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NATURALISATION.

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Mr. BATCHELOR: I do not know if that could be arranged; Mr. Pearce is taking those subjects.

The CHAIRMAN: I think we had better leave it over until the end of our sitting.

Mr. BATCHELOR: I know Mr. Pearce is prepared to attend to-morrow morning, but I do not know whether he is able to attend all day.

Sir JOSEPH WARD: What about Saturday morning?

Mr. BATCHELOR: I could not answer for Mr. Pearce.

Sir JOSEPH WARD: Let it stand till later in the day.

The CHAIRMAN: Yes. Then we will proceed with the resolution on Naturalisation.

#### NATURALISATION.

##### Australia:—

“That this Conference is in favour of the creation of a system which, while not limiting the right of a Dominion to legislate with regard to local naturalisation, will permit the issue to persons fulfilling prescribed conditions of certificates of naturalisation effective throughout the Empire, and refers to a subsidiary Conference the question of the best means to attain this end.”

##### New Zealand:—

“That it is in the best interests of the Empire that there should be more uniformity throughout its centres and dependencies in the law of naturalisation.”

##### Union of South Africa:—

“That it is desirable to review the principles underlying the draft Bill for Imperial Naturalisation before its details are discussed further.”

Mr. BATCHELOR: I move the Australian resolution: “That this Conference is in favour of the creation of a system which, while not limiting the right of a Dominion to legislate with regard to local naturalisation, will permit the issue to persons fulfilling prescribed conditions of certificates of naturalisation effective throughout the Empire, and refers to a subsidiary conference the question of the best means to attain this end.” The resolution that was passed at the last Conference affirmed the desirability of uniformity of naturalisation as far as practicable, and decided that an inquiry should be held to consider the question further. The idea, I think, was that there should be some subsidiary conference later on, and that the details should then be determined on the drafting of an Imperial Bill. I do not mean to go into the history of this matter, because, of course, it is all within the knowledge of every member of the Conference equally with myself.

An attempt has been made by the Home Office in the preparation of a Bill which was sent round to all the Dominions, and replies and suggestions were, I think, received from all the Dominions, and they show very great difference and much divergence of practice as regards naturalisation throughout the Dominions. What we particularly desire, and that is the Australian view which our Cabinet have decided upon, is that there should be certain things that we must lay down to begin with as regards naturalisation; that is to say, every self-governing Dominion must determine for itself whom it admits to its citizenship. We begin with that, and any kind of attempt to influence or direct any of the Dominions as to whom they shall admit to local naturalisation is no part of this Conference, but the question is solely for the individual State. Nothing could be done in the direction of Imperial naturalisation except by the Parliaments of the Dominions themselves; and we should

Mr. BATCHELOR—*cont.*

not seek to bring about Imperial naturalisation by an Imperial law, but whatever is done should be done directly by the Parliaments of the Dominions concerned. Thirdly, we must recognise the divergence of the law in the various States; we must make no attempt to bring about uniformity of the law in naturalisation so far as local naturalisation in any particular Dominion is concerned.

We find that there are some considerable differences in the conditions under which naturalisation is effected in the various Dominions. The conditions usually laid down are that there shall be a certain length of residence which runs from five years, I think, in the United Kingdom to two years in the case of Australia.

Dr. FINDLAY: There is no limit at all in New Zealand.

Mr. BATCHELOR: No limit at all. Thus it runs from five years down to nothing in the case of length of residence. Other conditions are payment of fees—from about 5*l.* in the United Kingdom, running to nothing in Australia, where there is no fee at all charged. Then there is evidence required of good character, and that varies. The United Kingdom require the evidence of four reputable persons. In the case of Australia we require the evidence of some official—the written evidence of some person in an official position. Then there is the very great difference in the law of naturalisation regarding the races that may be naturalised. For instance, in Australia and New Zealand, and I am not quite sure about Canada for the moment, Asiatics may not be naturalised under any conditions. There are also educational conditions laid down. Those are the principal ones.

Now it occurs to us, and I put it to the Conference, that there are a great many people—many thousands perhaps—in every Dominion of the Empire who can comply with all the conditions, the most severe conditions, and the point is whether it would not be worth while to give certificates of naturalisation to those persons who can comply with any standard that may be set up. Supposing we have a standard of Imperial naturalisation which covers the most drastic conditions—if I may use the word “drastic”—not of each, but of the whole of the Dominions, any Dominion then could give not only local naturalisation, but could grant, so long as the conditions of this Imperial standard which might be set up are complied with, a certificate of Imperial naturalisation; every one of the Dominions could do that. That appears to us a way in which we could bring about the advantages of Imperial naturalisation without having any difficulties at all about the complete local autonomy, the complete right of every part of the Dominions to determine whom it shall admit into its own country. It does not raise the question of Asiatic exclusion; it does not touch the question of the payment of fees, or any of the other conditions. We do not ask any one of the Dominions to vary its law in any degree at all, but each Dominion should carry legislation authorising, recognising, or acknowledging the holders of Imperial certificates to the full advantage of naturalisation in their communities. I do not know whether I have made myself quite clear as to what we propose, but we think that there are some very manifest advantages in having naturalisation which will run right through the Empire, so that persons going anywhere having been naturalised and having complied with the Imperial conditions need not be naturalised further. Once admitted to Imperial naturalisation that naturalisation continues, and wherever they go they are subjects of the British Empire.

In Australia and New Zealand, of course, this matter arises pretty frequently. People go across from Australia to New Zealand very readily, and it is rather absurd that they should have to take out fresh naturalisation certificates in each place. Being naturalised in Australia does not mean being naturalised in New Zealand, where the conditions are practically the same, and at present there is no means by which we can grant any naturalisation that will apply in New Zealand, nor can they in New Zealand grant anything that applies in Australia. I should think the same thing would apply to Canada and Newfoundland. Then, of course, from all the Dominions people come very extensively to the United Kingdom.

The advantages of an Imperial certificate are so obvious that there is no need to discuss the matter at length, but I think what I have suggested is a practical method

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by which our aim can be carried out, and at the same time do away with any of the disadvantages which have been shown would occur if there was any attempt to have one uniform naturalisation law passed either by all the Dominions separately or imposed by the Imperial Parliament. Anything of that kind would lead to some difficulties, and, so far as we can see, there would be no difficulty, and yet all the practical advantages will be brought about by the issue within the Dominions and the United Kingdom of Imperial certificates of naturalisation which will be certificates showing that the conditions of the standard, which we could set up very readily, have been complied with. There would be no need, I think, to have a subsidiary conference, as suggested in our resolution, because it would be very easy to compile from the laws at present in force a standard which could be used as an Imperial standard.

Mr. MALAN: Just for the purposes of information, supposing in Canada a man applies under the local naturalisation law, and his application is refused, would he then have a right to apply for the Imperial naturalisation certificate, and in that way defeat the local administration?

Mr. BATCHELOR: Certainly not; I do not see how that point could arise.

Mr. MALAN: But if you have two standards and two authorities issuing letters of naturalisation, how would you avoid that difficulty?

Mr. BATCHELOR: The greater will always include the less. The certificate of naturalisation could not be, and ought not to be, granted unless it complies with the conditions in every one of the Dominions. It must cover the most severe conditions which are laid down by any of the Dominions.

Mr. MALAN: Yes; but supposing, now, an application is refused on the point of character—the local authorities go into the record of the applicant, and they refuse—and this same man applies in another part of the Empire for Imperial naturalisation, and they go into his character and they grant a certificate, then this same man comes to South Africa and laughs in our faces.

Mr. BATCHELOR: But would not that be a difficulty which in practice could scarcely occur, because it would be required that a man should qualify for five years. Supposing the qualification is five years, he would have to go and reside in that other territory for at least five years in order to get his certificate. It seems to me that, as a matter of practice, would knock out the difficulty.

Mr. MALAN: Your term of five years would be five years in any part of the Empire.

Mr. BATCHELOR: No, not necessarily.

Mr. MALAN: Then I do not follow what you propose.

