

is made in the Act for investigation of the circumstances, in given instances, by a committee of inquiry, presided over by a person who holds or has held high judicial office. The Commonwealth statute adopting Part II of the Imperial Act laid down a definition of high judicial office which it is now anticipated may cause difficulty in some cases, as persons of the prescribed standing may not be available. The Commonwealth Government accordingly contemplated the adoption of a somewhat wider definition.

The committee came to the following conclusion :—

“ Having heard the reasons for which the Commonwealth Government is disposed to provide that the presidency over such committees of inquiry may, where convenient, be taken by persons holding judicial office of lower standing than that prescribed at present by the Commonwealth statute, the committee see no objection to a question of machinery of this nature being settled according to local circumstances and needs, if after examination of the experience of the committee of inquiry, and of the practice which has grown up in the United Kingdom, the Commonwealth Government desires to make an alteration.”

### (3.) *The Nationality of Married Women.*

The Commonwealth Government proposed an amendment of the Imperial nationality law as to the nationality of British-born women married to aliens. Under the present law the national status of the wife follows that of her husband ; a British woman becomes an alien on her marriage to an alien, and there is no power to naturalize her during the continuance of the marriage. The Commonwealth Government have found that the wife's loss of British nationality tends to give rise to hardship in cases where the wife is separated from, or has been deserted by, her husband, and they accordingly suggested an alteration of the law to cover such cases.

This proposal raises wider questions of principle and policy in regard to the national status of married women, which have attracted considerable attention in recent years both within the British Empire and in certain foreign countries.\* A number of arguments for and against maintaining the existing rule that “ the wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien,” will be found in the two draft reports† prepared by members of a Select Committee of both Houses of the British Parliament who examined this question earlier in the year in connection with proposals which had been made for a fundamental alteration in the law.

The discussion of this question by the committee of the Conference did not disclose any opinion in favour of altering the existing law as to the nationality of husband and wife ; and the following resolution was passed :—

“ The committee are of opinion that the principle of the existing law that the nationality of a married woman depends on that of her husband should be maintained. They nevertheless recommend that power should be taken to readmit a woman to British nationality in cases where the married state, though subsisting in law, has to all practical purposes come to an end.”

The conclusions of the committee were reported to the Conference, and received approval.

## XVII. VALIDITY OF MARRIAGES BETWEEN BRITISH SUBJECTS AND FOREIGNERS.

Another matter suggested by the Commonwealth Government for consideration by the Conference concerned the law relating to the validity of marriages between British subjects and foreigners. The main difficulty appears to be that such a marriage, although validly contracted in British law, may nevertheless in certain circumstances be invalid in the law of the foreign country concerned.‡

The committee, under the chairmanship of the Home Secretary, to whom this question was referred, came to the conclusion that, having examined the

\* The subject in its various aspects is dealt with briefly in a memorandum prepared by the Home Office, for which see Appendix VI, Part III. † Published in House of Commons paper 115 of 1923. ‡ For the correspondence, see Appendix VI, Part IV.