

land in England or elsewhere, yet, by the prerogative of the Crown, in consequence of the non status of an alien in the country, and the want of right to occupy with permanency, it is held that, even if the land has been purchased, it inure, is forfeited to the Crown. That right exists at this moment. The Crown, if it chooses, by letters patent, without reference to the Parliament of England or any of its colonies, can give the right by letters of denization—not a political right—but can, of its own prerogative right, without an Act of naturalization, issue letters patent declaring the party to be a denizen, a demi-citizen, a half citizen, having no political right, but the right to hold real estate. On the same principle I take it that, although each Province can pass a law affecting the rights of property, we can here declare that, notwithstanding any such law, a crime or a felony will work the forfeiture of that title. That is a necessary incident of the paramount power. No alien has a right to a permanent habitation in the country, because it may be dangerous to allow aliens to come in and become possessors of the soil. That is one of the great questions raised in California at this moment with reference to the Chinese immigration. If they come into the country and settle in it, and take up land, they may endanger the State—forming a Mongolian settlement, holding lands, backed, sustained and supported by a great company behind them; and therefore it is held that the paramount power must have something to say in removing that disability. Therefore, under the British North America Act, that power was also given to us. We have the right to say no alien shall come to the country at all. I do not suppose the paramount power might desire we should pass it; perhaps it might say it was contrary to the general interest to impose it, contrary to the comity of nations. But they have given us that power. Therefore, we must, in some way, to give assurance and security to the alien friend coming to this country from Germany or other foreign country, say, that so far as this Legislature is concerned, any alien may hold land if it does not interfere with the concurrent rights of the Local Legislatures in this matter. We must act together. Supposing we pass a law and say, in order to prevent the Crown from interfering to deprive the alien of his right to come to this country and hold land, we give him power so far as we can. The Provincial Legislatures must do the same thing, and they have done the same thing. The Local Legislatures say that aliens can hold such a right and title to the land, and we say notwithstanding the general principle of the law, we give them that right, although without that clause they can have the right. The Prince Consort was an alien until an Act of Parliament was passed; and to repeat my statement, it is so completely the prerogative right of the Crown that the Crown may, by its own mere motion, without reference to Parliament, issue letters of denization, and without them an alien cannot hold land except under the law giving naturalization. And although the Local Legislatures may give power to an alien to purchase under the prerogative, it is not affected by anything in the British North America Act, and it may be forfeited to the Crown and held by the Crown. But taking the hon. gentleman's own argument that a double security should be given to intending immigrants. If we say that the Province of Ontario or the Province of Quebec has given, so far as it could, the right to share and occupy the soil; that is one security. Then, by our passing this law we say we have no political reasons, no reasons of State, no prerogative reasons for interfering with any of the rights which the aliens may acquire by law, affecting property and civil right in the several Provinces. And having these two together; having this concurrent assurance by the Dominion and the Province, you give a double security to the alien. And it is of importance that this should be so, because the jurists of the continent of Europe will look at

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the nation, at the predominant or paramount power; and until we give them the assurance which is conveyed in this Act, they will hold that the security which is necessary has not been given. I think it is of great importance that we should look upon the matter in this way; and that intending immigrants should feel that so far as the laws regarding property and civil rights are concerned, they are given certain rights by the Provinces, and that as regards their political rights, the Crown and the Parliament of Canada have given them an assurance in every possible way that these rights shall not be impugned.

Mr. MILLS. The hon. gentleman has referred to the power of the Crown with regard to the denization of aliens in England, but, if I remember aright, that does not give the power to hold property in fee simple; it is simply a tenancy for life.

Sir JOHN A. MACDONALD. The hon. gentleman is mistaken:

"A denizen is an alien born, but who has obtained *ex donatione legis* letters patent to make him an English subject; a high and incommunicable branch of the royal prerogative. A denizen is in a kind of a middle state, between an alien and natural born subject, and partakes of both of them. He may take lands by purchase or devise, which an alien may not do except under the statute before mentioned; but he cannot take by inheritance: for his parent, through whom he must claim, being an alien, had no inheritable blood, and therefore could convey none to the son. And, upon a like defect of hereditary blood, the issue of a denizen born before denization, cannot inherit to him; but the issue born after may. And no denizen can be of the Privy Council or either House of Parliament, or have office of trust, civil or military, or be capable of any grant of lands from the Crown."

Mr. MILLS. Of course, the property purchased by the alien reverted to the Crown on the obvious principle that the original estate was vested in the Crown. I cannot see any reason why the hon. gentleman should undertake to deal with the subject. He says it is a prerogative right; but granting that it is the executive power throughout the whole empire, whether it be vested in the Lieutenant-Governor of a Province, or the Governor of a Crown Colony, or in the Governor General here, is the executive power of Her Majesty? The Queen is not divested of any power she had over matters which are within the jurisdiction of the Provinces so far as she possessed executive power over these Provinces. By the 9th section of the British North America Act: "The executive government and authority of and over Canada is hereby declared to continue and be vested in the Queen." That does not mean merely the executive power exercised by the Governor General, but that exercised by the Lieutenant-Governors of the Provinces; and all the legislation in the country is carried on in Her Majesty's name. If the Provinces have control over real estate, over property and civil rights, whatever prerogative rights belonged to Her Majesty, in dealing with those subjects before the British North America Act was passed, is vested in Her Majesty still as the executive authority of the Province. Therefore what the hon. gentleman proposes is to call upon this Parliament to legislate upon a subject which belongs to the Provinces and not to the Parliament of Canada.

Mr. BLAKE. I think the suggestion of the leader of the Government, that there should be concurrent powers in this case, is a dangerous one with reference to provincial rights altogether. By the British North American Act there is only one power which is given concurrently to this Parliament and the Local Legislatures, and that is with reference to laws dealing with agriculture and immigration. And even in regard to that set of subjects when the power is exercised by both, that of this Parliament is declared to be paramount. The suggestion of the hon. gentleman is, as I understand it, that the Local Legislatures have power to enact effectually that an alien shall have the right to hold real property or that he shall not have that right, and yet that it is important that this Parliament should also legislate. He says