

8th Day.]

NATURALISATION.

[13 June, 1911.]

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