

French Civil Code

BOOK I. Of Persons.

Decreed 29th March, 1803. Promulgated 18th of April.

TITLE XI.

OF MAJORITY, INTERDICTION, AND THE JUDICIAL ADVISER.

CHAPTER I.

Of majority.

488. Majority is fixed at twenty-one years completed; at this age a person is Capable of all acts regarding civil life, saving the restriction contained under the title "*Of Marriage.*"

CHAPTER II.

Of Interdiction.

489. An adult, who is in an habitual state of idiotcy, of insanity, or madness, must be interdicted, even though such state present some lucid intervals.

490. Any person is competent to claim the interdiction of a relative. It is the same with one spouse with regard to the other.

491. In the case of madness, if the interdiction is not claimed, either by the spouse or by the relatives, it must be claimed by the commissioner of government, who may also claim it in cases of idiotcy or insanity against an individual who is unmarried, and without known relatives.

492. Every demand of interdiction shall be made before the court of first instance.

493. Acts of idiotcy, insanity, or madness, shall be alleged in writing. They who prosecute the interdiction shall produce witnesses and documents.

494. The court shall order that the family-council formed, according to the mode pointed out in section 4 of chap. 2, of the title "*Of Minority, Guardianship, and Emancipation,*" shall give its judgment on the state of the person whose interdiction is demanded.

495. They who shall have claimed the interdiction shall not form part of the family-council: however the husband or wife, and the children of the person whose interdiction shall be claimed, may be admitted thereto without having a deliberative voice therein.

496. After having received the judgment of the family-council, the court shall interrogate the defendant in the chamber of council; if he cannot be present there, he shall be interrogated at his dwelling, by one of the judges commissioned for this purpose, assisted by his registrar. In all cases the commissioner of government shall be present at the interrogation.

497. After the first interrogatory, the court shall, if there be ground, appoint a provisional administrator, to take care of the person and goods of the defendant.

498. Judgment on a petition for interdiction shall only be given at a public hearing, the

parties being heard or summoned.

499. In rejecting the petition for interdiction, the court shall be empowered nevertheless, if the circumstances require it, to order that the defendant shall not thenceforward plead, make agreement, borrow, receive a moveable capital, nor give discharge therefor, alienate, nor encumber his property by mortgages without the assistance of an adviser, who shall be nominated for him by the same judgment.
500. In case of appeal from the judgment given in the first instance, the court of appeal may, if it judge necessary, interrogate anew the party whose interdiction is demanded, or cause him to be interrogated by a commissioner.
501. Every judgment importing interdiction, or nomination of an adviser, shall, on the instance of the petitioners, be entered, signified to the party, and inscribed within ten days on the schedules, which shall be hung up in the hall of audience, and in the offices of the notaries of the circle.
502. Interdiction on the nomination of an adviser shall have its effect from the day of the judgment. All acts past subsequently by the interdicted person, or without the assistance of the adviser, shall be void in law.
503. Acts anterior to interdiction may be annulled, if the cause of interdiction existed notoriously at the period of making such acts.
504. After the death of an individual, acts done by him cannot be impeached for cause of insanity, except so far as his interdiction shall have been pronounced or claimed before his decease; unless the proof of insanity is derived from the very act impeached.
505. If there be no appeal from the judgment of interdiction given in the first instance, or if it is confirmed on appeal, application shall be made for the nomination of a guardian and of a supplementary guardian for the interdicted person, according to the rules prescribed under the title, "*Of Minority, Guardianship, and Emancipation.*" The provisional administrator shall suspend his duties, and render his accounts to the guardian, unless he be such himself.
506. The husband is of right the guardian of his wife under interdiction.
507. The wife may be nominated guardian of her husband: in such case the family-council shall regulate the form and conditions of the administration, saving the remedy which shall be allowed in the courts to the wife, who shall conceive herself injured by the resolution of the family.
508. No person, with the exception of the husband or wife, ancestors and descendants, shall be bound to hold the guardianship of a person interdicted beyond ten years. At the expiration of that period, the guardian may demand and shall obtain the substitution of another.
509. A person interdicted bears likeness to a minor, as regards his person and his property; the laws on the guardianship of minors shall be applicable to the guardianship of persons under interdiction.
510. The revenues of a person interdicted ought particularly to be employed in alleviating his misfortune and accelerating his cure. According to the symptoms of his malady, and the state of his fortune, the family-council shall be empowered to pass a resolution that he shall be attended in his own house, or that he shall be placed in a house of health, or even in an hospital.
511. When there shall be question concerning the marriage of the child of a person under interdiction, the dowry, or the advancement of the inheritance, and the other matrimonial stipulations, shall be regulated by the opinion of the family-council,

confirmed by the court on the conclusions of the commissioner of government.

512. The interdiction ceases with the causes which produced it; nevertheless the liberation shall not be pronounced without the observation of the formalities prescribed in order to obtain the interdiction, and the party under interdiction shall not reassume the exercise of his rights until after judgment of liberation.

CHAPTER III.

Of the Judicial Adviser.

513. Prodigals may be forbidden to implead, to settle disputes, to borrow, to receive any moveable capital, and to give a discharge therefor, to alienate, or to encumber their property by mortgages, without the assistance of an adviser, nominated to them by the court.

514. Prohibition from proceeding without the assistance of an adviser, may be claimed by such as have a right to demand interdiction; their petition must be prosecuted and determined in the same manner.

This prohibition cannot be obtained without observing the same formalities.

515. No judgment, in matter of interdiction, or of nomination of adviser, shall be given either in the first instance or by way of appeal, except upon the conclusions by the commissioner of government.