have no effect. The public official who admits the above mentioned references and the official of vital statistics records who enters them in the public registry are punishable with a fine of from 500 to 2,000 liras. The reference shall be stricken from the records.

ARTICLE 259 - Admittance of the natural child in the home of the spouses.

The natural child of one of the spouses, acknowledged during the marriage, shall not be admitted in the home of the spouses without the consent of the other spouse, unless the latter has already given consent to the acknowledgment.

ARTICLE 260 - Parent's authority.

The parent who has acknowledged the natural child enjoys with respect to such child all rights of parental authority, except the usufructs.

If the acknowledgment was made by both parents, either jointly or separately, the rights of parental authority are exercised by the father.

In case of death of the father, or in case of remoteness or other impediment preventing him from exercising the rights of parental authority, or in case he should fall in default of such right according to the provisions of this book, the rights of parental authority are exercised by the mother.

The tribunal may assign the exercise of the right of parental authority to the mother instead of the father, if the interest of the child requires it; it may also impose limitations to the exercise of these rights or, in serious cases, enjoin both parents from exercising parental authority.

RESTRICTED

ARTICLE 261 - Duties of the parents toward the child.

The natural parent is bound to support the child such parent has acknowledged, to educate the child and to instruct it according to the provision of Article 147.

If the acknowledgment is made by both parents, they shall both contribute toward the expenses in proportion to their means.

ARTICLE 262 - Surname of the child.

The natural child takes the surname of the parent who has acknowledged it or, if the child has been acknowledged jointly or separately by both parents, the surname of the father.

ARTICLE 263 - Acknowledgment attacked on grounds of mendacity.

The acknowledgment may be attacked on grounds of mendacity by the person who made the acknowledgment, by the person who has been acknowledged, or by any other interested party.

The acknowledgment may be attacked even after the legitimization.
No statute of limitation bars such actions.

ARTICLE 264 - Acknowledgment attacked by person who has been acknowledged.

The person who has been acknowledged shall not attack the acknowledgment during the period while such person is interdicted or is a minor.

However, the court, after deliberation in chambers, on request of the public attorney or of the minor who has reached sixteen years of age, may give the authorization to attack the acknowledgment by naming a special curator.

ARTICLE 265 - Acknowledgment attacked on grounds of violence.

The acknowledgment may be attacked on grounds of violence against a person who made the acknowledgment, within a year after the violence has ceased. If the person who made the acknowledgment is a minor, the action may be instituted within a year from the attainment of majority.

ARTICLE 266 - Acknowledgment attacked on grounds of judicial interdiction.

The acknowledgment may be attacked on grounds of incapacity due to judicial interdiction, by the attorney of the interested person and by the person who made the acknowledgment, within a year from the date of revocation of the interdiction.

RESTRICTED

ARTICLE 267 - Persons to whom the action may descend.

In the cases set forth in Articles 265 and 266, if the person who made the acknowledgment died without having instituted the action to invalidate the acknowledgment but before the lapse of the prescribed period in which the action may be commenced, the action may be instituted by the descendants, the ascendants, or the heirs.

ARTICLE 268 - Provisions pending judgment.

When the acknowledgment is attacked, the judge may make adequate provisions in favor of the child, pendente lite.

SUBSECTION II.

JUDICIAL DECLARATION OF NATURAL
PATERNITY OR MATERNITY

ARTICLE 269 - Judicial declaration of paternity.

Natural paternity may be judicially declared in the following cases:

1. When the mother and the presumed father have cohabited together publicly as man and wife at the time when the child was conceived.
2. When the paternity is implied indirectly by civil or criminal judgment or from unequivocal written declaration of the person to whom paternity is attributed.
3. When there has been abduction or rape at a time which coincides with the time of conception.
4. In the case of a recognized status as natural child.

ARTICLE 270 - Proof by general reputation. Facts constituting proof.

The proof by reputation of being a natural child is established by a number of facts all tending to give serious indication of the relationship of father and child between a person and another person to whom paternity is attributed.

In any case the following facts shall be present:

1. That the individual has always been treated as a child by the person who is deemed to be the natural father and that the latter has always provided, in that capacity, for the former's support, education and establishment in life.
2. That the individual has always been accepted as such by the world at large.

RESTRICTEDARTICLE 271 - Persons having a right to institute action and valid period for such action.

The action for the purpose of having natural paternity declared judicially may be instituted by the child within two years from the time when the child reached majority or, in the case set forth in Article 252, two years from the date of the dissolution of the marriage by death of the spouse, if such dissolution occurs after the child's attainment of majority. If the child dies before this period of time, then the action may be instituted by the legitimate descendant of the child.

In the cases set forth in No. 2 of Article 269, the action may be instituted even after the period of time mentioned in the preceding paragraph, but within two years from the day in which the judgment declaring the dissolution of the marriage may no longer be appealed or within two years from the day when the document containing the declaration of paternity has been found.

The action which had been instituted by the child, in case of death thereof may be prosecuted only by his legitimate descendants.

ARTICLE 272 - Judicial declaration of maternity.

Maternity may be declared judicially even in cases other than those set forth in Article 269.

Proof of maternal descent is provided by submitting evidence that the person who claims to be the child and the person born of the woman who is assumed to be the mother is the same.

The action may be instituted by the child and, after its death, by its legitimate descendants, if such child died while it was still a minor or before five years from the attainment of majority.

ARTICLE 273 - Action instituted on behalf of a minor or interdicted person.

The action for the purpose of having natural paternity or maternity judicially declared may be instituted on behalf of the minor by the parent who exercises parental authority or by the tutor.

However, the tutor shall have to request the authorization of the judge charged with the welfare of minors and incapacitated persons. The judge may also appoint a special curator.

If the child has reached sixteen years of age, the child's consent is necessary in order to institute or to prosecute the action. The action for the interdicted person may be instituted by the tutor, with previous authorization of the judge charged with the welfare of minors and incapacitated persons.

ARTICLE 274 - When action is admissible.

The action for the purpose of having natural paternity or maternity judicially declared is admissible only when from the evidence a prima facie case is made.

As to its admissibility, the court decides in chambers, through a decree, upon petition of the person who intends to institute the action, after hearing the public attorney, and after hearing each party separately if they appear, and after having gathered the pertinent information. The decree shall be final.

RESTRICTEDARTICLE 274 (Cont'd)

The summary investigation made by the Tribunal shall take place without publicity and shall be secret.

The Tribunal even before admitting the action, may appoint a special curator in the case of a minor or other incapacitated person, as representative in court.

ARTICLE 275 - Penalty if admissibility is refused.

If the Tribunal does not declare the action admissible, it may punish the person who made the petition for such action with a fine of from 300 to 5,000 liras.

ARTICLE 276 - Persons against whom the action should be brought.

The action for the establishment of natural paternity or maternity shall be initiated by a petition naming the person who is presumed to be the parent or, in absence thereof, his or her heirs. The allegations in the petition may be denied by any interested party.

ARTICLE 277 - Effects of judgment.

The judgment declaring the natural filiation produces the same effects as acknowledgment.

The judge may also make the provisions he sees fit for the maintenance, education and instruction of the child and for safeguarding the welfare of the child's estate.

ARTICLE 278 - When inquiry on paternity or maternity not allowed.

Inquiries on paternity and maternity are not admissible in cases where acknowledgment is prohibited.

Such inquiries are not admissible even in the cases where acknowledgment is admissible according to Article 251 and according to the third paragraph of Article 252.

ARTICLE 279 - Maintenance

In the cases foreseen in the preceding article and in any other case in which the action for declaration of paternity may no longer be instituted, the natural child may sue for maintenance:

1. If the establishment of paternity or maternity springs directly from a civil or criminal judgment.
2. If the fact of paternity or maternity springs from a marriage declared null.
3. If the establishment of paternity or maternity springs from an unequivocal written declaration of the parents.

RESTRICTED

SECTION II.

LEGITIMATION OF NATURAL CHILDREN

ARTICLE 280 - Legitimation.

Legitimation attributes to a person who is born outside of marriage the character of legitimate child.

ARTICLE 281 - Prohibition of legitimation.

Children who cannot be acknowledged cannot be legitimated either by subsequent marriage or by royal decree.

ARTICLE 282 - Legitimation of predeceased children.

The legitimation of predeceased children may also take place in favor of their legitimate descendants and in favor of their acknowledged natural children.

ARTICLE 283 - Effects of legitimation through subsequent marriage and date of effectiveness

Children who have been legitimated through subsequent marriage acquire the same rights as legitimate children from the day of marriage, if such children have been acknowledged by both parents in the marriage contract or before; or from the day of the acknowledgment, if the acknowledgment has occurred after the marriage. The provisions of article 252, referring to the time from which the effects of acknowledgment are in force when such acknowledgment has been granted through royal decree, are applicable.

ARTICLE 284 - Conditions for legitimation through royal decree.

The legitimation may be granted through royal decree when the following conditions are present:

1. When the petition is made by the parents themselves or by one of them and when the petitioning parent has reached the age set forth in the second paragraph of article 250.
2. When the petitioning parent has no legitimate children or children legitimated through subsequent marriage or their descendants.
3. When it would be impossible for the parents to legitimate the child through subsequent marriage or at least if there is a very serious impediment to such marriage.
4. When the other spouse consents, if the petitioning parent is married.

RESTRICTEDARTICLE 285 - Conditions for legitimation after the death of the parent.

If one of the parents has expressed in a will a determination to legitimize such parent's natural children, the latter may request legitimation after such parent's death, provided that at the time of death the conditions set forth in Nos. 2 and 3 of the preceding Article are also present.

