THE NATIONALITY OF MARRIED WOMEN.

In determining the nationality of a married woman, the guiding principle for most countries has been that a woman takes the nationality of her husband. For many years, the only countries in which this principle was departed from were,—Argentine, Chile, Uruguay, Brazil, Ecuador, Colombia, and Dominica. In all of these, a woman on marriage with a foreigner retained her nationality. In recent years, the United States of America, Belgium, Sweden, Norway, Denmark, Austria, and Russia, have all made changes in their laws relating to nationality. The most notable instance being the United States of America. The law of the States in regard to this matter, is to be found in an Act of Congress, of 22nd September, 1922. Its provisions are to the effect that any woman who marries a citizen of the United States, or any woman whose husband is naturalised after the passing of the Act, shall not acquire citizenship of the United States by reason of such marriage or naturalisation. She may, however, if eligible for citizenship, be naturalised, and only one Nationality Married Women—Two year's residence, instead of five, the period required of other aliens, shall be required as a qualifying condition in her case. Again, no woman citizen shall lose her American citizenship by reason of her marriage to an alien, unless her husband is ineligible for citizenship, in which case she loses her American nationality, and cannot be naturalised during the continuance of the marriage.

Meantime, European countries have not been standing still. At a Joint Conference of the Governments of Norway, Sweden and Denmark, it was decided to introduce into the legislatures of the respective countries, the same proposals with regard to nationality, and in 1924 and 1925, the necessary amendments were made in the laws. In all three countries the old rule that a foreign woman who marries one of the nationals of these countries acquires her husband's nationality, is retained.

The Danish law also provides that a woman whose husband becomes a naturalised Dane, herself becomes a Dane.

Norway gives the choice to the wife—she also must make a declaration.

Sweden has the same rule as Denmark.

The laws of all three countries provide that a national born Swede, Norwegian or Danish woman, as the case may be, shall not lose her nationality unless two conditions are satisfied:—

(a) She must by the law of her husband's country, acquire his nationality, and

(b) She must have ceased to reside in her own country.

Sweden goes further; before a Swedish woman loses her nationality, she must go and settle in the country of her husband.

The Danish law is retrospective: women who were born Danish subjects, and who have constantly resided in Denmark, but who, at the passing of the laws were under the old law considered foreigners because of marriage, are given the right to claim Danish nationality. Natural born Swedish women under the same circumstances, are given the right to claim Swedish nationality. Swedish children of parents of different nationalities take their mother's nationality if under her care.

We are, of course, more closely interested in the practice obtaining in the British Empire, and here there is a great moving among the dry bones. In 1891 or 92, the International Suffrage Alliance circulated throughout the countries of the Empire a Memorial addressed to the Imperial Conference of Prime Ministers, which was scheduled to meet in 1893. This Memorial in brief, asked that a British woman should have the same choice of nationality as a man. In due time, the question came before the Conference to which a sub-committee reported that the principle of the existing law should be maintained, though it was recommended as in cases of wife desertion or separation, that power should be given to readmit to British nationality all cases "where the married state, though satisfactory in law, had for all practical purposes come to an end." No action, however, was taken in regard to the recommendation, but consideration of the question came in time to bear fruit. Three successive Imperial Conferences have affirmed the desirability of uniformity in the laws relating to this matter throughout the Empire. Some years ago, Canada passed a law giving women the right asked for, but were reminded that, by agreement with the Imperial Parliament, they were not able to pass a law that did not conform to the practice in vogue throughout the Empire—any such legislature must be initiated in the Imperial Parliament; Australia, desiring to pass a similar law, found herself in the same position.

Then the war brought to light and emphasized the hardships suffered by many women under the existing law, and as a result, the Imperial Government passed a Status of Aliens Act under which it is provided that, where an alien is a subject of a state at war with Great Britain, it is lawful for a wife, if she was at birth a British subject, to make a declaration that she wishes to resume British nationality, and hereupon the Secretary of State, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalisation. A more important step was taken last year, when in the British House of Commons, Major Harvey moved and Lady Astor seconded the following resolution:—

> That in the opinion of this House, a British woman should not lose, or be deemed to lose her nationality by the mere act of marriage with an alien, but that it should be open to her to make declaration of alienage.

The principle was unanimously affirmed. An assurance was then given that the British Government would lose no time in communicating the fact to the governments of the Dominions, and inviting then to an expression of opinion. The Under-Secretary further made the statement "that it is quite impossible until we have the assent of the self-governing dominations to engage in legislation. Directly we get their replies, if they are practically unanimous, we can pass legislation on this subject."

The position now is that Canada and Australia have signified their approval, the attitude of South Africa is more than doubtful, while the Parliament of New Zealand has not yet expressed an opinion, but it is possible that the matter will be dealt with before the Prime Minister leaves for the Imperial Conference.