Sir WILFRID LAURIER: This is, in my estimation, one of the important questions that the Conference has to deal with. I sympathise in the views expressed by Mr. Batchelor, and I would be prepared to support the resolution which he has moved, although, if he will permit me to say so, before reaching a final conclusion it may perhaps be possible to frame the resolution in more apt language with a view to reaching the object which we desire.

Sir WILFRID LAURIER—*cont.*

The power of naturalisation is one of the incidental powers of sovereignty, and one of the most important attributes of sovereignty. The British Government in granting the constitutions of the several Dominions has parted with this power of sovereignty and delegated it to the Dominions. It has given the power to all the Dominions of granting letters of naturalisation to aliens. That was one of the necessary incidents, I think, of the power of self-government which was given to the Dominions, and the one power which it was very important for them to have, because, being young nations and all inviting immigration, it followed as a measure of practical moment that they should have the power to grant letters of naturalisation. They have all availed themselves of that power, and each one has its own law of naturalisation, and those laws are all different, as Mr. Batchelor has said. I do not think there are two laws in all the Dominions which are here represented which are the same—they all vary.

The practical difficulty which arises at once is, as to what is to be the effect of this power of naturalisation. The power which is given to Canada, to New Zealand, and to all the self-governing Dominions, is one which is limited each to its own territory. It does not extend beyond the limits of the territory covered by that legislation. If a man from Denmark, or Switzerland, or Sweden, or Norway comes to Canada, and conforms to our laws of naturalisation, he becomes a British subject *quoad* Canada alone. He is a British subject so long as he remains in Canada; but the moment that same man goes out of the territory of Canada, if he comes from Denmark he remains a Dane, and if he comes from Sweden he is a Swede. So he has a divided allegiance; he is a British subject in Canada if naturalised in Canada and he is a British subject in Australia if he is naturalised in Australia, and so on, but he remains a citizen of his native country the moment he is out of the Dominion of his naturalisation. For instance, if a Canadian to-day comes to Great Britain, and he was a native of the United States and has become a British subject in Canada, in Great Britain he is not recognised as a British subject. Therefore here is a difficulty at once which is of the greatest possible moment.

In Canada, where we receive annually at the present time some 100,000 American citizens, who generally take out letters of naturalisation as soon as it is possible for them to do so, we are in this condition: those 100,000 American citizens are British subjects in Canada, but if they come to Great Britain they are still American citizens. In these days of travel and locomotion it is conceivable that this condition of things—this divided allegiance—may produce serious complications. Therefore I think the first consequence to be deduced from this condition of things, this divided power of legislation between the Mother Country and the Dominions beyond the seas, must be remedied in some way, and I think this principle may be laid down as an object to be ultimately reached—a British subject anywhere, a British subject everywhere. The Imperial Government has naturally retained to itself the power to grant letters of naturalisation, and I understand that jurists are of opinion that letters of naturalisation issued here in Great Britain under the authority of British legislation carry their effect not only in Great Britain, but in Canada, in Australia, in all the oversea Dominions, and everywhere. That is to say, letters of naturalisation granted here in England make a man a British subject all over the world, whereas the letters of naturalisation granted by the authority of the Dominions beyond the seas are restricted only to their own respective territories. I say that this legislation at once ought to be remedied in some way, and a measure ought to be adopted whereby it should be universal that, if a man is made a British subject somewhere in the British Empire under authority delegated by this Parliament of Great Britain, then legislation to that effect should carry the power of naturalisation not only in the country in which naturalisation has been granted, but all over the British Empire, or, indeed, all over the world. In other words, *civis Britannicus* is *civis Britannicus* not only in the country of naturalisation, but everywhere. This principle, it seems to me, is the one which ought to be reached and ought to be adopted; otherwise we are liable to very serious complications. Therefore I say that we should have uniformity in the effect of naturalisation, and the principle should be adopted that whenever a man is naturalised, whether it be in the United Kingdom or in any one

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of the Dominions which derive their authority from the Parliament of Great Britain, the effect should be the same, and that man should be *civis Britannicus* all over the world.

Now, as to the method of obtaining naturalisation, I agree with Mr. Batchelor that it would be extremely difficult to have the same methods adopted in every country. The circumstances vary very much; nothing shows that better than the variety of legislation which we have upon this subject. In Great Britain the period of probation before an alien can become a British subject is five years; in my country it is three years; in Australia it is two years; and in New Zealand I understand it is no period at all—a man can arrive one day and be naturalised the following day. That shows that the local conditions vary so much that uniform legislation is hardly to be attained. I see no objection for my part at all to this varied legislation; let every Dominion for itself determine what is the period of probation which it will subject an alien to before it makes him a British subject. I see no reason at all why the conditions should not vary as they do now. If we adopt these two principles, that is to say uniformity in effect but diversity of methods, I think we reach the solution we are seeking to obtain. That is the policy which I would submit to the Conference. If these two principles are recognised and adopted I think we have found an easy solution of a very serious problem and one which has given us a good deal of trouble hitherto.

Sir JOSEPH WARD: I do not see any objection to the Imperial Parliament legislating in connection with naturalisation for application throughout the Empire, and I think it is necessary that it should be done, with certain reservations. In our country the course that we follow is that there is no time limit; if a man has the necessary education, and his character is all right, a certificate is furnished by a magistrate, and we may naturalise him within a month after he comes to our country. On the other hand we have people in New Zealand to-day who have been there 20 years whom we would not naturalise, because they cannot comply with the requirements as to citizenship of our country, and therefore they are refused.

The CHAIRMAN: Is that an educational test?

Sir JOSEPH WARD: Yes, an educational test and a character test. If reservations are provided in the proposed Imperial Bill, which would be submitted for the consideration of the respective Governments, to enable us to exercise certain powers within our own territory, I fail to see any reason why we should not have uniformity right throughout the British Empire dealing with naturalisation. I am inclined to think that Sir Wilfrid Laurier was probably not quite right in stating that where naturalisation was conferred upon a British subject he was then *civis Britannicus* all over the world. As a matter of fact there are Continental countries that will not accept the naturalisation of a British subject here if the naturalised person be of their nationality, so that it does not apply in the way in which it was suggested.

Sir WILFRID LAURIER: I do not understand that.

Sir JOSEPH WARD: There are cases where a man is naturalised in Great Britain, but his naturalisation is not accepted all over the world—in some Continental countries it is not accepted.

Sir WILFRID LAURIER: That is a different matter altogether. That depends upon foreign interpretation, and not upon what concerns us here.

Sir JOSEPH WARD: So far as we are concerned, in New Zealand, we would not accept it either.

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Sir WILFRID LAURIER: You would not accept the naturalisation of a man in Canada, for instance?

Sir JOSEPH WARD: I am not prepared to say that if he be Canadian born.

Sir WILFRID LAURIER: That is what I mean.

Sir JOSEPH WARD: If he were a foreigner to Canada, whom you naturalised, and he came to New Zealand, we would not accept your naturalisation. We would require him to commence *de novo* and to comply with our conditions.

Sir WILFRID LAURIER: That is a different condition of things.

Sir JOSEPH WARD: I think, to some extent, we ought to be able to meet in a general way the position in order to enable cases of that kind to be dealt with. In dealing with this matter I want to make a suggestion to Mr. Churchill, the head of the Department here. The Bill which was sent out for the consideration of the Government of New Zealand made provision for two distinct things separately: The acquisition and the loss of British citizenship otherwise than by naturalisation, and the status of aliens and the naturalisation of aliens. What I suggest is that the provisions of the Imperial Bill regarding naturalisation, which are intended to be of universal application, should be collected in one part of the Bill and expressly declared to be applicable. If that is done I am quite certain that no reasonable objection could be offered, so far as New Zealand is concerned, to the exercise of power by the Imperial Legislature in defining for the whole Empire the conditions of British citizenship, and it would be a step in the right direction; but what we would require to have in that Bill, in my opinion, would be power to provide the necessary machinery for bringing those provisions into operation in the Dominions and Colonies and determining the Colonial officials by whom the powers of the Secretary of State are to be there exercised, and power to establish the necessary penal provisions, appointing the fees, and authorising regulations by the Governor in Council; and there should be power provided to impose further restrictions, limitations, and conditions on application in the Dominion for Imperial naturalisation. The powers at present provide for Colonial naturalisation to be granted on easier terms than Imperial naturalisation, but without extra-territorial operation. That is the law just now on that particular point.

