

age of twenty-three in case of males, Austria and Hungary until twenty-four, and Italy and Denmark until the attainment of the twenty-fifth year. Russians, without regard to age, always require consent if their parents are living. Marriage without it is not considered invalid, but renders the guilty person liable to imprisonment and entails the loss of all right of inheritance to the property of the parents.

The fact, however, that a marriage contracted in Canada might be declared null by the Courts of the country to which the husband owes allegiance does not preclude its recognition under some foreign systems up to the time when sentence of avoidance is pronounced. France(29), Italy(30), and Spain(31), like the Canadian Province of Quebec(32), all grant civil effect to putative marriages(33). If both parties to the contract acted in good faith the children of such an alliance are considered legitimate, and their legal rights as well as the proprietary relations of the spouses themselves, are settled by the Court in accordance with the principles laid down in the respective Codes. If the wife alone has acted in good faith, such effect is produced only as regards herself and her children, of which she becomes the custodian; ceasing to bear the name of her husband.

Marriages of Canadians with Orientals are fortunately of rare occurrence, though not unknown. In the case of Hindus should any question of capacity to marry arise out of difference of religion, the Courts of India would not apply Hindu law and usage, but would render a decision in accordance with justice, equity and good conscience(34). In *Chetty v. Chetty*(35), a Hindu, who was by caste a Vysia or Komati, went to England to study for the civil service, and while there married an Englishwoman (the petitioner in the case) under the Civil Marriage Act, in force in England. He afterwards deserted his wife and child; returned to India, and regarded the marriage as of no effect, his contention being that a

(29) C.C. arts. 201, 202, 1,109, 1,110.

(30) C.C. art. 116.

(31) C.C. arts. 70-73.

(32) C.C. arts. 163, 164.

(33) A marriage contracted in good faith, and in ignorance of those facts which constitute a legal impediment.

(34) Iyer: Hindu Law, Book 1, p. 408.

(35) (1909) P. 67, pp. 80, 81.