In this case notice of a petition shall be given to two persons among the near relatives of the parents within the fourth degree.

ARTICLE 286 - Legitimation petitioned by the ascendant.

The petition for the legitimation of an acknowledged natural child may be made by one of the legitimate ascendants of the parent, if the parent himself is dead, except when the parent has in any way expressed his determination not to legitimize.

ARTICLE 287 - Legitimation based on marriage proxy.

In the cases where it is permissible to celebrate the marriage by proxy -- provided the conditions for legitimation through subsequent marriage are present -- the legitimation of natural children through royal decree may be requested on the basis of the marriage proxy, if the marriage could not be celebrated because of the ensuing death of the person represented by the proxy.

In the event the children have not been acknowledged, it is necessary, in order to legitimize them, that the determination to acknowledge them or to legitimize them is made clear in the proxy.

ARTICLE 288 - Procedure

The petition for legitimation, together with the document supporting such petition, shall be made to the court of appeals in the jurisdiction where the petitioner has residence.

The court of appeals, after hearing its procurator general, deliberates in chambers as to whether the conditions set forth in Articles 284, 285, 286 and 287, as the case may be, are present and subsequently whether or not legitimation may be granted.

If the court of appeals declares that the legitimation cannot be granted, the petitioner may appeal to the court of cassation (supreme court).

The court of cassation, after gathering the documents from the court of appeals, deliberates in chambers after hearing its procurator general; if it upholds the side making the appeal, it declares that legitimation may be granted.

When it has been decided that the legitimation may be granted, the procurator general of the court of appeals or of the court of cassation, respectively, sends the decision -- together with the documents and other information assumed ex-officio -- to the Secretary of Justice (Ministro di grazia e giustizia) who, after hearing the opinion of the Council of State on the merits of the legitimation, reports it to the Sovereign.

If the Sovereign grants the legitimation, the royal decree is sent to the court of appeals, entered in a special register, and a notation is made on the margin of the child's birth certificate.

RESTRICTEDARTICLE 289 - How decrees and petition may be impugned.

An appeal against a royal decree granting legitimation may be made to the Council of State sitting as a court of review, but the judgment of legitimation shall not concern the merits of the conditions set forth in Articles 284, 285, 286 and 287. A decision by the court of appeals or by the court of cassation declaring the existence of such condition does not bar proceeding against the decree -- before the judicial authority sitting in ordinary capacity -- establishing the status of legitimated child whenever the conditions indicated in Nos. 1 and 2 of Article 284 or of the special conditions indicated in Articles 285, 286, and 287 are not present. The provision contained in Article 263 remains unaffected.

ARTICLE 290 - Effects of legitimation by royal decree and time when it becomes effective.

Legitimation through royal decree produces the same effects as legitimation through subsequent marriage, but it is effective only from the date of the decree and only with reference to the parent concerned in the granting of the legitimation.

If the decree is issued after the death of the parent, the legitimation is effective from the time of the death, provided the petition for legitimation is submitted within a year from that date.

TITLE VIII.OF ADOPTIONCHAPTER I.ADOPTION AND ITS EFFECTSARTICLE 291 - Who may adopt.

Any person may adopt who has no descendants, legitimate or legitimated, who has attained fifty years of age and who is at least eighteen years older than the person he intends to adopt.

When exceptional conditions make it advisable, the court of appeals may authorize the adoption if the adopting person has reached at least forty years of age and if the difference of age between the adopter and the adopted is of sixteen years at least.

ARTICLE 292 - Prohibition of adoption between persons of different races.

Adoption between nationals of aryan race and persons of other races is prohibited.

The sovereign or the authorities designated for this purpose may give dispensation from the observance of this provision.

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ARTICLE 293 - Prohibition to adopt children born outside of marriage.

Children born outside of marriage shall not be adopted by their parents. However, the nullity of the adoption cannot be asserted if, at the time when such adoption occurred, the adopted person's status of natural child was not recognized through acknowledgment or judicial declaration.

An acknowledgment following adoption has no effect except for the purpose of legitimization.

If the adopted person is a natural child who may not be acknowledged and whose filiation is proved in one of the manners indicated in Article 279, the nullity of the adoption may always be declared.

ARTICLE 294 - Cases where there are more than one adopted person or adopting persons.

No one shall be adopted by more than one person unless the adopting persons are husband and wife.

ARTICLE 295 - Adoption by the tutor.

The tutor shall not adopt a person who is under his tutelage unless he previously accounts for the management of his tutorship, returns the property, and meets the obligations incurred by him in connection with the tutorship, or unless he has given an adequate warranty for their fulfillment.

ARTICLE 296 - Consent for adoption.

The consent of both the adopting and the adopted person is required for adoption.

If the person who is to be adopted has not reached eighteen years of age, such consent is given by the legal representative. If such person has reached eighteen years of age, but is under twenty-one, the approval of the legal representative is required. If such person has attained twelve years of age, he or she shall be heard personally on the subject of the adoption.

ARTICLE 297 - Assent of the spouse and of the parents.

If the person to be adopted or the adopting person is married, the assent of the spouse is always required.

The assent of the parents of the person to be adopted is also required.

RESTRICTED

ARTICLE 298 - Time at which effects of adoption become valid.

The effects of adoption are valid from the date of the decree which establishes the adoption.

Until the decree is handed down, either the adopting or the adopted person may withdraw his consent.

If the adopted person dies after giving consent and before the decree is handed down, the necessary acts for the fulfillment of the adoption may be proceeded with.

The heirs of the adopting person may submit in evidence reports and remarks to oppose the adoption. If the adoption is admissible, its effects are valid from the time of the death of the adopted person.

ARTICLE 299 - Surname of adopted person.

Adoption confers the name of the adopting person upon the adopted, by adding it to the family name of the latter.

If the adopted person is a natural child who has not been acknowledged by the parents thereof, such person takes only the surname of the adopted person.

The acknowledgment which comes after the adoption, does not cause the adopted person to take the surname of the acknowledging parent unless the adoption is subsequently revoked.

If the adoption is undertaken by both spouses, the adopted person takes the surname of the husband.

If the adoption is undertaken by a married woman, the adopted person takes the surname of the latter's family, unless the adopted person is the child of her husband.

ARTICLE 300 - Rights and duties of the adopted person.

The adopted person continues to have all rights and duties toward the family of origin, except for what is established by the law.

The adoption does not bring about any civil relationships between the adopting person and the family of the adopted, nor between the adopted person and the parents of the adopter, except for what is established by law.

ARTICLE 301 - Paternal authority and management of the property.

The adopting person has paternal authority over the adopted child.

The adopting person has the obligation to support, educate, and instruct the adopted in accordance with the provisions set forth in Article 147.

If the wife adopts the child of her husband, the latter is entitled to exercise paternal authority.

If the adopted person has property of his own, the management of such property, while the adopted is a minor, is entrusted to the adopting person who, however, does not have the usufruct established by law, but may use the income to defray the expenses of maintenance, education and instruction of the minor, with the obligation to invest what is left over in an interest bearing manner. The provisions of Article 382 are applicable.

RESTRICTEDARTICLE 302 - Inventory

The adopting person shall file an inventory of the property of the adopted who is a minor and forward it within a month from the date of the decree of adoption to the judge in charge of the welfare of minors and incapacitated persons. The provisions set forth in Section III of the first Chapter of Title 10 shall be observed when applicable.

The adopting person who fails to file an inventory within the prescribed period of time, or files a false inventory, may be deprived of the management of the property by the judge in charge of the welfare of minors and incapacitated persons and is liable for damages.

ARTICLE 303 - Cessation of paternal authority of adopting person.

If the paternal authority of the adopting person ceases, the judge in charge of the welfare of minors and incapacitated persons -- on request of the adopted person or his parents or relatives by affinity or of the public attorney or even ex-officio -- may make the necessary provisions for the care of the adopted person, for his representation and for the management of his property even if he sees fit to restore the exercise of paternal authority to his parents.

Where the adoption is undertaken by both spouses, the exercise of paternal authority descends to the wife, if it ceases for the husband.

ARTICLE 304 - Rights of inheritance.

The adoption does not give to the adopting person any rights of inheritance.

The rights of the adopted person to inherit from the adopting person are regulated by the provisions contained in Second Book of Successions.

ARTICLE 305 - Revocation of adoption.

The adoption may be revoked only in the cases foreseen in the following Articles.

ARTICLE 306 - Revocation for unworthiness of adopted persons.

The revocation of the adoption may be decreed by the Tribunal upon request of the adopting person when the adopted person has made an attempt on the life of the adopting person, or of the spouse or of the ascendants or descendants of such adopting person, or if the adopted person is guilty of a crime against them punishable with penal servitude of not less than a minimum of three years.

If the adopting person dies as a result of said attempt, the revocation of the adoption may be requested by those on whom the inheritance would devolve in the absence of the adopted person or his descendants.

RESTRICTEDARTICLE 307 - Revocation for unworthiness of the adopting person.

When the acts foreseen in the preceding Articles have been committed by the adopting person against the adopted, or the spouse, descendants, or ascendants thereof, the revocation may be decreed upon request of the adopted person, or, if a minor, on the request of the public attorney. In this case the Tribunal, after hearing the judge in charge of the welfare of minors and incapacitated persons, may make the necessary provisions for the care of the adopted person, including representation and management of such paternal authority to the parents of the adopted.

ARTICLE 308 - Action for revocation instituted by the public attorney.

The action for the revocation of the adoption may be instituted by the public attorney for moral reasons.