Now if what I suggest is done, I see no reason whatever, speaking from the New Zealand standpoint, for our being opposed to the general proposals of the Imperial Government, because, after all, we still can exercise the power of the exclusion of aliens under another Act, and so long as we hold that power there does not appear to me to be any reason why we should not in a general way support a proposal to have uniformity; but I do think it important that the two matters in the proposed Bill should be kept apart—there ought to be no difficulty about that, so far as draftsmanship is concerned—in order that certain parts of the Bill may be made applicable by Order in Council in our country if it seems to us desirable to do it.

The CHAIRMAN: You have more than the power of exclusion of aliens left to you; you have the power of exclusion of British subjects, if of a particular colour or a particular race.

Sir JOSEPH WARD: That is so, so we are perfectly safe in that particular respect.

Mr. CHURCHILL: Or any other conditions you may choose to make at any time by your law.

Sir JOSEPH WARD: That is so. In our country we would not naturalise Asiatics, that is quite certain; we have power to deal with their coming to the Dominion under other Acts of Parliament. If in the ordinary course of things

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Chinese happen to be naturalised in this country and wanted to come to our country, it is beyond all question we would refuse assent; but I see no reason why there should not be an interchange, as suggested in the course of Sir Wilfrid Laurier's speech, to enable us under proper conditions to allow a Canadian to come to our country when naturalised so that that naturalisation would not require re-affirming in New Zealand. I think the anomaly mentioned by Sir Wilfrid Laurier, where an American comes to Canada and is a Canadian citizen while he is there and is naturalised there, and then comes on to England, and when he is in England he is not a Canadian but is an American subject, ought to be removed, because once a man becomes a British subject when he comes to Canada, surely he ought to continue to be a British subject when he comes to England, and I am prepared to support general legislation to enable such an undesirable anomaly as the one referred to to be stopped.

Mr. MALAN: I may at once say that in general we agree with the view expressed by Sir Wilfrid Laurier. The practical difficulty of setting up two standards seems to me to be insurmountable. If you have in the same country two sets of certificates of naturalisation running, issued by two authorities, as is proposed in the draft Bill, one set issued by the local Government and one set issued under the Imperial Act by the Governor-General, it seems to me you are let into a maze of practical difficulties which you can never overcome. Therefore, I think, that as far as the present Bill which has been circulated is concerned, we could never support that. Sir Wilfrid Laurier laid down two clear principles. The first one was uniformity of effect. If he means by that that the same rights which attach to a British subject in the country of naturalisation should also, as of right, be granted in every other part of the Empire to that naturalised British subject, I think his proposition goes too far. But if he sticks to what he first said—a British subject anywhere, British subject everywhere in the Empire—then, I think, he expresses the principle correctly.

Sir JOSEPH WARD: Would you apply that to Chinese?

Mr. MALAN: Yes. A British subject anywhere in the Empire is a British subject everywhere in the Empire, but you do not necessarily give him all the rights of a British subject in all parts of the Empire. For instance, a man may be a British subject in South Africa and not be a registered voter at all.

General BOTHA: That is the present condition.

The CHAIRMAN: Or not be admitted to the country.

Mr. MALAN: Yes; I am speaking now first about the point of citizenship. He is a British subject, but if he is not 21, for one thing, then he is not a registered voter; or if he does not satisfy the qualifications required by the country he is not a registered voter. In the Cape Province, for instance, there is a property qualification. In Natal it is the same. In the Transvaal and the Free State, where they have manhood suffrage, it is for Europeans only. So the coloured British subjects in the Transvaal and the Free State have not a right to go on to the register. In the Cape Colony they say he has to satisfy their local law as regards registration before he can become a registered voter. If, therefore, a man become a British subject in England and he has the right to be on the register, I do not want to say *ipso facto* when he comes to South Africa he has a right of coming on to the register also. But if he has certain general rights as a British subject when he is naturalised here—that he will be under the British Flag and have the protection of the British Flag—then wherever he goes within the Empire that should be maintained.



Mr. MALAN—*cont.*

The second principle laid down by Sir Wilfrid Laurier was diversity of method, that is to say, we must leave to each individual self-governing part of the Empire the right to say under what conditions they will create British subjects. If you do not concede this, or if you override this principle by an Imperial Act, you will have very serious practical difficulties, and you will have the most serious constitutional difficulties. The practical difficulty will be that, supposing you decide to pass the Act, who must pass it? If you ask the Imperial Parliament to pass it for the whole of the Empire and so override the local legislatures you will create difficulties. If you ask the local legislatures to pass a similar law you have this difficulty, that you cannot force the actual *ipsissima verba* Act through the local Parliaments. They must have the right to amend that Act, and as soon as you begin to amend a statute of that kind diversities will at once appear again. Then there is this difficulty afterwards: How are you going to alter this law? Supposing it is found that the law is not perfect and it has to be altered, you have no legislative power for the whole of the Empire by which you could satisfactorily deal with a question of that kind. Then you have the constitutional difficulty. The self-governing countries say: "We do not want to be overridden in our legislature by any other legislature in the world." But if you concede this principle of diversity of method then it will apply to 99 per cent. of the British subjects that are created in the different Colonies, and the difficulty, if it is a difficulty at all, would only be as regards a few men who go from the one country to the other.

I would then say "British subject anywhere, British subject everywhere," but subject to local laws. I have spoken about the registration of voters, and the qualification of men as voters. There is also the question of emigration. Being a British subject does not necessarily open the door to that British subject in any part of the Empire, and that principle of a Dominion, or any part of a Dominion, having the right to say what shall be the composition of its population is a principle which I think South Africa will maintain to the last. Provided that it is clearly understood, and clearly expressed, that "British subject anywhere, British subject everywhere" means subject to the local laws which obtain as regards the rights of British subject whether of citizenship or of admittance into a country, we think that the principles as laid down by Sir Wilfrid Laurier are correct and sound ones.

Mr. CHURCHILL: Gentlemen, I think the statements of opinions which have already been made to the Conference reveal the very great possibility of agreement being reached upon this subject, and they also reveal the great importance of the question. Sir Wilfrid Laurier referred to the fact that 100,000 emigrants enter Canada every year, the greater part of whom seek certificates of naturalisation at the earliest moment, and that this great body of persons, rapidly increasing in numbers, are in a wholly anomalous position outside Canada, whether they go to other parts of the British Empire or to the Mother Country, or go into foreign countries. This must, I am sure, bring to the Conference a realisation of the importance and the significance which this question has already attained. There is no doubt that the importance of the question of uniformity in naturalisation is going to grow; it grows with every development in the wealth and prosperity of the Dominions, with every improvement in locomotion, with every extension of the affairs of persons resident in the Dominions to all parts of the world. Therefore I welcome with the greatest satisfaction the strong statements made by every one of the representatives of the Dominions present here to-day in favour of the desirability of securing a uniform and world-wide status of British citizenship which shall protect the holder of that certificate wherever he may be, whether he be within the British Empire or in foreign countries.

Now I do not think I need dwell on the inconveniences of the present system. To the Dominions they are much greater than they are to the Mother Country, because as a matter of fact at the present time the Dominions do as a matter of courtesy, or even as a matter of right under local statutes, accept as current our naturalisation certificates issued in this country, though we are unable at present (except as a matter of courtesy solely) to recognise theirs. Of course the inter-



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colonial question is quite unsettled, and, as Sir Joseph Ward and Mr. Batchelor have pointed out, the close proximity of Australia to New Zealand, where there are exactly similar conditions, has not prevented a complete absence of arrangement for mutual naturalisation between the two countries. It would be a great thing if we could remedy these inconveniences, but we shall not remedy the inconveniences of the present system if we depart from sound principles of Colonial and Imperial Government. We must base ourselves, in any legislation which we seek upon this subject, upon the two main principles, as I understand them, of the government of the British Empire. First of all, we must base ourselves upon the assents of local Parliaments; and secondly, upon the responsibility of Ministers. As long as we stand on those two foundations I do not think that any real difficulties will arise in practice.

