

been established, the time of residence, which is five years in practically all cases or one year in two cases under this section, begins to run.

Let us ask ourselves what is the purpose of requiring five years' residence. In the first place, it is linked up to the subject of domicile because it gives full proof of the intention of establishing a settled residence. It is designed principally, however, to ensure that the applicant shall have learned the ways of this country, shall have absorbed its democratic methods and shall have shown sufficient proof that he will be assimilated into this country and especially to that end that he shall have learned one or other of the two official languages.

What is the position of a British subject in Canada at the present time under existing legislation? In the course of what I shall say in reply to that question I shall deal with the point raised by the Secretary of State.

The Naturalization Act has no application to British subjects. It applies to aliens. The effect of naturalization under the provisions of the Naturalization Act is to extend to an alien qualifying under that act the rights and status of a natural-born British subject. The Naturalization Act has no reference whatever to British subjects coming to Canada. No British subject has ever had to qualify under that act. It simply has no application to British subjects coming to this country. Section 4 empowers the minister to grant a certificate of naturalization to an alien, and section 5 of the Naturalization Act, in defining the effect of the grant of a certificate of naturalization, provides that as and from the date of the naturalization the applicant shall have to all intents and purposes the status of a natural-born British subject. In other words, the Naturalization Act has for its purpose the granting to aliens who satisfy the requirements of the act of a status equivalent to that of natural-born British subjects. Similarly, where a person who has obtained a certificate of naturalization forfeits it for any one of several reasons, section 16 provides that he ceases to be a British subject. So we have that quite clear. The Naturalization Act has never had any reference to British subjects coming to this country.

Mr. MARTIN: My hon. friend does not suggest that I ever suggested it had?

Mr. FLEMING: No. I am trying to make clear that this bill, and especially section 10, with which we are now dealing, will make a great difference in the position and status of British subjects coming to this country. In

[Mr. Fleming.]

other words, I am answering as directly as I can the point raised by the minister, and I must say with great respect that I completely differ with him in the view he has put before the committee.

Let us look for a moment at the elections act. We are assured by the minister that the government has no intention of changing the provisions of the elections act. At the present time that may hold out some hope that there will be no interference with the status in respect of franchise now granted to a British subject coming to this country who has established one year's residence here under the elections act. But, of course, we have agreement on the part of the minister, and I think this is known to us all, that there are anomalies about granting the right to vote to persons who are not citizens in the eyes of the country. I am sure that in the United States of America the idea of giving the franchise without citizenship would be regarded as a very strange and anomalous idea indeed. But whatever the anomaly may be, the anomaly is to continue. If section 10 (1) is left in its present form we are legislating an anomaly, when we compare the right to the franchise with citizenship.

Mr. MARTIN: Did my hon. friend read the judgment to which I referred last night?

Mr. FLEMING: I am acquainted with that judgment. There is no disagreement between the Secretary of State and myself as to the existence of the anomaly. As a matter of fact he admitted it last night. He pointed to other anomalies. Of course there are anomalies, and I am drawing to his attention that if we pass section 10 (1) in its present form we are legislating an anomaly, as to the existence of which the minister and I are in agreement.

I now turn to the Immigration Act. Here I come to the place where with great respect I hold quite a different view from that propounded in this house by the Secretary of State. He made reference to the fact that there has been a Canadian citizenship of a kind under the Immigration Act. He said that provision has been there for twenty-nine years and we are asked because of that fact to legislate in such a way that there would be no practical difference whatever in respect of application for citizenship between a British subject coming to this country and one coming from an alien land. That is the effect of section 10. If section 10 (1) is enacted in its present form there is no practical difference under this bill between the status of a British subject coming here from any other part of the commonwealth and that of a person