

which the marriage creates between one of the married parties and the relations of the other, render the marriage null to the same degree as lawful relationship.

The Ordinance of Blois and the declaration of 1639 require, for a valid marriage, the publication of the banns upon three successive Sundays or holy-days, with a sufficient time intervening. This publication must be made in the church of the parish where the parties are actually domiciled, if they have been actually domiciled in the parish during the previous six months, otherwise the banns must be published in the parish of the previous domicile. If the parties about to be married are minors, the publication should be made not only in the parish where they have their actual domicile, but also in that of their father and mother, tutor or curator.

Notwithstanding the invalidity denounced by the Ordinance, a marriage publicly solemnized without a dispensation from a Roman Catholic bishop or a marriage license, would not be set aside. (1)

A marriage license (supposed to be given after due inquiry into the civil state of the parties,) is the substitute, in the Protestant churches, for the dispensation from banns which we have just now mentioned.

A requisite formality is the presence of four credible witnesses, besides the clergyman; all of whom must sign the certificate of the marriage. It is true that if the conjuncts, after a marriage made without witnesses, have publicly declared themselves man and wife, the want of witnesses cannot invalidate it; provided always that the marriage has been actually celebrated.

A fourth formality as regards minors, is the consent of father and mother, tutor or curator; but only the father and mother, tutor or curator can demand that the marriage be annulled upon the pretext of want of consent. (2)

There are marriages which the law regards as valid, and to which nevertheless it refuses all civil effects; so that the children, issue of such marriage, are treated as illegitimate with respect to the inheritance of their parents. Such are marriages which are kept

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(1) Prevost de la Jannes, p. 9. (2) De la Jannes, p. 10.