Now the draft Bill which has been circulated and has been examined and studied in all the Dominions must not be regarded as by any means a final or a perfect scheme. I think the very valuable criticisms which have been made upon it, not only this morning but in the despatches which have been written, particularly the South African Despatch, have shown that that Bill can only be regarded as a convenient peg upon which to hang the discussion of this subject, and we are not committed to it in form or in detail at all this morning, as far as the Imperial Government is concerned. It is a method, and I think it has proved to be not an inconvenient method, of raising the question. I am bound to say I have found the criticisms which have been advanced by the different self-governing Dominions upon that Bill very valid and important, and I agree very much with them.

I certainly feel, and I am sure my Right Honourable friend, the President of the Conference, agrees with me, that no Imperial Act ought on this subject to deal with the self-governing Colonies, unless and except in so far as it is adopted by their Parliaments. We feel very strongly that, in regard to a question like naturalisation, the Government of that Dominion where the certificate of naturalisation is applied for must be the judge and the complete judge. We have no desire at all that the Secretary of State for the Home Department should have the power to reach out, as it were, into the self-governing area of the South African Union or the Dominion of Canada and confer naturalisation—I think that perhaps was in Mr. Malan's mind—on persons who have been refused naturalisation there. We have no idea of that kind of reaching out into a self-governing area; nor have we any idea of overriding local law. That is a matter of the very greatest importance. A certificate of naturalisation does not entitle the naturalised person to any treatment in this country or in any Dominion of the British Empire, except as may be prescribed by the laws of this country or of the Dominions in question. We draw distinctions in this country between different classes of white British subjects. We do not, for instance, put peers on the register for voting; and there are many distinctions which you draw in the Colonies. Nothing in the proposal we put forward to-day is intended to touch or affect the local law as regards immigration, that is to say, the exclusion of aliens or even natural-born British subjects, which the Colonies strongly hold to in some cases, and I think very reasonably in some cases; and nothing would affect any differentiation which may be in force by local laws within the area of any self-governing Colony. I feel that we have to recognise all those facts if we are to make any advance in this field.

Then I come to the second step. There is a great diversity in the conditions of naturalisation in the self-governing Dominions, and I do not see how we, sitting round this table, could come to an agreement to establish uniform Imperial conditions of naturalisation. I do not think we could. The circumstances of the different Dominions are so varied, and the time and labour of the work, even if it were a possibility, would be so great that we should not reach any practical conclusion, and if we did reach a practical conclusion the whole matter would then have to be delayed until the different uniform Bills enforcing the uniform principle had been carried through by the Parliaments all over the British Empire. I do not think that there can be any progress along that road. So I am forced to the conclusion, after considering very carefully the objections which have been taken to the draft Bill, and having the advantage of discussing this matter with the learned Solicitor-General, who is here this morning, that if we are to give effect to the resolution

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proposed by Mr. Batchelor and to the wishes which Sir Wilfred Laurier has expressed we shall have to face two standards of naturalisation; there will have to be the local law and there will have to be an Imperial standard.

I see Mr. Malan smile, but I think I can meet the difficulty which he has in his mind. For our part in this country we cannot depart from the five years' limit as a qualifying period. We are in very close proximity to Europe, and great numbers of persons come through this country and come into this country, and with every alteration in our social legislation there is greater incentive to acquire British citizenship in this country, and we feel it is absolutely necessary for our good government to insist upon a five years' period. But that five years' period, if insisted upon by this Mother Country, will not be any inconvenience to the Dominions; on the contrary it will be a protection to them against persons being naturalised in this country and then becoming British subjects for the purposes of the different Dominions, because it will prevent such persons getting in under standards which might be less severe than those the Dominions have thought it necessary to establish for their own protection.

What I would therefore suggest is this—if I may make a tentative suggestion to the Conference—that it should be open to any person who has obtained a certificate of local naturalisation in any of the Dominions, and who, in addition to that local certificate of naturalisation, has resided five years in any part of the British Empire, to apply for a certificate of Imperial naturalisation. He would apply, of course, to the responsible Ministers of the Dominion or State in which he was resident, and if the responsible Ministers endorse his application, the Government, upon advice in the ordinary manner, would issue the certificate. In that way it would be possible to allow all the existing diversities of Dominion legislation to continue untouched. There would be no need to alter all those laws, although it is very possible that there would be a gradual tendency to assimilate them, but that would be a matter which time and circumstances, and the opinions of the Dominions concerned, would solve in their own way. There would be no necessity at all to alter the existing diversity of practice. I think in the great majority of cases persons would be quite content to remain in the enjoyment of the local naturalisation, but if they wished to go further, in two years later in the case of Canada, or three years later in the case of Australia, they could, by application to the Government, or under any other condition that the Government of the Dominion might prescribe, take out papers of Imperial naturalisation, and those papers of Imperial naturalisation based, as they would be, not only upon the local citizenship, but also upon the five years' qualification, ought to be current throughout the British Empire. Of course there is just one loophole of difficulty, to which Mr. Malan has referred, and which does not appear to be completely met; that is, supposing a man applies in South Africa for naturalisation and is refused, and then goes away, say to Canada, and lives there for a period, then gets Imperial naturalisation, and then and there comes back to South Africa, he will have acquired an Imperial naturalisation certificate current in South Africa, although he had previously been refused that certificate by the Government of that Dominion. I think we are having to go a good long way round to get to the difficulty exemplified in that case. Such cases would be extremely rare, but I can only say in answer to that, that the local law would not be affected at all, and if it really were thought to be such a serious danger that this should happen, I do not see any reason why, if it were thought worth while to do it, the Government of the Dominion which did not wish to have this man should not by legislation arrange that the Imperial certificate should be in abeyance in cases where an application had previously been refused to the same person within their own bounds. I do not think the danger is a real one, but it would be quite possible to safeguard local autonomy completely against it.

Mr. BATCHELOR: Could not you do this—require a declaration from each applicant for an Imperial certificate that he had not applied and been refused a certificate? That would seem to get over the difficulty.

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NATURALISATION.

[8th Day.]

Mr. CHURCHILL: I am afraid it would not. We could not guarantee we should not naturalise any person here who had been refused naturalisation elsewhere.

Mr. BATCHELOR: No, but you would not give him an Imperial certificate.

Mr. CHURCHILL: We do now—a world-wide certificate.

Dr. FINDLAY: We have a separate resolution down, although, I take it, it is embraced within the present discussion. I have not said anything about this matter, but I hope if the matter is not being treated independently to say one word now.

Mr. CHURCHILL: I have practically finished what I have to say, and I will just summarise my points in five propositions: (1) Imperial nationality should be world-wide and uniform, each Dominion being left free to grant local nationality on such terms as its Legislature thinks fit. (2) The Mother Country finds it necessary to maintain the five years. This is a safeguard to the Dominions as well as to us; but five years anywhere in the Empire should be as good as five years in the United Kingdom. (3) The grant of nationality is in every case discretionary, and this discretion should be exercised by those responsible in the area in which the applicant has spent the last 12 months. (4) The Imperial Act would not apply to the self-governing Dominions until adopted by them. (5) Nothing now proposed would affect the validity and effectiveness of local laws regulating immigration and the like, or differentiating between classes of British subjects. Those are the general principles and the main principles which I think would have to underlie any legislation we may endeavour to put forward on this subject, and I would express a hope that the Conference, if it felt itself in general agreement with those general principles, which are not at all unhappily expressed by the resolution which Mr. Batchelor has moved, would allow us to redraft the Bill in conformity with those principles which are laid down, and submit it to a subsidiary conference in the shortest possible time. I do not think it would take very long. That is what I should hope might follow from our discussion.

The CHAIRMAN: I would like to make this point to Mr. Malan. He supposed the extraordinary case of a man failing to get naturalisation in South Africa, but coming to Canada, or coming here, in order to get naturalisation. That man is in no better position after he has acquired that naturalisation than thousands of British-born subjects to-day, either Indians born in India or Chinamen born in Hong Kong. The fact that he has acquired elsewhere naturalisation, which has been refused to him at the Cape, does not entitle him on his return to South Africa to any rights from which he is excluded by your other laws laying down exclusive regulations as to colour or any other bar you may choose to impose, so that he really gains nothing by that process except British nationality, which he may have been born with, and yet be an excluded person in South Africa.