ARTICLE 309 - Time at which effects of revocation become valid.

The effects of adoption cease when the judgment which decrees the revocation may no longer be appealed.

However, if the revocation is decreed after the death of the adopting person because of facts committed by the adopted person, the adopted person and descendants thereof are excluded from the inheritance of the adopting person.

ARTICLE 310 - Cessation of the effects of adoption.

The effects of adoption cease:

1. Through intervening marriage between the persons bound by adoption.
2. Through legitimation of the adopted child by the adopting person.

CHAPTER II.FORMALITIES CONCERNING ADOPTIONARTICLE 311 - How consent may be manifested.

The consent of the adopting person, and of the person to be adopted, or the legal representatives, shall be made known personally to the president of the court of appeals of the district where the adopting person has residence.

In the case of great impediment, the above mentioned president may designate the president of the lower court to receive the consent of the persons specified in the preceding paragraph, or to hear the person to be adopted if it is a case foreseen in the last paragraph of Article 296.

The assent of the persons indicated in Articles 296 and 297 may be given by a person provided with special power of attorney granted through public document or through authenticated private writing.

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ARTICLE 312 - Certification sought by the court of appeals.

The court, after gathering the pertinent information and after hearing the parents of the adopting person shall make sure:

1. That all the conditions imposed by law have been met.
2. That the person who wishes to adopt has a good reputation.
3. That the adoption is in the best interest of the person to be adopted.

ARTICLE 313 - Decision of the Court of Appeals.

The court, in chambers, after hearing the procurator general of the court of appeals, and without any other formality of procedure and without expressing the reasons for its decision, states its decision in the following terms:

"The adoption may (or may not) take place."

ARTICLE 314 - Publicity.

The decree which grants the adoption shall be entered in a special register by the clerk of the court who shall also send a copy within ten days to the official of vital statistics records office for the pertinent notation on the margin of the birth certificates of the adopting and adopted persons.

And likewise the judgment which revokes the adoption shall be entered and notation shall be made within thirty days from the day in which it may no longer be appealed. For this purpose the interested party shall hand in an authenticated copy of the judgment to the clerk of the court of appeals which has granted the adoption and to the competent officials of the vital statistics records office.

The judicial authorities may furthermore order the publication of the judgment granting the adoption, or of the judgment which revokes the adoption, in the manner it sees fit.

RESTRICTED

TITLE IX

OF PATERNAL AUTHORITY

ARTICLE 315 - Duties of the children towards their parents.

The child, whatever be its age, owes honor and respect to father and mother.

ARTICLE 316 - Exercise of paternal authority.

A child remains under the authority of its father and mother until majority or emancipation. This authority is exercised by the father. After the death of the father and in other cases established by law, it is exercised by the mother.

ARTICLE 317 - Impediment of the father.

If it is impossible for the father to exercise paternal authority because of remoteness or for other reasons, such authority is exercised by the mother.

ARTICLE 318 - Child leaving home.

The child shall not leave the paternal house or the home assigned to it by its father. If the child should leave without permission the father may call it back, appealing, if necessary, to the judge in charge of the welfare of minors and incapacitated persons.

ARTICLE 319 - Bad behavior of the child.

The father who is unable to curb the bad behavior of the child may -- except for provisions set forth in special laws -- place the child in a house of correction (reformatory) with the authorization of the president of the Tribunal.

The authorization may be requested even verbally. The president of the Tribunal, after gathering the pertinent information, makes provision through a decree without any formality of action and without giving reasons.

The decree of the president of the Tribunal may be appealed to the president of the court of appeals who makes the necessary provisions, after hearing the procurator general of the court of appeals.

ARTICLE 320 - Representation and management.

The father represents the children born or to be born in all civil actions and manages their property.

However, except for necessity or for the obvious advantage of the child and after the authorization of the judge in charge of minors and incapacitated persons, the father may not:

-Alienate, mortgage or cause the child's property to be encumbered.

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- Renounce inheritances or accept donations or legacies which are subject to conditions and burdens.
- Request partitions.
- Contract in the child's name debts or lease property for a term exceeding nine years.
- Perform other acts beyond the limits of ordinary management or transact or institute actions in connection therewith.

The principal of the child's estate shall not be liquidated without the authorization of the judge in charge of the welfare of minors and incapacitated persons, who shall determine its investment.

The carrying on a commercial enterprise shall not be allowed except with the authorization of the Tribunal based on the favorable advice of the judge in charge of the welfare of minors and incapacitated persons. The latter may approve a temporary arrangement to run the enterprise pending the judgment of the Tribunal.

If a conflict of interests arises between children subject to the same paternal authority, or between them and their father, the judge in charge of minors and incapacitated persons appoints a special curator for the children.

ARTICLE 321 - Acceptance of inheritances and donations.

If the father is unwilling or unable to accept the inheritances devolving upon the children born or to be born and the donations of which they are the recipients, said inheritances and donations may be accepted by the mother or any other ascendant, with the previous authorization of the judge in charge of the welfare of minors and incapacitated persons.

When the acceptance of the mother or of an ascendant is lacking, the Tribunal, on petition of the child or of one of the parents or even on request of the public attorney, may authorize such acceptance, having previously heard the father and appointed a special curator.

ARTICLE 322 - Failure to observe the preceding provisions.

The acts performed in infraction of the provisions of the preceding article may be annulled upon petition of the father, or of the child or the heirs thereof, or of any interested party.

ARTICLE 323 - Acts prohibited to the parents.

The parents who exercise paternal authority may not purchase the property and the rights of the minor even at public auction either directly or through an intermediary.

The acts performed in violation of this prohibition may be annulled upon petition of the child, the heirs thereof, or any interested party.

The parent exercising paternal authority may not even be the assignee of any rights as creditor or of any consideration belonging to the mother.

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ARTICLE 324 - Usufructs established by law.

The father has the usufruct of the property of the child as long as he exercises paternal authority, except for the provisions of Article 328.

The following shall not be subject to usufruct established by law, to wit:

1. The property acquired by the child through earnings in a military capacity, office work, or other employment through the exercise of any profession or trade, or in other ways solely through the child's own work and endeavor.

2. The property bequeathed or donated to the child for the purpose of establishing a career, trade or profession.

3. Property bequeathed or donated on condition that the father does not have the usufruct; such condition however is without effect for the property which is part of the inheritance to which the child is legally entitled.

4. Property devolving on the child through inheritance, legacy or donations and accepted in favor of the child against the wish of the father.

ARTICLE 325 - Obligations in connection with the usufruct established by law.

The expenses of maintenance, education and instruction of the child are charged to the usufruct established by law, in addition to the obligations which are pertinent to the usufructuary.

ARTICLE 326 - Inalienability of the usufruct established by law. Manner in which the collection of the income profits may be executed judicially.

The usufruct established by law shall not be subject to alienation, mortgage or encumbrance, and the profits shall not be subject to collection, by creditors through judicial execution.

The law does not grant to any creditor of the father the right to levy execution on the income and profits of the child's property for debts which such creditor knew had not been contracted for necessities for the family.

ARTICLE 327 - When the usufruct established by law belongs to the mother.

The provision of the preceding article are applicable to the mother who exercises paternal authority.

The usufruct established by law is transferred to the mother, even when the paternal authority is exercised by the father, if the latter has been excluded from the usufruct for reasons that are inherent to him personally.

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ARTICLE 328 - Second marriage.

The usufruct established by law ceases when the parent remarries.

ARTICLE 329 - Enjoyment of the property after cessation of the usufruct established by law.

If, after the usufruct established by law ceases, a parent has continued to enjoy the property of the child who is living with such parent -- without power of attorney but without opposition or with power of attorney but without the obligation to account for the income profits -- said parent, or the heirs thereof, are liable only for the income and profits on hand at the time of the request therefor.

ARTICLE 330 - Termination of paternal authority.

The Tribunal may decree the termination of the paternal authority when the parent violates or neglects the duties pertaining to paternal authority to the grave detriment of the child's interest.

ARTICLE 331 - Transfer of the paternal authority to the mother.

When -- after the termination of paternal authority has been decreed -- the exercise of such authority is transferred to the mother, the Tribunal, in special circumstances, may give instructions which the mother must abide by. The Tribunal may also order the child's removal from the paternal home.

ARTICLE 332 - When paternal authority is restored.

The Tribunal may reinstate the paternal authority to the parent concerning whom it was terminated, when the reason for which the termination was declared no longer exists and any danger of prejudice to the interests of the child is removed.

ARTICLE 333 - When parents behavior prejudicial to the child.

Whenever the behavior of the parents is not such as to cause the termination of paternal authority, as in the case foreseen in Article 330, but appears to be in some way prejudicial to the child, the Tribunal may, according to circumstances, make provision for the benefit of the child and may even order the child's removal from the paternal home.

ARTICLE 334 - Removal as manager.

If the estate of the minor is mismanaged, the Tribunal may set the conditions by which the parent must abide in the management and may order such parent removed from the management, and may also deprive such parent, wholly or in part, of the usufruct established by law.

When the removal has been ordered, the management is entrusted to the other parent and, if he or she is absent or unable to take the management, to a curator.

RESTRICTEDARTICLE 335 - Reinstatement as manager.

The parent who has been removed from the management of the child's estate and possibly deprived of the usufruct established by law, may be reinstated by the Tribunal as manager of the estate and as usufructuary when the reasons which have been the cause for the removal no longer exist.

ARTICLE 336 - Procedure.

The privilege set forth in the preceding article may be granted on petition of the mother, of the relatives or of the public attorney and, -- in case the process involves revocation of preceding decisions, also upon petition of the father.

