

*Plebiscite Act*

discussion has occupied several days. Because I do not want to prolong the discussion, I am not going to move an amendment. As I say, I think the time has come when we should try to inculcate in our people the idea that we are not French Canadians, English Canadians, Scottish Canadians or some other type of Canadians, but that we are Canadian citizens.

Mr. HANSON (York-Sunbury): This raises a very important problem, and I am glad to hear the hon. member say that he is not going to pursue it now. In connection with those who are naturalized and those with dual nationality, referred to by the hon. member for New Westminster (Mr. Reid), I should like to call attention to a decision of the privy council. This was the case of Cunningham versus Tomey Homma, which is reported in 1903 appeal cases. In this case the right of a naturalized citizen to vote was specifically raised, and the case went to the privy council. If hon. gentlemen have any interest in the matter, they can refer to the decision of the Lord Chancellor to be found at page 156. This case was referred to by the minister during the resolution stage.

Mr. McLARTY: If I remember correctly, it was in connection with section 5 of the Naturalization Act.

Mr. HANSON (York-Sunbury): It was in connection with the interpretation of subsection 25 of section 91 of the British North America Act which reserves to the exclusive jurisdiction of the dominion parliament the subject of naturalization. The provincial legislature has the right to determine, under section 92, what privileges, as distinguished from necessary consequences, shall be attached to it. At page 156 the Lord Chancellor makes this observation:

The extent to which naturalization will confer privileges has varied both in this country and elsewhere.

From the time of William III down to Queen Victoria no naturalization was permitted which did not exclude the alien naturalized from sitting in parliament or in the privy council.

And further down:

The term "political rights" used in the Canadian Naturalization Act is, as Walkem J. very justly says—

That was a judge of the Supreme Court of British Columbia:

—a very wide phrase, and their lordships concur in his observation that, whatever it means, it cannot be held to give necessarily a right to the suffrage in all or any of the provinces.

This means that the mere fact of naturalization under federal jurisdiction does not per se give the right to vote in the province because that right lies within the jurisdiction of the provinces themselves.

[Mr. Coldwell.]

Mr. REID: Did not Great Britain at one time disfranchise many classes of our citizens?

Mr. HANSON (York-Sunbury): Yes. The franchise has been a matter of continual growth and the subject of many reform bills. Their lordships continued:

In the history of this country the right to the franchise has been granted and withheld on a great number of grounds, conspicuously upon grounds of religious faith, yet no one has ever suggested that a person excluded from the franchise was not under allegiance to the sovereign.

That is not quite apposite to the point raised by my hon. friend, but it is a matter of information which I think the committee should have before them.

Mr. NEILL: Was not the case to which the leader of the opposition referred that of a suit brought by a Japanese against the election registrar who refused to put him on the list?

Mr. HANSON (York-Sunbury): Right.

Mr. NEILL: And it was decided by Lord Haldane that the province could make any kind of franchise they wished. For instance, Catholics at one time were not allowed to have the vote. In the particular case referred to, it was definitely decided that British Columbia could have any kind of franchise they liked.

Mr. COLDWELL: While I see the point that has been raised, I do not see how it affects the general argument that, even if it would involve a change in the law, we should provide for a Canadian citizenship, definite legal terminology which would embrace Canadian nationals and distinguish them as British subjects of Canadian nationality.

Mr. HANSON (York-Sunbury): That is a very much wider question.

Mr. McLARTY: As the hon. member for Rosetown-Biggar did not think it was necessary to move an amendment, I was not going to make any reply, except to say that this question was raised in the special committee and there was sympathy with the view he advances. However, this is a particular bill dealing with one plebiscite, and one only, and therefore a measure of limited application. If the change which he suggests were contemplated, I would suggest that it should be in connection with a wider measure than this particular enactment.

In the Tomey Homma case my recollection is that the effect of the decision of the judicial committee was this: Whereas by section 5 of the Naturalization Act political rights are given to those who are naturalized under that