Mr. MALAN: Yes, but I would just like to point out that I was criticising clause 7 of the draft Bill. Our contention was that no applicant should be allowed to defeat the local naturalisation law by applying for the Imperial naturalisation.

Mr. CHURCHILL: That was the intention, but the drafting is ambiguous, and I quite agree it is not at all satisfactory; so let us consider clause 7 as gone altogether.

Mr. MALAN : As the Home Secretary has stated now that twelve months at least he must be in the country in which he applies for Imperial naturalisation that alters the situation very much indeed.

Sir JOHN SIMON : The last twelve months.

Mr. MALAN : The last twelve months ; so that with the altered principle as expressed in what we have now—No. 3—as against what is contained in clause 7 of the draft Bill, I think there is very much to be said for it ; personally I would like to say that as this is an important matter, if we could have a copy of those five or six principles, as expressed by the Home Secretary, before we come to a final decision I should be pleased, because we have hitherto been going rather on the principles expressed in the draft Bill and they are very materially altered now in the memorandum read by the Home Secretary.

Dr. FINDLAY : I should like to say first one word here. It seems to me that the plan suggested by the Home Secretary involves a little needless duplication. It presupposes an application for Colonial naturalisation first, and bases upon that a right to acquire Imperial naturalisation. I think that might be avoided and the same purpose attained by there being passed an Imperial statute providing for Imperial naturalisation, and providing that the powers given in that Imperial statute may be adopted by the self-governing oversea Dependencies, but that they should have power, however, in addition to that, to meet a difficulty which would arise, and that difficulty is this : it may well be that you will grant naturalisation upon conditions less stringent than those prevailing in some oversea Dependencies. That is quite conceivable. Possibly it is an existing fact. You would require, therefore, to provide that where an applicant for Imperial naturalisation in, say, Canada, was going to acquire naturalisation there by virtue of Imperial naturalisation, the Canadian Government should have power to prescribe some further condition, some stricter condition, than that contained in your Imperial statute. The converse of that is a provision that local Colonial naturalisation may be given if the country desires to give naturalisation upon conditions less stringent than those contained in the Imperial statute.

The situation then would be this : you pass a statute providing for Imperial naturalisation which may or may not be adopted by the self-governing countries. That is the first stage. Secondly, they may adopt it and provide that any person applying for naturalisation under it should comply with still stricter conditions than those contained in that statute, because you will observe that obtaining Imperial naturalisation means obtaining naturalisation in that particular country. Thirdly, they may enact that the present system, if it is better, should continue. Now, the difference between the course suggested and the one I am suggesting is this : You would in many cases avoid duplication altogether. The Imperial statute would be passed providing for Imperial naturalisation. New Zealand, for instance, may be content to adopt the statute as it is without more ado, and without providing for any local naturalisation at all. Canada may do the same. You would then avoid the double system entirely. It may be Canada or New Zealand think the conditions are too stringent and it will continue its local system. It may be that Canada does not want a local system but wants to increase the stringency of the Imperial system, and it could do that by a separate statute. So you would unify the process, having but one process, and still preserve to each country the power of controlling this matter itself.

Mr. CHURCHILL : But the Mother Country has at present the most stringent law as far as the time limit is concerned. Our five years covers everybody.

Dr. FINDLAY : That may be so just now ; but changes may take place in Australia, or elsewhere, increasing the stringency of your conditions. That is conceivable, and one must provide now for the future. The course I am advocating seems to me to avoid duplication—local naturalisation first and afterwards Imperial naturalisation. I should have thought there would be no difficulty in drafting the proposed Bill for Imperial naturalisation, leaving each country to adopt it or not as it pleased, leaving each country to ask for increased stringency if it pleased, and leaving each country to continue its present system if it pleased.

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Mr. CHURCHILL: I think the method we are proposing would be very simple and fair. Take the case of Sir Wilfrid Laurier's 100,000 American citizens that have come into Canada this year; in the third year they would become Canadian citizens, but in the fifth year, if they wished, they could become Imperial citizens. There would be no difficulty, no extra inquiry, but simply an endorsement.

Dr. FINDLAY: That would, of course, be a matter of machinery, but we require a person to first apply for Colonial naturalisation, and then by a separate process, which might be simple, to apply for Imperial naturalisation. Why not unify the processes?

Mr. CHURCHILL: If he had all the qualifications there is no reason why he should not apply for the full Imperial naturalisation if he had been there for five years.

Dr. FINDLAY: The Bill before us contemplates the two processes; first local, and then Imperial naturalisation.

Sir WILFRID LAURIER: The suggestions of Mr. Churchill go very far towards remedying the condition of things which now exists, and which everybody admits is a source of danger, and which ought to be remedied in some way. His remedy is that any man who has obtained letters of naturalisation in any of the Dominions may come here to England and obtain upon presentation of an application a further letter of naturalisation which would make him an Imperial citizen.

Mr. CHURCHILL. He may obtain it in the Dominions.

The CHAIRMAN: He need not come here.

Sir WILFRID LAURIER: Very well; it may be obtained in the Dominions themselves. I hoped that the Imperial Government would have been able to go further, and to recognise the letter of naturalisation which has been given as carrying its effect everywhere. That can be done, I think, with the diversity of legislation which exists to-day. In England you require a probation of five years. Very well, a man cannot obtain letters of naturalisation unless he has been a resident in this country for five years. After that he can become a British subject. These are conditions which are applicable to the United Kingdom. In the case of Australia, the same man, if he is located in Australia and not in Great Britain, can have his letters of naturalisation after a probation of two years. Can there be any reason at all, from a practical point of view, why this alien, who has become a British subject in Australia should not travel anywhere, and put his letter of naturalisation in his pocket, and claim he has the right of a British citizen, even if he comes to England. I see no objection. There may be objections, but I see them not. In the same way, suppose he goes to New Zealand? New Zealand is very careful also in the selection of its own citizens, but in New Zealand the main question which they have in mind when granting letters of naturalisation is not the period of residence but the character of the man.

Sir JOSEPH WARD: And his education.

Sir WILFRID LAURIER: And his education. A man goes to New Zealand one day and applies for naturalisation on the following day. They do not attach any importance to how long he been there, but they ask him what is his education, and what is his character, and they go carefully into it, and they come to the conclusion that he is a fit person to be a British subject. What objection is there, if that man comes to Great Britain to his being recognised as a British subject as well? I repeat what I said a moment ago, that I see no objection. There may be objections from the point of view of His Majesty's Government in Great Britain,

Sir WILFRID LAURIER—*cont.*

and if there are we have to submit; but I think it would be far safer if you were to say that when a man has obtained his letters of naturalisation in any of the Dominions he can put his certificate in his pocket and can travel all over the world and come to Great Britain and say: "I am a British subject." It would be much more simple, as everybody would admit, and unless there are very strong objections to the contrary, this would seem to me a far simpler solution of the whole problem. At present a man who obtains his letters of naturalisation in Great Britain comes over to Canada or Australia, or anywhere else, and he is at once recognised as a British subject, and I would like to have the reverse position—that a man naturalised in the Dominions should be also recognised anywhere as a British subject. There are objections. One objection is perhaps the colour question. It is supposed that here you are perhaps more easy on the colour question than we would be in Canada, South Africa, or New Zealand. I, for my part, do not see any serious difficulty in that, because the colour question will never be a problem in this country. The men of the coloured races who would be naturalised in Great Britain would be of higher education and of the higher class. You would not have in this country a rush of such immigration as we would have in Canada, Australia, and New Zealand, unless it is limited. That is really the true difficulty at the bottom of every mind here, that you may naturalise a class of subject generally undesirable. This is a difficulty technically, but I do not think it is a difficulty practically, and therefore I would prefer, if His Majesty's Government are able to see their way to do so, our certificates to be accepted here and their certificates to be accepted in our countries.

Mr. MALAN: Would not you stipulate for a minimum of two years' residence?