The Tribunal decides in chambers after having heard the public attorney and after having gathered the pertinent information.

In the case where the above-mentioned proceedings are directed against the father, he shall be heard by the Tribunal.

In case of urgent necessity the judge in charge of the welfare of minors and incapacitated persons may make temporary provisions, ex-officio, in the interests of the child, giving notice of same to the public attorney.

ARTICLE 337 - Control by the Judge in charge of the welfare of minors and incapacitated persons.

The judge in charge of the welfare of minors and incapacitated persons shall make sure that the conditions for the exercise of paternal authority and for the management of the property are observed.

ARTICLE 338 - Conditions imposed on the surviving mother.

The father may -- through will, public documents or through private authenticated writing -- impose conditions on the surviving mother concerning the education of the children and management of the property.

The mother who does not wish to accept those conditions may petition to be released from observance thereof. The Tribunal, in chambers, makes the pertinent provisions after having gathered the necessary information, having heard the public attorney and, if possible, the relatives up to the third degree.

ARTICLE 339 - Curator for the posthumus child.

If, when the husband dies, the wife is pregnant, the Tribunal upon request of any interested person or of the public attorney -- may appoint a curator for the protection of the child to be born and, if necessary, for the management of the child's property.

ARTICLE 340 - Second marriage of the mother.

A mother who wishes to marry again shall notify the Tribunal before the celebration of the marriage. The Tribunal -- having gathered all pertinent information and having heard the public attorney -- decides if she may retain

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ARTICLE 340 (cont'd)

the management of the property, or what other conditions shall be observed for the education of the children and the management of said property.

If the proceeding provision is not observed, the mother loses the right to manage the property and the husband is liable jointly with the mother for the management of the property in the past and for the period of the second marriage during which she continues to exercise the management without authorization.

The Tribunal when it does not see fit to restore the management of the property to the mother -- on request of the public attorney or of the relative or even ex-officio, decides as to the conditions which must be met for the education of the children and on the appointment of a curator for their property.

The official of vital statistics records office who celebrates or enters the marriage of the woman in the records, shall notify the procurator of the King attached to the Tribunal within ten days of the celebration of the marriage, or entry in the records.

ARTICLE 341 - Liability of the second husband.

When the mother keeps the management of the property or is reinstated therein, the second husband is always understood to be associated with her in such management and becomes jointly liable.

ARTICLE 342 - Second marriage of non-aryan parent.

The parent who is of non-aryan race, with children considered of aryan race, shall lose the paternal authority over the children in the event of his or her second marriage with a person who is also non-aryan. The tutorship of the children is entrusted preferably to one of the grandparents of Aryan race.

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TITLE X.

OF TUTORSHIP AND EMANCIPATION

CHAPTER I.

TUTORSHIP OF MINORS

ARTICLE 343 - Creation of tutorship.

If both parents are dead or if they are otherwise unable to exercise the paternal authority, a tutorship is created in the local magistrate's court of the district where the principal business interest of the minor lies.

If the tutor is domiciled in or transfers his domicile to another district, the tutorship shall also be transferred by the court's order.

SECTION I.

JUDGE IN CHARGE OF THE WELFARE OF
MINORS AND INCAPACITATED PERSONS

ARTICLE 344 - Functions of the judge.

A judge in charge of the welfare of minors and incapacitated persons is attached to all local magistrates' courts, and looks after tutorships and curatorships and exercises the other functions attributed to him by the law.

The judge in charge of the welfare of minors and incapacitated persons may request the assistance of other organs of public administration and of any other agency with aims corresponding to his function.

SECTION II.

TUTOR AND UNDERTUTOR

ARTICLE 345 - Report to judge in charge of the welfare of minors and
incapacitated persons.

The official of vital statistics records office, who receives the declaration of death of a person who leaves minor heirs, or the declaration of birth of a child of unknown parents, and the notary who proceeds with the publication of a will containing the appointment of a tutor or an undertutor, shall give notice to the judge in charge of the welfare of minors and incapacitated persons, within ten days thereof.

The clerk of the court, within fifteen days from the publication or from the day of filing in the chancery, shall notify the judge in charge of the welfare of minors and incapacitated persons of any decision leading to the creation of a tutorship.

RESTRICTEDARTICLE 345 - (Cont'd).

The relatives within the third degree shall declare to the judge in charge of the welfare of minors and incapacitated persons the events from which the tutorship arises, within ten days from the day on which they have notice of such events. The declaration shall be made also by the person who has been appointed as tutor or undertutor, within ten days from the day on which he is notified of the appointment.

ARTICLE 346 - Appointment of Tutor and Undertutor.

The judge in charge of the welfare of minors and incapacitated persons shall appoint a tutor and undertutor as soon as he has knowledge of the fact calling for the creation of the tutorship.

ARTICLE 347 - Tutorship of brothers and sisters.

One tutor only is appointed for brothers and sisters unless special circumstances make it advisable to name more than one tutor. If there is a conflict of interests between minors subject to the same tutorship, provisions are made in accordance with the last paragraph of Article 320.

ARTICLE 348 - Choice of tutor.

The judge in charge of the welfare of minors and incapacitated persons appoints as tutor the person indicated by the parent who has last exercised paternal authority. The indication may be made through a will, through public document, or through authenticated private writing.

If the declaration is lacking, or if grave reasons exist against the appointment of the person designated, the choice of the tutor falls preferably among the ascendants or among other persons closely related to the minor by blood or affinity. The minor, if conditions are favorable, shall be heard.

Before the appointment of a tutor, the judge in charge of the welfare of minors and incapacitated persons shall also hear the minor if such minor has reached sixteen years of age.

In any case the choice shall fall on a person fit for the task, and of irreproachable character, and who gives assurance of educating and instructing the minor according to the provisions of Article 147.

The tutorship of Aryan nationals shall not be entrusted to persons of non-Aryan race.

ARTICLE 349 - Tutor's oath.

Before taking office, the tutor shall swear before the judge to exercise his duties with trustworthiness and diligence.

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ARTICLE 350 - Incapacity for the tutorship.

The following persons cannot be appointed as tutors, and if appointed, shall have to resign from office, to wit:

1. Those who are not free to manage their own estate.
2. Those who have been excluded from tutorship in a written declaration by the last parent who exercised paternal authority.
3. Those who are or are about to be in litigation or whose ascendants, descendants, or spouses are about to be in litigation with the minor and if the effects of such litigation may endanger the status of the minor or a considerable part of the estate.
4. Those who have lost paternal authority or have ceased to exercise it, or have been removed from other tutorship.
5. Those who have been adjudicated bankrupts and who are still registered in the bankrupts' registry.

ARTICLE 351 - Those who may be exempt from tutorship.

The following persons are exempted from tutorship, to wit:

1. The princes of the royal house, except for the provisions regulating tutorship for the princes of the royal family.
2. The prime minister, head of the government.
3. The Sacred College of Cardinals
4. The Presidents of the legislative bodies.
5. The minister secretary of state.

The persons indicated in Nos. 2, 3, 4, and 5 may notify the judge in charge of the welfare of minors and incapacitated persons that they do not intend to avail themselves of the privilege of being exempted.

ARTICLE 352 - Those who may be exempted on request.

The following persons may be exempted, on their request, from taking or continuing the exercise of tutorship, to wit.

1. The high state officials who are not included in the preceding article.
2. The arch-bishops, the bishops and priests.

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ARTICLE 352 - (cont'd)

3. Women.
4. The military in active service.
5. Those who have reached 65 years of age.
6. Those who have more than three minor children.
7. Those who exercise other tutorships.
8. Those who are prevented from exercising tutorship by permanent infirmity.
9. Those who are on official mission outside the kingdom or who, in pursuance of their public service reside outside of the jurisdiction of the Tribunal where the tutorship has been created.

ARTICLE 353 - Request for exemption.

The request for exemption in the cases set forth in the preceding Article shall be made to the judge in charge of the welfare of minors and incapacitated persons before the taking of the oath, unless the cause for exemption has materialized subsequent to the oath.

The tutor is bound to take and keep the office of tutorship until it has been transferred to some other person.

ARTICLE 354 - Tutorship entrusted to welfare agencies.

The judge in charge of the welfare of minors and incapacitated persons may appoint a welfare agency as tutor for minors who do not have known parents or parents capable of exercising tutorship. Said welfare agency shall be located in the municipality of the minor's domicile or where the institution charged with his care is located.

However, it is within the discretion of the judge to appoint a tutor other than a welfare agency for the minor when the nature or the size of the estate or other circumstances require it.

ARTICLE 355 - Undertutor.

The provision for the tutorship set forth in this section are applicable to the undertutor.

In the cases set forth in the first paragraph of Article 354 there is no appointment of an undertutor.

RESTRICTEDARTICLE 346 - Donations of Inheritances in favor of the minor.

Whoever makes a donation or appoints a minor as his heir, may appoint a special curator for the management of the property donated or bequeathed, even if the minor is subject to paternal authority.

Unless the donor or the testator has made provisions to the contrary, the special curator shall observe the formality set forth in Articles 374 and 375 for the performance of acts beyond ordinary management.

In all cases the provisions set forth in Article 384 are applicable to the special curator.

SECTION IIIEXERCISE OF TUTORSHIPARTICLE 357 - Functions of tutor.

A tutor shall have the care of the person of a minor, shall represent the minor in all civil acts and shall administer the minors' property.

ARTICLE 358 - Duties of Minor.

The minor owes respect and obedience to the tutor. Without permission of the tutor the minor shall not leave the home or institution to which committed.

