

Majesty's Ambassador at Petrograd has reported to the Secretary of State for Foreign Affairs that under an Imperial Ukase, dated the 14th September, the provisions of the Declaration of London will be observed by the Russian Government during the course of the present hostilities, subject to the modifications adopted by the British and French Governments as declared in His Majesty's Order in Council of the 20th August and in the French Decree of the 25th August.

I have, &c.,

L. HARCOURT.

Governor His Excellency the Right Hon. the Earl of Liverpool,  
G.C.M.G., M.V.O., &c.

No. 64.

New Zealand, No. 433.

MY LORD,—

Downing Street, 30th September, 1914.

With reference to my despatch, No. 327, of the 30th July, I have the honour to request Your Excellency to inform your Ministers that the Secretary of State for India has pointed out that the memorandum relating to marriages under the Foreign Marriages Act, copies of which were enclosed in my despatch, is incomplete in its presentation of Mohammedan custom in regard to marriages.

2. A revision of Part II, which has received the approval of the Foreign Office and the Registrar-General, has accordingly been prepared by the India Office, and I enclose, for the information of your Ministers, copies of the revised portion of the memorandum, now marked "C," which should be substituted for Part II of the memorandum enclosed in my despatch under reference.

I have, &c.,

L. HARCOURT.

Governor His Excellency the Right Hon. the Earl of Liverpool,  
G.C.M.G., M.V.O., &c.

Enclosure.

"C."

MARRIAGE OF ENGLISH WOMEN WITH HINDUS, MOSLEMS, AFRICAN NEGROES, ETC.

1. The marriage of a woman of British nationality professing the Christian faith with a Hindu, even in a case when it is valid in all respects in this country, is not necessarily so when the husband returns to India. In India he is subject to what is known as his "personal" law, and this law would probably not recognize the marriage at all. The Indian Courts would in such cases be liable to offer very inadequate (if any) protection to the wife of such an English marriage, while her position under a foreign Court would be presumably worse.

2. In the case of a Mohammedan, although marriages between Christian women and Moslems are recognized as valid by Mohammedan law, the fact that the forms prescribed by English law only were gone through might place the parties in a position of some difficulty in a Mohammedan country.

3. In neither case is the marriage one that necessarily implies (outside England) the voluntary union for life of one man and one woman to the exclusion of all others, for under his "personal" law the Hindu, and under Mohammedan law the Mohammedan, husband may, if he so desires, take other wives in addition to the first without consulting his first wife (whether Christian or otherwise). Even if the Hindu or Mohammedan husband had entered into a covenant with his Christian wife not to take any other wife, such a covenant could not prevent him from taking another wife in India or a Mohammedan country if he so desired.

The covenant, if any damages or penalties are laid down therein, can only serve as a deterrent and by no means as an absolute protection. The forms observed at a marriage under English law before a Registrar are not necessarily recognized by Mohammedan law as giving any legal effect or validity to the marriage relationship, and afford no protection to the wife in a country where Mohammedan law is observed. Where a marriage relationship is constituted which the Mohammedan law will recognize a Mohammedan husband may, under Mohammedan law, divorce his wife at will without any legal formality beyond that of repudiating her and of discharging the *mahr* or marriage settlement agreed upon, while, should he return to his own country leaving his Christian wife here, the fact of their being thus locally separated might be equivalent to divorce under Mohammedan law; in either case such divorce, while not dissolving the marriage in England under English law, would be operative in the Mohammedan country.