

the fixing of the minimum would cause a great deal of dissatisfaction.

Mr. BANNERMAN. With all deference to the opinion of the right hon. leader of the Government, I would like to see some modification made in this clause. My experience in the North-West is, that there is a great deal of dissatisfaction with this clause, as it debars any man who has been on a homestead lot for three or four years, from selling it to an emigrant and going further west to take up another homestead lot. A great many people who come from the old country become homesick and discouraged in the newer districts, and would be glad to buy homestead farms which have been improved by others. I hope, therefore, that the right hon. leader of the Government will make some modification in this clause for the relief of *bona fide* settlers who may wish to sell their improved farms and move further west.

Sir JOHN A. MACDONALD. There may be a few cases of that kind; but we must avoid those speculators who take up the vast lots, and on the pretence of settling on them, stay there for a short time, make a few improvements, and then sell to others. That is no advantage to the country, as these men may go off to the States. However, I will consider the matter between now and to-morrow.

Bill reported and amendments concurred in.

NATURALIZATION AND ALIENS.

House resolved itself into Committee on Bill (No. 87) respecting Naturalization and Aliens (from the Senate).—Mr. Langevin.

Mr. MILLS. I take exception to the 4th clause. I do not think we have the power to legislate on the subject. This has to do with the status of aliens in the country; it has nothing to do with the subject of naturalization. The Local Legislatures determine what the status of an alien is to be within the exclusive jurisdiction of the respective Provinces. It is true, we may have, under the powers given to us by the British North America Act the right of expelling an alien enemy or giving him a license to remain, and deciding on what terms he should be allowed to remain; but the question as to who shall hold real estate in the country must be decided by the Local Legislatures which have the control of that real estate. This principle has been long recognized in the United States, whose constitution is in this respect similar to ours. There the naturalization and political status of aliens are under the control of the Federal Government, and the subject of property is under the control of the State Legislature. That is precisely our position. It is for the Local Legislature to decide whether an alien may or may not hold real estate within the limits of a Province. In the Province of Quebec, for instance, a large class of aliens might be introduced to whom the people of that Province might feel a certain repugnance, and they might, on grounds of public policy, declare it was not the intention of this Province that those people should be allowed to hold real estate or inherit property. The authority that has the right to state on what condition and by whom property shall be held, has the right to decide whether these persons who are not citizens, who are aliens by birth, shall hold property or not. If the subject of property and civil rights does not include these provisions, I do not very well see what it does include. The hon. gentleman proposes to deal here, not with the naturalization, not with the status of aliens, not with the conditions upon which aliens may carry on trade and commerce in the country, which may be under control of this Government, but with the civil rights of aliens, a subject with which we have nothing to do. If the hon. gentleman wished to say that an alien should not make a promissory note or carry

any particular trade or calling, then I could understand upon what ground he might undertake to legislate on that subject; but when he undertakes to deal with the inheritance of property, the ownership of real estate within the limits of a Province, I cannot understand what ground he has for his action, since the subjects of property and civil rights come under the jurisdiction of the Local Legislatures. I think that the effect of our exercising this power will be mischievous. I remember a Bill that was introduced by a colleague of the hon. gentleman in the Senate in 1869, which contained this very provision. I remember calling the attention of Sir George Cartier to the subject, and looking up authorities with him, and I know that that hon. gentleman, after looking at the authorities and considering the subject, had not the slightest doubt that this Legislature had not the power to deal with this particular subject, and this clause was struck out of the Bill. To-day the hon. Premier has introduced in this Bill a claim to exercise power by this Legislature which the Government in 1869, of which he was the head, admitted this Legislature did not possess. I think we ought not to undertake to encroach on the authority of the Local Legislatures. This Parliament can always maintain its own rights and assert its own authority, but this is not the case with the Local Legislatures. If we are to maintain a system of Federal Government, it is of the utmost consequence that none of the powers which those bodies possess should be taken from them. I do not believe that you can long have an efficient system of Local Government, if you do not leave with the Local Legislatures control over a sufficient number of public questions of importance to interest the public in their legislation and administration of public affairs. It is not only necessary under our Federal system that the Local Legislatures should have powers important in themselves, but should have such powers left them as will attract to them persons of ability, and such matters of legislation as the public will feel a sufficient interest in to take an interest in the character of their representatives. If you were to go on with this system of encroachment on the rights of the Local Legislatures, and on their political importance, our system of Government would not be as wisely and efficiently conducted as if those Legislatures were left with larger powers and undisturbed. I trust the hon. gentleman will not persist in retaining this section of the Bill, for which there can be no reason. It is easy to inform foreigners that in all the Provinces of the Dominion, by the local law, aliens are authorized to hold real estate. There is no difficulty whatever with regard to that matter.

Sir JOHN A. MACDONALD. I do not think this Bill attacks the jurisdiction of the several Provinces which, I take it, still have the right to deal with this subject. But, notwithstanding, it is absolutely necessary that there should be concurrent legislation, and that Parliament should intervene and have power to deal with this alienage question as well, I believe in all the Provinces, by provincial laws, aliens have the right to hold property. But the question of an alien is a matter altogether belonging to the Crown or Parliament. An alien enemy cannot, of course, stay in the country, except by special permission of the Crown—he can only stay on sufferance. By the law of nations now settled, and the concurrence of many treaties between civilized nations, he has a right to trade between nations at peace. An alien can trade and hold property under statute; but he cannot for reasons of state, connected with the existence of the empire, become a permanent occupier or owner of the soil, and liable to all the duties and responsibilities attaching to such ownership. There is no clearer position than that the Crown is not bound by an Act unless the Crown is specially mentioned in it. The Crown has not lost one of its rights by the British North America Act. The law exists—that although an alien friend may purchase