If the minor leaves without permission, the tutor has the right to the return of the minor, using if necessary, the judges' aid.

ARTICLE 359 - Bad behavior of the minor.

A tutor who is unable to curb the bad behavior of the minor shall make a report to the president of the Tribunal, except for the provisions contained in special laws.

The judge in charge of the welfare of minors and incapacitated persons, having heard the minor and, if possible, the undertutor and some person nearly related through blood or affinity, and having gathered the necessary information, may order the commitment of the minor to a reformatory.

The decree of the president of the Tribunal may be appealed to the president of the court of appeals who shall make provisions after having heard the procurator general of the court of appeals.

ARTICLE 360 - Functions of undertutor.

The undertutor shall represent the minor in cases where the minor's interests are in conflict with the interests of the tutor.

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ARTICLE 360 - (cont'd)

If the undertutor also has conflicting interests with the minor, the Judge in charge of the welfare of minors and incapacitated persons shall appoint a special curator.

The undertutor is bound to cause the appointment of a new tutor, in case the tutor is not available or has abandoned office. In the meantime he shall have the care of the person of the minor, he shall represent the minor and is authorized to perform all acts for the conservation of the property and the acts urgently needed for its management.

ARTICLE 361 - Urgent Provisions.

Before the tutor or the undertutor have taken office, the judge in charge of the welfare of minors and incapacitated persons, ex-officio, or on the request of the public attorney or of a relative of the minor by blood or affinity -- shall make the provisions that may be urgently needed for the care of the minor and for the conservation and management of his estate. The judge may order, if necessary, the affixing of seals, notwithstanding any dispensation to the contrary.

ARTICLE 362 - Inventory.

The tutor -- within ten days from the date of legal notification of appointment -- shall file an inventory of the property of the minor, notwithstanding any dispensation to the contrary.

The inventory shall be completed within 30 days, unless, in the judge's discretion, a longer period is allowed if the circumstances require it.

ARTICLE 363 - Taking of Inventory.

The inventory shall be taken by the tutor, either with the clerk attached to the local magistrate's court, or with a notary appointed for that purpose by the judge in charge of the welfare of minors and incapacitated persons. The undertutor shall also be present and, if possible, the minor if he has reached 16 years of age.

The assistance of two witnesses, chosen preferably among the relatives or friends of the family, is also required.

If the value of the estate is not presumed to exceed 15,000 liras, the judge may allow the taking of the inventory without the presence of the clerk attached to the local magistrates court, or of the notary.

The inventory shall be filed at the local magistrates court.

When accounting for the deposit of the inventory, the tutor and undertutor shall vouch under oath for its correctness.

RESTRICTEDARTICLE 364 - Contents of Inventory.

The inventory shall list all movable and immovable property, and debts and the credits; moreover it shall contain an accounting of papers, notes and private writings relative to the assets and liabilities of the estate, observing the formalities set forth in the code of civil procedure.

ARTICLE 365 - Inventory of business establishments.

If the estate of the minor includes a business concern of a commercial or agricultural character, the formalities used for the taking of an inventory of such commercial or agricultural enterprises shall be applied, with the assistance and presence of the person indicated in Article 363. These special inventories are also filed at the local magistrates' court and their recapitulation shall be accounted for in the general inventory.

ARTICLE 366 - Property managed by a special curator.

The tutor shall also include in the general inventory of the estate of the minor the property for which a special curator has been appointed. If the latter has made a special inventory for such property, he shall send a copy of it to the tutor who will include it in the general inventory.

The curator shall also send to the tutor a copy of the temporary accounting of the curator's administration, unless the person who has provided the property thus administered, has dispensed with this requirement.

ARTICLE 367 - Declaration of assets and liabilities of the tutor.

A tutor who stands in the relation of debtor or creditor to the minor or has other considerations with respect to him, shall state them specifically in a declaration before the closing of the inventory. The clerk of the court or the notary has the obligation to make inquiry of the tutor on the subject.

If the inventory is made without the clerk of the court or the notary, the inquiry shall be made by the judge in charge of the welfare of minors and incapacitated persons, at the time of the filing of the inventory.

In all cases a mention shall be made of the inquiry and of the tutor's declaration in the inventory or in the accounting of the filing of the deposit of the inventory.

ARTICLE 368 - Omission of declaration.

A tutor who knowingly is a creditor of the minor or knowingly has other considerations with respect to the minor, and does not declare the foregoing in reply to a direct inquiry, shall lose all rights in connection therewith.

RESTRICTEDARTICLE 368 - (Cont'd).

A tutor, who, knowing himself to be a debtor of the minor, does not faithfully declare such debt, may be removed from tutorship.

ARTICLE 369 - Deposit of securities and valuables.

The tutor shall deposit the currency, the securities payable to the bearer and other valuables that exist in the estate of the minor, in an institution of credit designated by the judge in charge of the welfare of minors and incapacitated persons, unless the latter makes different provisions for their custody. The tutor is not obliged to deposit the amounts necessary for the urgent expenses connected with the support and education of the minor or the amounts necessary for the expenses connected with the management of the estate.

ARTICLE 370 - Management before inventory.

Before the filing of the inventory, the administration of the tutor shall be limited to business of an urgent nature.

ARTICLE 371 - Provisions for the education of the minor and management of the property.

After completion of the inventory, the judge in charge of the welfare of minors and incapacitated persons makes the following decisions on recommendation of the tutor and after hearing the undertutor:

1. Where the minor is to be brought up, and the studies to be pursued, or the career, trade or profession to be adopted. The minor who has reached ten years of age shall be heard and the advice of close relatives and of the committee for the welfare of minors shall also be sought, when this seems wise.
2. The annual expenditure necessary for the maintenance and education of the minor and for the management of the estate, and the manner in which the excess of the income and profits shall be invested.
3. The advisability of continuing, alienating or liquidating the commercial enterprises which may happen to be included in the estate of the minor and all formalities and warranties related thereto.

If the judge deems it to be in the evident advantage of the minor to continue the enterprise, the tutor shall petition for the authorization of the Tribunal. Pending the decision of the Tribunal the judge may allow the temporary carrying on of the enterprise.

RESTRICTEDARTICLE 372 - Investment of principal.

The principal of the minor, with previous authorization of the judge in charge of the welfare of minors and incapacitated persons, shall be invested by the tutor as follows:

1. State securities, or securities guaranteed by the state.
2. Purchase of immovables located in the kingdom.
3. Loans secured by suitable mortgage on property located in the kingdom, bonds issued by public institutions authorized to extend credit secured by land.
4. Interest-bearing deposits with postal savings or with other saving banks or state pawnbrokers.

The judge in charge of the welfare of minors and incapacitated persons, having heard the tutor and the undertutor, may authorize the deposit with other credit institutions or may, for special reasons, authorize an investment outside of those above mentioned.

ARTICLE 373 - Bearer Securities.

If the estate of the minor includes securities payable to the bearer, the tutor shall cause such securities to be changed to non-negotiable paper, unless the judge decides that they should be deposited in safe custody.

ARTICLE 374 - Authorization of the judge.

The tutor shall not perform the following acts without the authorization of the judge:

1. Acquire property, except movables for the use of the minor, for domestic purposes and for the administration of the property.
2. Withdraw principal from investment, consent to the cancellation of mortgages or pledges, assume obligations, except in connection with the expenses necessary for the maintenance of the minor and for the ordinary administration of the estate.
3. Accept or renounce inheritances, accept donations and legacies subject to burdens or conditions.
4. Lease immovables for a period exceeding nine (9) years or in any case, for periods extending for over one year after the minor's attainment of majority.
5. Institute actions, except objections to new works, injunctions, possessory actions, and actions for the collection of income and profits or for securing conservatory measures for the safeguarding of the estate.

RESTRICTED

ARTICLE 375 - Authorization of the tribunal.

The tutor shall not perform the following acts without the authorization of the Tribunal:

1. Alienate property, except the income profits and the movables susceptible to easy deterioration.
2. Contract pledges or mortgages.
3. Proceed with partitions or institute actions relative thereto.
4. Arbitrate and accept or transact compromises.

The authorization is given on recommendation of the judge in charge of the welfare of minors and incapacitated persons.

ARTICLE 376 - Sale of property.

In authorizing the sale of property, the Tribunal shall determine whether such sale shall be made at auction or through private bargaining and in all cases it shall set a minimum price.

When, in authorizing the sale, the Tribunal has not established the manner in which the proceeds should be disposed of or reinvested, this shall be decided by the judge in charge of the welfare of minors and incapacitated persons.

ARTICLE 377 - Acts performed without observing the provisions of the preceding article.

Acts performed without observing the provisions of the preceding article may be annulled on request of the tutor, the minor or the heirs thereof, or any interested party.

ARTICLE 378 - Acts prohibited to the tutor and undertutor

Neither the tutor nor the undertutor may purchase the property and the rights of the minor, even at public auction, either directly or through an intermediary.

Neither the tutor nor the undertutor may lease the property of the minor without the authorization and the warranties established by the judge.

Any act performed in violation of this prohibition may be annulled upon petition of the person indicated in the preceding article, except the tutor or undertutor who has performed such act.

Neither the tutor nor the undertutor shall even become a creditor of the minor or holder of other considerations with respect to the minor.

RESTRICTEDARTICLE 379 - Tutorship not remunerative.

The office of tutorship is not remunerative. However, the judge in charge of the welfare of minors and incapacitated persons in consideration of the size of the estate and of the difficulties of its administration, may allow the tutor a fair compensation. He may also, if special circumstances require it, having heard the undertutor, authorize the tutor to hire one or more salaried persons as assistants in the administration, on the tutor's personal responsibility.

