

NATURALIZATION.

ties. Under these clauses an alien may acquire, hold, and dispose of real and personal property of every description, and title may be derived through him as effectually as if he were a natural-born British subject. This provision is not to affect any existing right, nor is to confer political rights or qualify for any franchise. Next follows a section giving power to naturalized aliens to divest themselves of their naturalization as British subjects, and to recover their status as aliens, in all cases where Her Majesty has made a convention with a foreign state enabling its citizens on naturalization as British subjects to divest themselves of their original allegiance. The fourth section, probably *consensu omnium*, abolishes juries *de medietate lingue*. Then follows a section declaring that British subjects who have become naturalized in a foreign state shall be deemed to have expatriated themselves, but a right to return to the allegiance of the Crown within two years after the passing of the Act is reserved to all such persons. This section, if carried, will annihilate the time honoured maxim, *Nemo potest exuere patriam*, and destroy the allegiance to the Crown of some six or seven millions of persons; and yet here again we do not anticipate even the whisper of an objection. We have fought a costly war, had many a bitter quarrel, and consumed an absurd amount of valuable time and labour either in inflaming or quenching the disputes which have arisen from the old law. Its retention has, in fact, become impossible, and we have only endured its existence of late years by a studious disregard of all its practical effects.

The bill then proceeds to deal with naturalization of aliens as British subjects. At present, under 7 & 8 Vict. c. 66, the Secretary of State grants certificates of naturalization upon compliance with certain regulations issued from the Home office on August 1, 1847. On obtaining his certificate and taking the oath of allegiance, the party usually acquires all the rights of a natural-born British subject, except those of becoming a member of the Privy Council or of Parliament. These certificates were in 1851 so far limited that the rights of the holder were suspended while he was without the dominions of the Crown. The granting of the certificate is purely a matter of discretion with the Secretary of State. Under the new bill, an alien, to obtain naturalization, must have resided for five years in the United Kingdom, or have served under the Crown for five years, and must intend either to reside in the United Kingdom or to serve under the Crown. Application is to be made to the Secretary of State, whose decision is to be final, and who is not bound to assign any reason for his decision. The position of an alien so naturalized is thus defined:—

An alien to whom a certificate of naturalization is granted shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations,

and which a natural-born British subject is entitled or subject in the United Kingdom, with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

The said Secretary of State may in manner aforesaid grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in such certificate that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be a British subject, and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

An alien who has been naturalized previously to the passing of this Act may apply to the Secretary of State for a certificate of naturalization under this Act, and it shall be lawful for the said Secretary of State to grant such certificate to such naturalized alien upon the same terms, and subject to the same conditions, in and upon which such certificate might have been granted if such alien had not been previously naturalized in the United Kingdom.

There are also provisions enabling an expatriated British subject to recover his nationality under a certificate from the Secretary of State, and power is reserved for the cancellation of such certificates as well as certificates of naturalization. All the propositions upon this portion of the subject are in strict conformity with those advanced in the Report of the Royal Commission, and seem to be equally consistent with the liberal spirit of the age and the due preservation of the safety and dignity of the State.

The national status of women and children is thus proposed to be defined in the bill, and we need only note that the clauses containing these definitions seem to be in harmony both with the report and with the opinions advanced by the Lord Chief Justice.

1. A married woman shall be deemed to be a subject of the State of which her husband is for the time being a subject.

2. A widow being a natural-born British subject, who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may as such at any time during widowhood obtain a certificate of re-admission to British nationality in manner provided by this Act.

3. Where the father being a British subject, or the mother being a British subject and a widow, becomes an alien in pursuance of this Act, every child of such father or mother who during infancy has become resident in the country where the father or mother is naturalized, and has, according to the laws of such country, become naturalized therein, shall be deemed to be a subject of the State of which the father or mother has become a subject, and not a British subject.