2. In cases under Sections 30—32, the partner who, at the time of marriage, had knowledge of the grounds for annulment, is to be considered the guilty party; in cases under Sections 33 and 34, the marriage partner who committed, or had knowledge of the deceit or the threat, is to be considered the guilty party.

F. Re-marriage in the case of declaration of death
SECTION 38

1. Where a marriage partner re-marries — the other partner having been declared dead — the'new marriage is not void on the ground that the partner declared dead is still alive, unless both partners to the new marriage knew at the time of marriage that he was still alive at the time when he was declared de^l.

2. The former marriage is dissolved by the new marriage. It remains
* dissolved even if the official declaration of death is annulled.

SECTION 39

* 1. If the marriage partner declared to be dead is still alive, the former
spouse can seek annulment of the new marriage unless he knew at the time of marriage that the marriage partner declared to be dead was still alive at the time when he was officially declared dead.

2., If the former spouse avails himself of his right in accordance with Subsectiol, and if the new marriage is annulled, he can contract marriage, as long as the former marriage partner is still alive, only with the latter. In other respects the consequences* of annulment are governed by Section 37.

SECTION 40

If a marriage has been dissolved under Section 38, Subsection 2, the right to the custody of the person of a child of this marriage and the obligations of one of the parties to contribute towards the maintenance of that child are regulated in the same way as if the parties had been divorced without any declaration as to their guilt.

PART TWO
LAW OF DIVORCE
A. General provisions
SECTION 41

The marriage partners are divorced by a decision of the Court. A marriage is dissolved at the time, when the judgment comes into force. The conditions under which divorce can be sought are set out in the following . provisions.

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