ARTICLE 380 - Accounting for administration.

The tutor shall keep a regular bookkeeping of the tutors' administration and shall account for it each year to the judge in charge of the welfare of minors and incapacitated persons.

The judge may submit the annual accounting to the undertutor and to some person closely related to the minor through blood or affinity, for examination.

ARTICLE 381 - Warranty.

The judge in charge of the welfare of minors and incapacitated persons in consideration of the special nature and size of the estate, may require a guarantee of the tutor in the amount and with the formalities set by the judge.

He may also exempt the tutor, wholly or in part, from the guarantee deposited by the tutor.

ARTICLE 382 - Liability of the tutor and undertutor.

The tutor shall administer the estate of the minor with the diligence expected of a good father. The tutor is liable to the minor for all damages caused in violation of the duties of the tutor.

The undertutor is liable in the same manner for violation of the duties inherent to the office of undertutor.

SECTION IV.DISCHARGE FROM OFFICE OF TUTORARTICLE 383 - Relief from office.

The judge in charge of the welfare of minors and incapacitated persons may always relieve the tutor from office when the exercise of such office is unduly burdensome to the tutor and there is an available substitute.

RESTRICTED

ARTICLE 384 - Removal and suspension of the tutor.

The judge in charge of the welfare of minors and incapacitated persons may remove from office a tutor who is guilty of negligence, or who has abused his power or has proved inept in the exercise of such power, or who has become unworthy of the office--even for reasons not connected with the tutorship--, or who has become insolvent.

The judge shall not remove such tutor from office without having previously heard such tutor or served such tutor with notice; he may, however, suspend the tutor from the exercise of the tutorship in urgent cases.

SECTION V.

RENDERING OF FINAL ACCOUNT

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ARTICLE 385 - Final accounting.

A tutor who ceases to act as such shall make immediate delivery of the property and, within two months, shall hand the judge in charge of the welfare of minors and incapacitated persons the final accounting of administration.

The judge may allow a longer period.

ARTICLE 386 - Approval of account.

The judge shall request the undertutor, the minor who has attained majority or has become emancipated, or, according to circumstances, the new legal representative, to examine the account and comment thereon.

If there are no comments, and the judge finds no irregularity or defect in the accounts, he shall approve them; otherwise he shall deny approval.

If the accounts have not been submitted, or if the decision of the judge is impugned, the judicial authority shall make provisions following a debate of the interested parties.

ARTICLE 387 - Prescription for actions relative to tutorship.

Actions of a minor against the tutor and those of a tutor against the minor in connection with the tutorship are barred after five years from the minor's death or attainment of majority. If the tutor has ceased to act and has handed in his account before the minor's death or attainment of majority, this period commences with the date on which the judge hands down the decision concerning the account.

RESTRICTED

ARTICLE 387 - (Cont'd).

The provisions of this article are not applicable to the sums in excess of the final accounting.

ARTICLE 388 - Prohibition of compromises before the approval of the account.

Prior to the approval of the account of tutorship, no compromise may be made between the tutor and the minor who has attained majority.

Any such compromise may be annulled upon request of the minor or heirs thereof, or of any interested party.

ARTICLE 389 - Registry of tutorship.

The opening and the closing of tutorship, the appointment, discharge, and removal of tutor and undertutor, the results of inventories and accounts, and all other provisions relative to a change in the personal status of the minor or in the estate, shall be noted in the register of tutorship, which is kept in care of each judge in charge of the welfare of minors and incapacitated persons.

The clerk of the court shall notify within ten days the official of vital statistics records office of the opening and the closing of tutorship, for the purpose of notation on the margin of the birth certificate of the minor.

CHAPTER II.

OF EMANCIPATION

ARTICLE 390 - Emancipation by right.

The minor is automatically emancipated through marriage.

ARTICLE 391 - Emancipation through decree of the Judge in charge of the welfare of minors and incapacitated persons.

A minor who has attained eighteen years of age, may be emancipated by the judge in charge of the welfare of minors and incapacitated persons on request of the parent exercising paternal authority or of the tutor.

The emancipation may be granted by the judge on petition of the minor, after hearing the parent or the tutor. The judge shall not allow the emancipation without the consent of the parent who exercises paternal authority, except for very grave reasons.

ARTICLE 392 - Curator of emancipated person.

The judge in charge of the welfare of minors and incapacitated persons shall appoint a curator for the emancipated minor.

RESTRICTED

ARTICLE 392 - (Cont'd)

If the minor has parents, the parent who would exercise the paternal authority if the minor were not emancipated, is the curator.

If the minor is a married woman, she shall have as curator the husband or the curator or the tutor of the husband.

If she is a widow or if she is separated from bed and board, her father or mother will be the curator; in their absence, the judge shall appoint a curator. The same provisions are applicable in the case of separation of property.

ARTICLE 393 - Incapacity or removal of curator.

The provision of the last paragraph of Article 348, Article 350, and 384 are applicable to the curator.

ARTICLE 394 - Capacity of emancipated person.

The emancipation confers on the minor the capacity to perform all acts which do not exceed ordinary administration.

The emancipated minor may--with the assistance of the curator--liquidate any asset of the estate provided it is adequately re-invested; and may appear in court either as plaintiff or as defendant.

For the performance of other acts exceeding ordinary administration, the authorization of the judge in charge of the welfare of minors and incapacitated persons is necessary, in addition to the consent of the curator. For the performance of acts indicated in Article 375--unless the parent is the curator--the authorization shall be given by the Tribunal on recommendation of the judge in charge of the welfare of minors and incapacitated persons.

If a conflict of interests arises between the minor and the curator, a special curator is appointed in accordance with the last paragraph of Article 320.

ARTICLE 395 - Consent refused by curator.

If the curator refuses to give consent, the minor may appeal to the judge in charge of the welfare of minors and incapacitated persons who, if he sees no justification for such refusal, may appoint a special curator to assist the minor in carrying out the act undertaken unless authorization of the Tribunal is necessary.

RESTRICTED

ARTICLE 396 - Failure to observe the preceding provision.

The act performed in infraction of the provisions set forth in Article 394 may be annulled on request of the minor or heirs thereof, or of any interested party.

The provisions set forth in Article 378 are applicable to the curator.

ARTICLE 397 - Emancipated person authorized to manage a commercial enterprise.

The emancipated minor may manage a commercial enterprise without the assistance of the curator if authorized to do so by the Tribunal which has previously heard the curator and the recommendation of the judge in charge of the welfare of minors and incapacitated persons.

The authorization may be revoked by the Tribunal on request of the curator or ex-officio, after hearing -- in either case -- the advice of the judge in charge of the welfare of minors and incapacitated persons, and the emancipated minor.

The emancipated minor who is authorized to manage a commercial enterprise, may perform, unassisted, the acts which exceed ordinary administration, even if such acts are not connected with the management of the enterprise.

ARTICLE 398 - Revocation of emancipation.

When the acts performed by the minor prove incapacity for administration, the emancipation granted in accordance to Article 391 may be revoked by the judge in charge of the welfare of minors and incapacitated persons on request of the person who petitioned for the emancipation, or even ex-officio, having previously heard the minor.

Upon revocation of the emancipation, the minor is again subject to paternal authority or tutorship and remains subject to same until attaining majority.

ARTICLE 399 - Publication.

The decrees through which the emancipation is granted or revoked shall be entered, by the clerk of the court, in a special register and sent, within ten days, to the office of vital statistics for the pertinent notation on the margin of the birth certificate of the emancipated person.

The publication of the decrees in connection with the authorization to manage a commercial enterprise or with the revocation of such authorization, is regulated by Fifth Book of the Rights of Labor.

RESTRICTED

TITLE XI

OF MINORS ENTRUSTED TO PUBLIC OR PRIVATE CHARITY

AND OF FOSTERAGE

ARTICLE 400 - Provisions regulating the protection of minors.

In addition to special laws, the provision for the protection of minors is regulated by the Articles in this Title.

ARTICLE 401 - Limitation on provisions.

The provisions of this title are applicable to minors who have not reached eighteen years of age and who are children of unknown parents, or natural children acknowledged only by the mother, who is unable to provide for their education.

The same provisions are applicable to minors who are placed in a public welfare institution, or who are assisted by such institution for their maintenance, education and re-education, or who are abandoned either as respects their moral or material welfare.

ARTICLE 402 - Authority of tutorship belonging to welfare institutions.

The public welfare institution shall exercise the authority of tutorship over minors placed in its care or assisted by it, according to the provisions of Title X, Chapter 1, of this book, until the time when a tutor is appointed and, in all cases, when the exercise of paternal authority or tutorship is prevented. The judge retains the privilege of transferring the tutorship to the welfare organization or to the institution, or of appointing a tutor according to Article 354.

In case the paternal authority is restored to the parent, the institution shall request the judge to set the limits and conditions for the exercise of such authority.

ARTICLE 403 - Intervention of public authority on behalf of minors.

When a minor is abandoned with respect either to his moral or material welfare, or is brought up in a dangerous or unhealthful environment, or by persons who are incapable of providing for the minor's bringing up because of their negligence, immorality, ignorance, or other reasons, the public authority, through the medium of organizations for the protection of juveniles, shall place the minor in a safe place until such time as definite measures for the minor's protection are taken.

RESTRICTEDARTICLE 404 - Placing of minors. Petition for fosterage. Prohibition due to racial differences.

