

laws as to publication of notice of intention to marry are also to be respected. An official copy of the marriage certificate must be sent to the authorities of the country to which the contracting parties belong.

Art. 5. Marriages duly celebrated before a diplomatic or consular agent are recognized everywhere, if both parties belong to the State of the consulate or legation, and local legislation does not forbid such marriages.

*B. Effects of Marriage on the Legal Status of the Wife and Children.*

Art. 1. The effects of marriage on the legal status and the capacity of the wife, as well as on the status of their children who have been born prior to the marriage, are determined by the law of the country to which the husband belonged when the marriage was contracted.

Art. 2. The rights and the duties of the husband towards the wife and of the wife towards the husband are determined by the law of the nationality of the husband. Nevertheless, they can only be enforced by such means as are sanctioned not only by that law but by the law of the country where the enforcement is demanded.

Art. 3. In case the husband alone should change his nationality, the relations of the husband and wife remain subject to the law of their last common nationality. But the status of the children born since the husband's change of nationality is determined by the new national law of the father.

*C. Divorce and Judicial Separation.*

Art. 1. Married persons are not permitted to claim divorce unless the law of their nationality, as well as the law of the place where the claim is made, permits such claim.

Art. 2. Divorce cannot be claimed unless on grounds admissible both by the national law of the husband and wife and by the law of the place where the action is instituted. In case of divergence between the national law of the parties and that of the country where the action is instituted, divorce cannot be granted.

Art. 3. Judicial separation may be claimed :—

(1) If the national law of the parties and the law of the place where the action is instituted both permit judicial separation.

(2) If the national law of the parties only allows divorce and the law of the place where the action is instituted only permits judicial separation.

Art. 4. A claim for divorce or for judicial separation can be made :—

(1) Before the competent tribunal of the place where the parties are domiciled. If, by their national law, the parties have not the same domicile, the competent tribunal is that of the domicile of the defendant. At the same time, the enforcement of any national law which has established for religious marriages a special jurisdiction in divorce and judicial separation is to be maintained.

(2) Before the competent jurisdiction established by the national law of the parties.

Art. 6. If the parties have not the same nationality, the last law to which both were subject is to be deemed their national law.