Sir WILFRID LAURIER: I would not like to interfere with the freedom or the wisdom or the preference of any Dominion on this point. For my part, I am quite willing to accept in Canada every man naturalised in New Zealand, although there is no probation at all there in point of residence. If a man comes to Canada with a certificate issued in New Zealand, for my part I would at once pass legislation in Canada to accept this man as a British subject in Canada.

The CHAIRMAN: Would every Dominion be willing to accept the individuals naturalised by every other Dominion under laws on which they had not been consulted?

Sir WILFRID LAURIER: Let me say in answer to the objection raised by Mr. Malan that a man who had been rejected in one country might go somewhere else and there get naturalised, as has been pointed out by Mr. Churchill this is a very remote contingency. It is a possibility.

Mr. MALAN: Under your system it would not arise at all, and under the revised scheme as laid down by Mr. Churchill now, the chances are very much less, but in the Bill as it was sent out to us, the man could get the Imperial naturalisation in his own Dominion after he is refused naturalisation by his local Government.

Sir WILFRID LAURIER: But even under those circumstances it would be easy for any Dominion to say that a man whose application had been rejected could not be recognised under any circumstances.

Sir JOSEPH WARD: I think one of the questions that might possibly be answered by Mr. Churchill is that suggestion made by Sir Wilfrid Laurier as to accepting a British naturalised subject everywhere, with the system that prevails in New Zealand of no limitation of time, with three years in Canada, and with two years in Australia, and so on; would that be acceptable to the Imperial Government in view of the fact that they have a five years' limitation?



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Mr. CHURCHILL: No, it would not. There is a very strong feeling in this country that it ought not to be too easy for aliens to obtain naturalisation, and that feeling will increase, I think, with the development of the pensions and the insurance schemes, which play such a large part now-a-days, and in which there is a distinct difference made between naturalised and non-naturalised people in this country, I think there would be a difficulty, and at any rate, we attach as much importance to our five years' limitation as any of the representatives of the self-governing Dominions attach to their various standards.

The CHAIRMAN: I think Sir Wilfrid Laurier rather suggested another method of treatment—that a naturalisation in Canada after a period of three years should become automatically at the expiration of five years naturalisation in the Empire as a whole. But there, again, there would be a difficulty, that if an American had resided three years in Canada and acquired his naturalisation, the moment he had got that paper in his pocket he might return to the United States and remain there, and at the end of five years he would for his own purposes have become a British citizen.

Mr. CHURCHILL: No, it would not do.

The CHAIRMAN: That is how the automatic suggestion would work, because we would not be able to say to him: "You have not resided for five years in the British Empire," nor should we be able to put to him the point: "Do you intend to reside in the British Empire in future?"

Sir JOSEPH WARD: That might be got over by a certificate that he had.

Mr. BATCHELOR: May I say on the point raised by Sir Wilfrid Laurier that, as far as Australia is concerned, I do not think we could agree to that because it would be giving each other country legislative powers practically which would govern local naturalisation. Take the case of New Zealand, they require no limitation at all as to residence. In Australia we require two years' probation. People could come after, say, getting a certificate from New Zealand to Australia, who had not completed anything like the two years we require and, of course, under those circumstances, they would have advantages by going first to New Zealand which they would not have if they came direct to Australia. Under those circumstances it would be over-riding our conditions. It seems to me that the method which was suggested by Mr. Churchill, which I am very pleased to say was practically on the same lines as that which I suggested, gets over nearly all these difficulties, the only difference appearing to be upon the question as to whether an Imperial Act is necessary, or whether we should set up some standard.

Sir JOSEPH WARD: I think an Imperial Act is absolutely necessary.

The CHAIRMAN: An Imperial adoptive Act.

Mr. BATCHELOR: I think so. Some kind of standard would have to be set up by some authority which each of the Dominions by legislation could adopt. Whether the standard is set up by Imperial Act or not is not material to the Dominions; it is not material to us, for instance. Probably the best way is to have an Imperial standard.

Mr. CHURCHILL: Of course, the five years includes everything; the greater includes the less, and it would bring us all together.

Mr. BATCHELOR: I do not think there are any conditions imposed by any of the States that are not also imposed by the United Kingdom, so that I see no difficulty at all. What each of the Dominions can do is to slightly alter their own legislation, giving power to adopt the Imperial Act or the Imperial standard, and it seems to me that that gets over all the difficulties which have been suggested.



Mr. CHURCHILL: We do not tie ourselves to any other condition at all except the five years. There are a great many differences as to how character is ascertained, the ability to speak English and so on. We do not trouble about that at all; all we say is: "The local certificate in a Dominion plus five years residence in the British Empire." It is very simple.

Sir WILFRID LAURIER: In the British Empire or in the United Kingdom?

Mr. CHURCHILL: In the British Empire, residence anywhere in the British Empire counting for the five years.

Sir JOHN SIMON: I should like to point out with reference to what Mr. Batchelor has just said, that from the Home country's point of view there is one reason why we must have an Imperial Act, and it is this. Under our existing law five years residence in the British Empire does not help the applicant at all. Fifty years residence in the British Empire does not help him. What he has to show is five years residence in the United Kingdom and the intention to continue to reside in the United Kingdom, and, of course, that has got to be our law until we have altered it. Therefore we must have an Imperial Act from our point of view in order that we may do what we all wish to do, recognise residence anywhere in the British Empire as just as good as residence in the United Kingdom.

That leads me to make this suggestion to Mr. Malan. He was raising this difficulty. He was saying that perhaps a man may have been objected to on good grounds in some portion of the Empire and then afterwards may apply to the Home Government and attempt to get a certificate of naturalisation here. May I just point out this? Before he could get a certificate of naturalisation here he would have to show where his five years of residence has taken place, and in the case supposed he has resided in various parts of the Empire. I conceive it would not be a very difficult regulation to say that if a man came forward and said: "I make up part of my five years by saying that I have resided for two of them in South Africa," communication could take place in order that it might be possible to see whether South Africa knows anything about him. That would be a very possible regulation, and it is made possible because he has got to show where his five years have been made up. If he has done five years in the United Kingdom without a change, he naturally satisfies the Home authorities.

May I say also, Sir, that I appreciate very fully, and I have felt the difficulty myself to which Mr. Malan refers with regard to clause 7 of the Bill, and I am quite certain that that does not accurately represent the intentions of those who drafted it or the Home Government. It is essential to the scheme which the Home Secretary has referred to that the grant of an Imperial certificate should be a matter of discretion and that that discretion should be exercised, not in all cases by the Home Government of course, but by the authority which has the local opportunity of judging of the man's personal qualities and credentials during the last year of his five years. That seems to me to be essential to the scheme.

Mr. MALAN: That is not expressed in clause 7 at all.

Sir JOHN SIMON: I agree it is not, but I am confident it was what was really intended and it is made very plain by what Mr. Churchill has said.

May I finally point out this? It is said very truly that there might be cases in which a man would get an Imperial certificate, although if he applied locally he might not be regarded, in some parts of the Empire, as qualified for a local certificate on the ground of colour or so on. What I suggest the Conference has to remember is that for every one man who is naturalised you have thousands of persons who are natural born British subjects. Of course our law is that anybody born in any part of the British Empire, whatever his parentage, is a natural born British subject for all purposes; and, as Mr. Harcourt was pointing out, whatever may happen in the case of a man of colour who in some corner of the Empire gets naturalisation, he cannot

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be put in a better position than an exactly similar man who was born within the British Empire. The real safeguard which I suggest that the Dominions have is the power which they, of course, exercise freely as they think right of imposing conditions which apply not only to aliens, but apply to British subjects, which must be satisfied before those persons in their own area exercise political or other rights. That seems to me really to show that the danger is exaggerated when the danger is referred to of the grant of naturalisation in some other part of the Empire.

Mr. CHURCHILL: I think the Conference are perhaps ready to come to the conclusion on these points. I do not know, Sir Wilfrid, how far we meet your view?

Sir WILFRID LAURIER: They do go very far, but not quite as far as I would like. What I have in my mind is this—of course everyone speaks for the country he represents here—the case which I put forward some time ago of the American citizen who has been three years in Canada and becomes a British subject in Canada, but is not a British subject in Great Britain. You would meet partially my views if you were to go further. I had hoped that the man who was a British subject in Canada would be a British subject in Great Britain. I had hoped you would go further than you are going, but if you are going to say that with two further years in Canada he would be a British subject—

Mr. CHURCHILL: Yes.