The public welfare institution, in accordance with special laws, may entrust the minor placed in its care to a reliable person. Three years after this placing, such person may petition the judge in the jurisdiction of such person's domicile for the right to bring up the minor as a foster child.

The same privilege belongs to a person who has made provisions for the bringing up of a minor not entrusted to such person by the institution, provided, however, that three years have elapsed from the commencement thereof.

Fosterage may not be petitioned for by a person of non-aryan race, unless the minor also belongs to a non-aryan race.

ARTICLE 405 - Assent of spouse necessary for fosterage.

If the person petitioning for fosterage is married, the assent of the spouse is necessary.

If the spouse is unable to manifest a will, or, if a separation from bed and board is in effect and the spouse refuses to assent, the judge may, for grave reasons, authorize the fosterage even without such assent.

ARTICLE 406 - Procedure for declaration of fosterage.

The judge, before taking any action on the petition for fosterage, shall gather accurate information as to the petitioner's financial, moral, and family condition, and treatment of the minor, and as to the physical, moral, and intellectual condition of the minor.

Moreover, he shall hear the testimony of the institution where the minor was placed or by which the minor was assisted, the close relatives of the minor, and the minor if able to express himself or herself.

The judge may make provisions for the establishment and education of the minor.

The decree granting the petition for fosterage shall be approved by the Tribunal, after hearing the public attorney, and notation shall be made in the margin of the minor's birth certificate. In the case foreseen in the second paragraph of Article 405, the tribunal shall hear the spouse before making its decision; if this is not possible the Tribunal shall hear the close relatives of the spouse.

ARTICLE 407 - Prohibition of fosterage.

The petition for fosterage cannot be granted to a person who is incapable of tutorship.

RESTRICTED

ARTICLE 408 - Surname of foster child.

The decree granting fosterage causes the minor to take the surname of the foster parent, if the latter has made a request to that effect.

In case of a legitimate child or of an acknowledged natural child, the surname of the foster parent, only, may be added to that of the minor.

ARTICLE 409 - Effects of fosterage.

Fosterage causes the foster parent to assume paternal authority.

The foster parent shall support the foster child; and shall provide for the education and instruction thereof according to the provisions set forth in Article 147. The provisions of the 4th paragraph of Article 301 and Article 302 are applicable.

The spouse of the foster parent may also acquire the status of foster parent by complying with the formalities already set forth.

If the minor has been fostered by both spouses, the exercise of paternal authority belongs to the husband.

ARTICLE 410 - Revocation of fosterage.

Fosterage may be revoked by the judge in charge of the welfare of minors and incapacitated persons in the following cases:

1. On request of the foster parents, when the minor has gone astray.
2. On request of the foster parents, because of intervening inability to continue to provide for the bringing up of the minor.
3. On the request of the public welfare institution to which the minor was committed or by which the minor was assisted, or -- in the case foreseen in the second paragraph of Article 404 -- on request of the public attorney, for grave reasons.
4. On the request of a foster child who has attained majority; for grave reasons.

ARTICLE 411 - Termination of fosterage.

The judge in charge of the welfare of minors and incapacitated persons, upon petition of the interested parties or even ex-officio, shall decree the termination of fosterage when the foster child's parent, who has ceased to exercise paternal authority or was prevented from exercising it, is reinstated in the exercise of same.

RESTRICTEDARTICLE 411 - (Cont'd).

In case of legitimation or acknowledgment of the foster child, the judge shall decide whether it is in the interest of such child to continue the fosterage or to grant to the parent the exercise of paternal authority. In this case he shall decree the termination of the fosterage. If the fosterage continues, the foster child who has taken the surname of the foster parent shall not take the surname of his own parent.

In all cases the judge in charge of the welfare of minors and incapacitated persons may order measures and conditions for the further education of the minor.

ARTICLE 412 - Procedure for revocation and termination.

The judge in charge of the welfare of minors and incapacitated persons, before issuing the decree of revocation or termination of fosterage, shall hear the persons who are bound by fosterage and the representatives of the institution to which the minor was committed or which assisted him.

The decree of revocation and termination shall be subject to certification by the Tribunal and to the notations foreseen in the 3rd paragraph of Article 406.

ARTICLE 413 - Termination of fosterage through marriage.

Fosterage is terminated legally when the persons bound by fosterage intermarry.

TITLE XII

OF PERSONS AFFECTED BY MENTAL INCAPACITY
OF INTERDICTION AND OF INCAPACITATED PERSONS

ARTICLE 414 - Persons who must be interdicted.

A person who has attained majority or an emancipated minor, if habitually mentally incompetent so as to be unable to look after his or her interests, shall be interdicted.

ARTICLE 415 - Persons who may be declared incapacitated.

A person who has reached majority and whose state of mental infirmity is not such as to cause interdiction, may be declared to be an incapacitated person.

Prodigals and those who through abuse of drugs and intoxicants cause grave financial embarrassments to themselves and their families, may also be declared incapacitated.

RESTRICTED

ARTICLE 415 - (Cont'd).

And finally the deaf and mute and persons who are blind from birth or from early childhood may also be declared incapacitated if they have received an inadequate education, except for the application of Article 414, when evidence is submitted that they are completely incapable of looking after themselves.

ARTICLE 416 - Interdiction and incapacity declared in the last year before reaching majority.

A minor who is not emancipated may be interdicted or declared to be an incapacitated person in the last year before reaching majority. The interdiction or the state of incapacity is effective the day on which the minor attains majority.

ARTICLE 417 - Petition for interdiction or for a declaration of a state of incapacity.

The petition for interdiction and for a declaration of a state of incapacity may be made by the spouse, by relatives within the fourth degree, by persons related by affinity within the second degree, by the tutor or curator, or by the public attorney.

If the person who is to be interdicted or incapacitated is subject to paternal authority or has a parent as curator, the interdiction or the state of incapacity may only be petitioned by the parent or by the public attorney.

ARTICLE 418 - Discretion of judicial authority.

When the action for interdiction has been instituted, a state of incapacity for mental unsoundness may be declared even ex-officio.

If, while the action instituted for incapacity is pending, the existence is revealed of conditions which would in themselves require the interdiction, the public attorney shall petition the Tribunal for a declaration of interdiction, and the Tribunal shall make provisions accordingly in that same action, having previously investigated the matter.

ARTICLE 419 - Method of investigation and temporary measures.

The interdiction or the state of incapacity shall not be decreed without previous examination of the person to be interdicted or incapacitated.

In this examination the judge may require the assistance of an expert adviser. He may, even ex-officio, make the provisions necessary for the purpose of the action, he may interrogate the close relatives of the person

RESTRICTEDARTICLE 419 - (Cont'd).

to be interdicted or incapacitated, and he may gather all necessary information.

After the examination, if necessary, a temporary tutor may be appointed to the person to be interdicted, or a temporary curator to the person to be incapacitated.

ARTICLE 420 - Final commitment to an insane asylum.

The appointment of a temporary tutor may be ordered by the Tribunal in the same decree in which it authorizes the final commitment of a person affected by mental infirmity to an insane asylum or other sanitarium, or to a private home. In this case, if the petition for interdiction has not been made by the other persons indicated in Article 417, it is made by the public attorney.

ARTICLE 421 - When interdiction or state of incapacity becomes effective.

The interdiction or state of incapacity becomes effective from the day in which judgment of same has been rendered, except for the case foreseen in Article 416.

ARTICLE 422 - Termination of temporary tutorship or curatorship.

The decree which rejects the petition for interdiction or for a declaration of a state of incapacity, may provide that the temporary tutor or curator stay in office until the time for appeal of such judgment has elapsed.

ARTICLE 423 - Publication.

Decrees appointing a tutor or a curator and judgments declaring interdiction or a state of incapacity shall be sent immediately to the clerk of the court for notation in a special register and shall be forwarded within ten days to the official of vital statistics records office for the notation on the margin of the birth certificate.

ARTICLE 424 - Tutorship of interdicts and curatorship of incapacitated persons.

Provisions for the tutorship of minors and for the curatorship of emancipated minors are applicable to the tutorship of interdicts and to the curatorship of incapacitated persons, respectively.

The same provisions are applicable, respectively, in the cases where a temporary tutor is appointed for the person to be interdicted and a temporary curator for the person to be declared incapacitated according to Article 419.

RESTRICTED

ARTICLE 424 - (Cont'd.)

There shall be no appointment of a temporary undertutor for the person who is to be interdicted.

In the choice of a tutor for the interdict and of a curator for the incapacitated person, the judge in charge of the welfare of minors and incapacitated persons shall give preference to the spouse, if such spouse has reached majority and is not separated from bed and board, to the father, to the mother, or to the son who has attained majority, or the person who might have been specified by the surviving parent thru will, public document or private authenticated writing.

ARTICLE 425 - Management of a commercial enterprise by incapacitated persons.

Incapacitated persons may continue the exercise of a commercial enterprise only if authorized to do so by the Tribunal, on recommendation of the judge in charge of minors and incapacitated persons.

The authorization may be subordinated to the appointment of an overseer.

ARTICLE 426 - Duration of office.

No person is obliged to continue the tutorship of an interdict nor the curatorship of an incapacitated person beyond a period of ten years, except the spouse, the ascendants, or the descendants.

ARTICLE 427 - Acts performed by the interdict or by the incapacitated person.

Acts performed by the interdict after the judgment of interdiction, may be annulled upon request of the tutor, of the interdict or the heirs thereof, or of any interested party. The acts performed by the interdict after the appointment of a temporary tutor may also be annulled, provided the appointment is followed by a judgment of interdiction.

