

TRANSLATION

OF

THE CIVIL CODE

IN FORCE IN

CUBA, PORTO RICO, AND
THE PHILIPPINES.

DIVISION OF CUSTOMS AND INSULAR AFFAIRS,
WAR DEPARTMENT.

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SECTION THIRD.—*Proof of marriage.*

ART. 53. Marriages celebrated before this code went into effect shall be proved by the means established by prior laws.

Those contracted subsequently shall be proved only by a certificate of the record in the civil registry, unless the books thereof never existed or have disappeared, or a question is pending before the tribunals, in which cases all kinds of evidence is admissible.

ART. 54. In the cases referred to in the second paragraph of the foregoing article, the uninterrupted status of the parents, together with the certificates of the birth of their children as legitimate, shall be one method of proof of the marriage of the former, unless it is shown that one of the two was bound by another prior marriage.

ART. 55. A marriage contracted in a foreign country, where such acts do not require a regular or authentic registration, may be proven by any of the methods of proof admitted by law.

SECTION FOURTH.—*Rights and obligations of husband and wife.*

ART. 56. The spouses are obliged to live together, to be faithful to and mutually assist each other.

ART. 57. The husband must protect the wife and the latter obey the husband.

ART. 58. The wife is obliged to follow her husband wherever he may establish his residence. The tribunals, nevertheless, may, with just cause, exempt her from this obligation when the husband removes his residence beyond the seas or to a foreign country.

ART. 59. The husband is the administrator of the property of the conjugal partnership, except when the contrary is stipulated and in the case of article 1384.

If he is under 18 years of age, he can not administer without the consent of his father; in the absence of the latter, that of the mother, and in the absence of both without that of his guardian. Neither may he appear in a suit without the appearance of said persons. In no case, until he has attained majority, may the husband, without the consent of the persons mentioned in the preceding paragraph, borrow money, encumber or alienate the real property.

ART. 60. The husband is the representative of his wife. The latter can not, without his permission, appear in a suit in person nor through a solicitor.

Nevertheless, she does not require such permission to defend herself in a criminal suit, or to proceed against or to defend herself in suits with her husband, or when she may have obtained the rights in accordance with the provisions of the law of civil procedure.

ART. 61. Neither may the wife, without the permission or power of her husband acquire property for a good or valuable consideration, alienate her property or bind herself, except in the cases and with the limitations established by law.

Other illegitimate children shall obtain the consent of their mother, when she is legally acknowledged, that of the maternal grandparents in the same case, and, in the absence of either, that of the family council.

It is the duty of the heads of foundling institutions to give consent for marriage to those educated therein.

ART. 47. Children of age are obliged to ask the advice of their father, and in his absence that of the mother. If they should not obtain it, or it should be unfavorable, the marriage can not be celebrated until three months after the petition is made.

ART. 47. (Cuba and Porto Rico.) Children over the ages referred to in number 1 of article 45 are obliged to request the advice of the father, and in his absence of the mother. Should they not obtain it, or should it be unfavorable, the marriage can not take place until three months after the petition was made.

ART. 48. The consent and the favorable advice for the celebration of a marriage must be proven, if requested, by means of an instrument authenticated by a civil or ecclesiastical notary or by the municipal judge of the domicile of the petitioner.

When the advice has been asked in vain the lapse of time to which the preceding article refers shall be proven in the same manner.

ART. 49. None of those called upon to give their consent or advice is obliged to state the reasons for granting or refusing it, nor is there any remedy against their dissent.

ART. 50. If, notwithstanding the provisions of article 45, the persons mentioned therein are married, their marriage shall be valid; but the contracting parties, without prejudice to the provisions of the penal code, shall be subject to the following rules:

1. The marriage shall be understood as contracted with the absolute separation of property, and each spouse shall retain the ownership and administration of that which belongs to him or her, the income therefrom being his or hers, although with the obligation of proportionally defraying the marriage expenses.

2. Neither of the spouses shall receive from the other anything by gift or by will.

The provisions of the two preceding rules shall not be applicable to the cases of number 2 of article 45, if dispensation has been obtained.

3. If one of the spouses is a minor, not emancipated, he or she shall not administer his or her property until attaining majority. In the meantime he or she shall only be entitled to support, which shall not exceed the net income from his or her property.

4. In the cases of number 3 of article 45 the guardian shall, besides lose the administration of the property of the ward during her minority.

ART. 51. Civil or canonical marriage shall produce no civil effect when either of the spouses is already legally married.

50. Marriage is dissolved by the death of one of the spouses.