Sir WILFRID LAURIER: I would accept that.

Sir JOHN SIMON: And granted by the Canadian Government.

Sir WILFRID LAURIER: Yes, that would carry the full British citizenship.

General BOTHA: I think we should accept Mr. Churchill's suggestion.

Sir JOSEPH WARD: I agree.

Mr. CHURCHILL: May I ask the Conference, then, if they will allow me to have the Bill redrafted at once on the lines of the principles which have been elucidated in the discussion, so that the Bill, or at any rate, the heads of the Bill\* could be submitted to the representatives of the Dominions before they leave this country. I am not quite familiar with the actual procedure of the Conference, but I imagine that we could have a sitting in a fortnight or three weeks of one day when I could submit the draft Bill.

The CHAIRMAN: I am afraid that will not be possible.

Mr. FISHER: I should like to say, Mr. Harcourt, that I should hesitate to assent to a proposition of that kind—the examination of a Bill to be gone through. We shall do well if we confine ourselves to affirming propositions in well-defined language expressing our views here.

The CHAIRMAN: They must ultimately take the form of a Bill.

Sir WILFRID LAURIER: If you ask me I say we are prepared to accept the proposal as far as Canada is concerned of adding another two years to the period of probation. If you could make it general and say that after continuous residence in any of the Dominions for five years—

\* See draft Bill in Volume of papers [Cd. 5746—1].

Sir JOSEPH WARD: I was going to say the very same thing, that if the five years which is suggested as being the period for Canada, that is two years plus these local three years—if the proposal is made that it is to be after five years' residence in our countries, I see no objection to it at all.

Sir JOHN SIMON: That is a portion of the second proposition which Mr. Churchill read out, that five years anywhere in the Empire should be as good as five years in the United Kingdom.

Sir JOSEPH WARD: That is all right.

The CHAIRMAN: It may be three years in Canada and two years in New Zealand, and that would make five years for British naturalisation.

Sir WILFRID LAURIER: But the probation should be in the country of naturalisation. It would not be that the applicant should be three years in Canada and two years in Australia.

The CHAIRMAN: It would, for Great Britain; that is the change we propose to make. We should give him Imperial naturalisation so long as he has resided five years in any one part or parts of the British Empire.

Sir JOSEPH WARD: There is one point I want to ask a question upon so as to make it quite clear. Supposing in the case of New Zealand, in connection with this second part of the proposal as to the five years, we required a man before we naturalised him to wait for five years, would this proposal mean that on his being naturalised he has to stay another five years before he gets it?

Sir JOHN SIMON: No, they overlap.

Sir JOSEPH WARD: It is residence only.

The CHAIRMAN: It is concurrent residence.

Dr. FINDLAY: We have no prescribed number of years. We ask how long he has been in New Zealand, and we may grant it without any period being prescribed. Will you ask as they do in Canada: "What period does your law provide?" and if the answer is "Two years," will you then say "You have to wait another three years and then you will have Imperial letters of naturalisation"? We have no time prescribed, and we would like to know what evidence you would be content with.

Mr. FISHER: You could state in your certificate the time he had been there.

Sir JOSEPH WARD: I think our better way would be probably to put into one of our Acts a period of years, say a year or two, and that would get over it.

Mr. FISHER: Supposing you naturalised an applicant the next day, Sir Joseph, you could put down the time he had been in your country when you granted him naturalisation?

Sir JOSEPH WARD: Yes, but I think the clearer and more handy way would be to put a period of a year or two into our own Act.

The CHAIRMAN: That would be an advantage in the way of similarity.

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Sir WILFRID LAURIER: The idea is this, that after a man who has obtained letters of naturalisation in any of the Dominions has five years' residence, under those letters of naturalisation he is entitled to be a British subject anywhere in the Empire.

The CHAIRMAN: Yes, anywhere.

Sir WILFRID LAURIER: But if he has been three years in Canada I would not say that he should have Imperial letters of naturalisation if he goes to reside elsewhere in the British Empire.

The CHAIRMAN: But that is for British purposes; we are to be satisfied with five years in any part of the Empire.

Mr. FISHER: If you would allow me to say so I am rather in a difficulty here. The suggestion now is that there must be five years after naturalisation.

The CHAIRMAN: No.

Sir JOSEPH WARD: I shall make it clear by legislation if it is not so.

Mr. FISHER: You could put on to your dated naturalisation certificate the length of time the applicant had been in New Zealand, and that would count prior to the granting of the certificate, and the subsequent period would make up the five years. I see no difficulty at all now.

The CHAIRMAN: They do not inquire in New Zealand as to his length of residence.

Mr. FISHER: In my own State of Queensland, a foreigner, as we call them, coming to that State could apply the day he landed to be naturalised, and then six months afterwards they would grant his naturalisation.

Sir JOHN SIMON: Then he would want four years and six months more.

Sir JOSEPH WARD: It is only a matter of detail as to whether any of the Dominions remain without a fixed period of years or with a period of years. I believe, for the purpose of enabling us all to have a better understanding of what we are doing, it would be better if New Zealand fixed a term of a year or two as the case may be. We should not object to making it three years, the same as in Canada, because, as I have said, we keep some of our people out for more than twenty years. Although we have not a limit we do not allow them to get in in a hurry, they must have the proper qualifications.

I wanted to say this particularly, Mr. Churchill, that as far as I am concerned I would infinitely prefer to see your proposed Bill. I believe without our going in the direction of saying that we affirm everything in the Bill, if we had the suggested Bill of Mr. Churchill with amendments on the lines suggested this morning, we might perhaps by way of suggestion be of some service in arriving at what we could all generally agree to, because, after all, you have to remember that the Imperial Bill is not going to supersede our power to legislate locally. It is not to supersede our power to keep out the alien, and it is not to supersede our power to keep out the coloured man, so that we remain perfectly free, but I think it would be a valuable thing if we could see the proposed Bill, and it might save a lot of time in bringing the system into operation throughout the Empire.

Mr. CHURCHILL: I will ask them to begin drafting it at once. May I propose then to the Conference this resolution which I will read and embodying the difficult points? "That the Conference approves the scheme of Imperial citizenship based on the following five propositions: (1) Imperial nationality should be world-wide and uniform, each Dominion being left free to grant local nationality on such terms as its Legislature thinks fit. (2) The Mother Country finds it necessary to

Mr. CHURCHILL—*cont.*

maintain five years as the qualifying period. This is a safeguard to the Dominions as well as to us, but five years anywhere in the Empire should be as good as five years in the United Kingdom. (3) The grant of nationality is in every case discretionary and this discretion should be exercised by those responsible in the area in which the applicant has spent the last twelve months. (4) The Imperial Act would not apply to the self-governing Dominions until adopted by them. (5) Nothing now proposed would affect the validity and effectiveness of local laws regulating immigration and the like or differentiating between classes of British subjects."

Mr. BATCHELOR: Is there not one other thing you want there—I do not know that it is quite clearly enough expressed—that no Imperial naturalisation would override the local requirements?

Sir JOSEPH WARD: It cannot until it is adopted by the local Legislature.

Mr. BATCHELOR: I do not think you have that expressed at all—that no Imperial naturalisation granted anywhere can give naturalisation in cases where locally something else is required.

Sir JOHN SIMON: Take the case of a natural-born British subject who may, of course, be a person of colour, it may be that he cannot speak any European language—there are thousands and tens of thousands such—I suggest to you that he is a natural-born British subject whatever happens, but, of course, that does not in the least affect the legislative power of each and every Dominion either to exclude him or, if he comes inside the area of a Dominion, to deny him privileges which white people or persons speaking a European language enjoy. Surely his position internationally as a British subject of the King is beyond question.

Mr. BATCHELOR: I am not discussing that at all—that is not the point. The question is this: Supposing any one of the Dominions chooses to impose some kind of barrier on naturalisation, this Imperial Act should not prevent them doing something.

Mr. CHURCHILL: Nothing would conflict with the local law.

Mr. BATCHELOR: That is not expressed in your five propositions.