Acts beyond ordinary administration performed by the incapacitated person without observing the prescribed formalities, after the judgment declaring the state of incapacity and the appointment of a temporary curator, may also be annulled on request of the incapacitated person, or heirs, or any interested party -- when the appointment of a curator has actually been followed by a judgment declaring the state of incapacity.

The provisions of the following Article are applicable to the acts performed by the interdict before the judgment of interdiction or before the appointment of a temporary tutor.

RESTRICTEDARTICLE 428 - Acts performed by persons of unsound mind.

Acts performed by a person who, for any reason, even transitory, proves to be of unsound mind, although not interdicted at the time the acts were performed, may be annulled. Such annulment may be at the request of such person or his heirs or any interested party, if grave prejudice ensues to the persons who performed such acts.

Contracts shall not be declared null except when the bad faith of the other party to the contract is evident from the prejudice that has ensued, or may ensue to the person of unsound mind, or from the manner in which the contract was drawn up, or from any other fact.

The action is barred after five years from the day in which the act was performed or the contract entered into.

All other provisions of the law remain unaffected.

ARTICLE 429 - Revocation of interdiction and of state of incapacity.

When the facts which caused the interdiction or the state of incapacity cease, the interdiction or the state of incapacity may be revoked on request of the spouse, of persons related by blood within the fourth degree or by affinity within the second degree, of the tutor of the interdict, of the curator of the incapacitated person, or of the public attorney.

The judge in charge of the welfare of minors or incapacitated persons shall endeavor to ascertain whether the cause for the interdiction or the state of incapacity still exists. If he deems that the cause has ceased he shall so inform the public attorney.

ARTICLE 430 - Publication

The provisions of Article 423 are applicable to the judgment revoking interdiction or the state of incapacity.

ARTICLE 431 - When judgment of revocation is effective.

The judgment revoking interdiction or the state of incapacity becomes effective when it may no longer be appealed.

However, the acts performed after the publication of the judgment of revocation shall not be attacked except when the revocation is barred through a decree which may no longer be appealed.

ARTICLE 432 - State of incapacity declared in the judgment revoking interdiction.

If, while admitting that the petition for revocation of the interdiction is well founded, the judicial authority does not deem that the person

RESTRICTED

ARTICLE 432 - (Cont'd.)

mentally effected has recovered full capacity, it may revoke the interdiction and declare the same person to be in a state of incapacity.

In this case the provisions of the first paragraph of the preceding article are also applicable.

The validity of the acts performed by the incapacitated person after publication of the judgment revoking interdiction, which do not exceed ordinary administration, may be attacked only when the revocation is barred through judgment which may no longer be appealed.

TITLE XIII

OF SUPPORT

ARTICLE 433 - Persons who owe support.

The following persons owe support in the order named:

1. The spouse.
2. The legitimate or legitimated children and, if none, the nearest descendant.
3. The parents and if none, the nearest ascendants.
4. Sons-in-law and daughters-in-law.
5. Fathers-in-law and mothers-in-law.
6. Brothers and sisters of the whole or of the half blood with precedence to those of the whole blood over those of the half blood.

ARTICLE 434 - When obligations cease among persons related by affinity.

The obligation of support of the father or mother-in-law and the obligation of the son and daughter-in-law cease when:

1. The person who has a right to be supported has contracted a new marriage.
2. After the death of the spouse from whom the affinity springs and of the children born of the marriage with the other spouse and their descendants.

RESTRICTED

ARTICLE 435 - Obligation of parents and of natural children.

The natural child owes support to its parents. Its obligation follows that of the parents and of the legitimate ascendants thereof.

The parent owes support to the natural child and its legitimate descendants. The parents obligation follows that of the natural children thereof.

The parent also owes support -- within the limit of strict necessity -- to the children of a legitimate or natural child. Such child's obligation follows that of the father or mother-in-law thereof.

ARTICLE 436 - Obligation between the adopting and the adopted person.

The adopting person owes support to the adopted child, with precedence over the obligation of the adopted person's legitimate or natural parents.

The adopted child owes support to the adopting person in the same degree as such person's legitimate children.

ARTICLE 437 - Obligation of donee.

The donee owes support to the donor, with precedence over all other persons who have the duty to support the donor unless the donation is in contemplation of marriage or is a remunerative payment.

ARTICLE 438 - Measure of support.

Support may be requested only by those who need it and are unable to provide for their own maintenance.

The amount of support shall be assigned in proportion to the need of the petitioner and of the financial condition of the person who has the obligation of support. However, the amount of support shall not exceed the necessities for the person entitled to support, with regard, however, to such person's social position.

The donee has no obligations to the donor beyond the value of the donations which is still in his estate.

ARTICLE 439 - Measure of support between brothers and sisters.

The obligation of support between brothers and sisters is strictly limited to necessities.

The support may include also the expenses necessary for education and instruction of the person to be supported, if such person is under eighteen years of age.

RESTRICTEDARTICLE 440 - Cessation, reduction and increase of support.

If a change occurs in the financial circumstances of the person giving or receiving support, after the assignment of support, the judicial authority makes provisions for cessation, reduction or increase of the amount of support, according to circumstances. Support may also be reduced because of the bad or disorderly conduct of the person receiving it.

If, after the assignment of support, it is found that a person with a primary obligation to support is able to do so, the judicial authority may not exempt a person with a secondary obligation to support, except after it has ordered the person with a primary obligation to provide such support.

ARTICLE 441 - When persons are jointly liable for support.

If several persons are liable for support in the same degree, they shall all join for that purpose, each person in proportion to his or her financial ability.

If the persons with the primary obligation of support are not able, wholly or in part, to carry the weight of the obligation, the same obligation descends, -- wholly or in part, -- to the persons secondarily liable.

If the persons who owe support do not agree on the amount, on the share, or on the manner of providing for such support, the judicial authority shall make provisions according to circumstances.

ARTICLE 442 - When several persons have an equal right to be supported.

When several persons have an equal right to be supported by a person who is unable to provide for the support of all of them, the judicial authority shall make adequate provisions, taking into consideration the degree of the relationship, the respective needs, and the possibility that some of the persons entitled to support may claim it from some other person in a secondary degree of obligation.

ARTICLE 443 - Manner in which support is to be administered.

A person who owes support has a choice of fulfilling this obligation either by paying the amount for support at regular intervals, in advance, or by maintaining in his or her home the person entitled to such support.

The judicial authority may, however, determine the manner in which support is to be administered, according to circumstances.

The judicial authority may also, -- in case of urgent necessity, -- temporarily charge with the obligation of support one among the persons under obligation to support, without affecting the right of the person so designated to be reimbursed by the others.

RESTRICTED

ARTICLE 444 - Satisfaction of obligation for support.

The return of payment made towards support, in accordance with the provisions already set forth, may not be demanded, regardless of the use made of it by the person entitled to support.

ARTICLE 445 - When support is due.

Support is due from the date of filing of the judicial petition or from the day in which the person entitled to support made claim for the same, provided such claim be followed within six months by the judicial petition.

ARTICLE 446 - Temporary payment.

Until the manner and the measure of support is finally decided upon through judgment, the local magistrate or the president of the Tribunal may, after hearing the opposition, order a temporary payment and, when several are jointly liable, require it of one person. The right of such person to be reimbursed by the others is unaffected.

ARTICLE 447 - Right of support not transferable. Compensation.

The right of a person to be supported cannot be transferred.

The person who owes support may not raise, in defense of a claim for support, the question of compensation, even when such compensation has reference to services rendered in the past.

ARTICLE 448 - Cessation because of death of person owing support.

The obligation of support ceases with the death of the person who owes support, even if the latter has administered support in compliance with a judgment.

TITLE XIV

OFFICE OF VITAL STATISTICS RECORDS

ARTICLE 449 - Registers of vital statistics.

The registers of vital statistics shall be kept in each community in accordance with the provisions contained in the laws regulating vital statistics.

RESTRICTED

ARTICLE 450 - Registers of vital statistics open to the public.

The registers of vital statistics are open to the public.

The officials of the vital statistics records office shall release the excerpts and certificates for which they have a request, with the formalities set forth by law.

They shall also make the investigations requested by private parties regarding the records entrusted to their care.

ARTICLE 451 - Records of vital statistics as evidence.

The records of vital statistics shall constitute evidence of any act performed before the officials of the vital statistics records office until an action for fraud, challenging such records is instituted.

The declarations of persons who appear before the officials of the vital statistics records office hold good until proved otherwise.

The declarations unconnected with the record have no value.

ARTICLE 452 - Absence, destruction or loss of register.

If the registers have not been kept, or if they have been destroyed or lost, or if for any other cause the registration of the act is missing, wholly or in part, proof of birth or of death may be made by any means.

If such absence, total or partial destruction, or alteration or concealment has occurred through fraud of the person requesting the record, the latter is barred from giving proof as permitted by the preceding article.

ARTICLE 453 - Notations.

No notation may be made on the margin of a record already entered in the register unless the law provides for it or unless it is ordered by the judicial authority.

ARTICLE 454 - Rectifications.

Rectifications of the records of vital statistics are made on the strength of a judgment of the tribunal which cannot be appealed, and in which the official of the vital statistics records office is ordered to rectify a record already in existence in the register, or to receive a record which had been omitted, or to renew a record which has been lost or destroyed.

RESTRICTED

ARTICLE 454 - (Cont'd)

The judgment shall be entered in the register.

ARTICLE 455 - Validity of judgment of rectification.

The judgment of rectification shall not be asserted against those who did not participate in requesting the rectification or against those who were not parties in the suit or were not regularly summoned to appear in it.

END OF FIRST BOOK

