

taken the oath because it is written by the finger of the law in their hearts; the taking of the corporal oath is but an outward declaration of the same." In all this we must remember that when we speak of a child being born "in the territory," or "within the ligeance," such expressions in no way imply birth within the realm of England. A child is a natural-born British subject if it is born within any of the dominions which owe obedience to the crown. It is obedience to the crown and not to parliament which is essential. So long as the King of England was, by various titles, actual sovereign over Gascony or Aquitaine, children born there were British subjects. After King James of Scotland came to the English throne, Scotsmen were British subjects, before the Act of Union, at a time when the parliaments of the two kingdoms were quite independent of each other; and to-day a Chinaman born in Hong Kong is a British subject throughout the Empire as fully as an Englishman born in London or a Canadian born in Montreal. This is the underlying fallacy which vitiates many of the arguments put forward for "Canadian nationality." So long as Canadians are subjects of the King they must stand or fall with other British subjects, however little the imperial parliament may interfere in Canadian affairs.

The second group consists of British subjects whose right to that status rests on certain old statutes. The old rule that birth within the King's dominions was, subject to the few exceptions which have been explained, essential to British nationality came, before very long, to be regarded as too rigorous. So long as the only Englishmen who visited the continent without swords in their hands or bows at their backs were a few traders, not likely to take their wives with them, the risk of children being born abroad to English fathers was one which the law could disregard. But when communications became more frequent, and wives as well as husbands crossed the narrow seas, it was felt that the accident of birth abroad ought not to deprive an Englishman of his rights. And by various statutes, of which the earliest was 25 Edward III., important relaxations of the rule of the birthplace were