Mr. CHURCHILL: You have a pretty good safeguard in practice. First of all, you have the fact that either the Mother Country or else one of the Dominions has thought the man a fitting and suitable subject. Then you have the five years which are in force in this country, which is a still greater security, and the special conditions which apply in this country, one of which is ability to read and write the English language.

Mr. BATCHELOR: Yours covers all our requirements, there is no doubt about it.

Mr. CHURCHILL: I do not think you need run any risk at all in practice. The only thing you need to say in the future, supposing you wish to say it should be 10 years is: "We will not have anybody who has not been 10 years in the Colony."

Sir JOSEPH WARD: I am satisfied with the proposal, and I think it meets what Mr. Batchelor wants.

Mr. CHURCHILL: In any case nothing affects the autonomous power of the local Parliament. You could pass a law in which you could say "The provisions of this Act must be in abeyance as respects Australia."

13 June 1911.]

NATURALISATION.

[8th Day.

Mr. FISHER: Can an Act of the Imperial Parliament, except it specifically states that it does so, amend any of the legislation of the self-governing Dominions?

The CHAIRMAN: We discussed that before you came in.

Sir WILFRID LAURIER: It has been approved.

The CHAIRMAN: It was only proposed that the Imperial Act should be adoptive by the Dominions.

Mr. FISHER: That is quite true, but you say here—drafted by the legal hand, I presume—that it will not in any way affect the self-governing powers of the Dominions.

Sir JOSEPH WARD: It provides that unless we adopt that legislation it does not apply to us.

Mr. FISHER: Why is it necessary to say that?

Sir JOSEPH WARD: Because it could not have any effect unless we did.

Mr. FISHER: Why do you need to state that there? If you cannot do it, you cannot do it.

Dr. FINDLAY: It is still doubtful.

Mr. CHURCHILL: If Mr. Fisher would read the objections which South Africa took to the draft Bill, they took the constitutional ground, and these are more or less the principles which should guide us in preparing the Bill. It is not necessary to affirm it in law at all.

Mr. FISHER: You are to ask the Government in the Bill to declare that so and so is so and so.

Sir JOHN SIMON: Would it not meet your feeling if one said—I think exactly the same effect is produced if one laid down one of those propositions in this way: "That the scheme for Imperial naturalisation would have no operative effect in any Dominion until the responsible Government and Legislature of that Dominion had adopted it as its own law." That is exactly the same thing.

The CHAIRMAN: This is not a declaration that we cannot legislate for a Dominion; it is merely a declaration that on this particular matter we do not propose to.

Mr. FISHER: It is for you to say. I feel, speaking for the Commonwealth of Australia, that there can be no attack on our constitution unless it is specifically stated that you are attempting to amend it, and if you do, you will hear about it.

The CHAIRMAN: There is no admission on either side, Mr. Fisher.

Sir JOSEPH WARD: Under the Imperial Naturalisation Act of 1870, which is in operation now, exactly the same position exists as that which you are referring to, and we are not bound by that.

Mr. FISHER: It is the statement of it that seems to me to be a redundancy.

Sir JOHN SIMON: It was intended rather as a protection against a possible misunderstanding.

Mr. CHURCHILL: I think it was really necessary to do it because of the objections that have been taken by the Government of South Africa; they raised the constitutional point very strongly and, therefore, in trying to arrive at a general basis of agreement this morning, we put that in in order that everyone should feel that we are not trying in this instance to do anything of the sort.

Mr. FISHER: Theirs is the most recently prepared, and their constitution is all right.

Sir JOHN SIMON: Would it not put it in a way which is not capable of misconstruction, Mr. Fisher, if our fourth proposition ran: "The Imperial Act should be so framed as to enable each self-governing Dominion to adopt it"? The effect is exactly the same.

Mr. FISHER: These are much better words.

The CHAIRMAN: May I take it that we are agreed to these general propositions on which the Home Office and the Law Officers will proceed to frame a Bill to be submitted and discussed at the earliest possible moment.

Mr. MALAN: We down here have heard it only once read, and I would like to hear it again.

Mr. CHURCHILL: "That this Conference approves the scheme of Imperial citizenship, based on the following five propositions." I will send to each member of the Conference a typescript of this, and perhaps that will be the better course.

The CHAIRMAN: But that will mean that we do not come to any decision on it now.

Mr. CHURCHILL: I will read it now, and send a copy this evening: "(1) Imperial nationality should be world-wide and uniform, each Dominion being left free to grant local nationality on such terms as its Legislature thinks fit. (2) The Mother Country finds it necessary to maintain five years as a qualifying period. This is a safeguard to the Dominions as well as to us but five years anywhere in the Empire should be as good as five years in the United Kingdom. (3) The grant of nationality is in every case discretionary and this discretion should be exercised by those responsible in the area in which the applicant has spent the last twelve months."

Mr. MALAN: That would apply to the Imperial nationality as well as to the local nationality. I think you had better make that clear.

Sir JOHN SIMON: We had better put in the word "Imperial."

Mr. CHURCHILL: Yes. "The grant of Imperial nationality."

Mr. MALAN: That is right.

Mr. CHURCHILL: "(4) The Imperial Act should be so framed as to enable each self-governing Dominion to adopt it. (5) Nothing now proposed" (this again is not necessary but only to make clear where we stand—it is only an *aide memoire*) "would affect the validity and effectiveness of local law regulating immigration and the like or differentiating between classes of British subjects."

The CHAIRMAN: I think we can probably agree to this as instructions for the drafting of a Bill.

Sir JOSEPH WARD: Yes, I think that is right.

General BOTHA: Yes.



13 June 1911.]

NATURALISATION.

[8th Day.

Mr. BATCHELOR : I should like to say, as far as I can see, that I am not quite sure that all of those clauses are necessary, but I certainly agree with them all.

Sir JOHN SIMON : They are really your suggestions.

Mr. CHURCHILL : They are *aides memoire* for drafting the Bill.

Mr. BATCHELOR : I should like, personally, to express my pleasure that the Conference has come to a decision which, I think, will be very useful and have very good results.

The CHAIRMAN : I think we may have time, Sir Joseph, to deal with the uniformity of laws, which is next on the agenda. I take it that the three resolutions on naturalisation which stand first are now withdrawn and this one substituted.

[AGREED.]

#### UNIFORMITY IN ACCIDENT COMPENSATION LAW.

"That it is in the best interests of the Empire that there should be more uniformity throughout its centres and dependencies in the law of . . . Accident Compensation."

Sir JOSEPH WARD : In moving this resolution, which is in the following terms : "That it is in the best interests of the Empire that there should be more uniformity throughout its centres and dependencies in the law of accident compensation," I want to say that it seems to me to be desirable that the principle of payment by the employer of compensation for injury sustained by the employee in the course of his work should be adopted throughout the Empire. At present Workmen's Compensation Acts are in force in Great Britain, New Zealand, Queensland, Western Australia, and other countries. In some of these Acts the right to compensation is limited to those dependents who are domiciled in the country in which the accident happens. In the case of a worker coming from Great Britain to, say, New South Wales, and meeting with a fatal accident there, compensation would not be payable to his dependents who were left in the country of his domicile. In the New Zealand Act there is power given to extend by Order in Council the benefits of the Act to dependents domiciled in any country which makes similar reciprocal provisions, and under that power reciprocity has been established with Great Britain, Queensland, and Western Australia. I think it is important that in the case of accidents we should insure that payment should be made in all parts. I do not see any reason why Great Britain should not agree to a proposal of the kind. We want to adopt the British system.

Mr. CHURCHILL : I think we may claim that we are as far advanced on this road as anyone. We even pay compensation to aliens, and the relations of aliens would not be deprived of it even if they were not residents in this country at all if their bread-winner were injured in an accident, and, of course, a fortiori, we would do it to all representatives of the self-governing Colonies or British subjects of the Empire. So that you have no dispute with us on the subject at all.

Sir JOSEPH WARD : No, there is no quarrel with the Imperial Government. What we ask is that the British system should be made universal throughout the Empire. You have no objection to that.

Mr. CHURCHILL : I think New Zealand and this country are the only two who have this system. Is not that so?