

HOWELL ON NATURALIZATION.

RECEIVING, as we do, every year large numbers of emigrants from foreign lands, it is important that the principles of the existing law of naturalization should be understood.

"By the common law of England, every person born within the dominions of the crown, no matter whether of *English* or foreign parents, and in the latter case, whether the parents were settled, or merely temporarily sojourning in the country, was an *English* subject, save only the children of foreign ambassadors (who were excepted because their fathers carried their own nationality with them), or a child born to a foreigner during the hostile occupation of any part of the territories of *England*." (*Howell*, pp. 7, 8.) In this and other places the learned writer makes the mistake of using *English* for *British*, and *England* for *Great Britain*—a mistake wholly unpardonable to Scotchmen and Irishmen. His meaning is, however, clear enough, and being Canadians we forgive him.

"Once a British subject, always a British subject," was a maxim of the common law. In *Fitch v. Weber*, 6 *Hare*, 63, Vice-Chancellor Shadwell said: "Nothing, I apprehend, can be more certain, than that a natural born subject cannot throw off his allegiance by any such acts,"—referring to naturalization in the United States. And Chief Justice Cockburn, in his work on Nationality (pp. 63, 177), asserts, "as an inflexible rule, that no British subject can put off his country, or the natural allegiance which he owes to the sovereign, even with the assent of the sovereign; in short, that natural allegiance cannot be got rid of by anything less than an Act of the Legislature, of which it is believed no instance has occurred."