

procedure by which Chinese residents of Canada, who would have the right to vote directly if they were in China, could send forward their ballots marked before the local Consular officials in the same manner in which they might exercise private rights with Consular authentication.

3. There are two observations which seem to me to be germane. The first is that Article 26 (5) of the Chinese Constitution provides for representation in the Chinese National Assembly and Legislative Yuan of "Overseas Chinese". This quota of representatives of Overseas Chinese has been selected by assigning one or two or more representatives to be elected by the Overseas Chinese in the various foreign countries in which they have principally congregated. I suppose that it would be possible for Overseas Chinese throughout the world to vote for certain representatives-at-large of all Overseas Chinese everywhere. This would only be a difference in degree from the direct election of one or two representatives to represent Overseas Chinese in Canada. The second observation is that Chinese representatives in Canada really have no right to attempt to organize or otherwise interfere with Chinese Canadian citizens or even long-time residents of this country who have some duties to this country by reason of their acceptance of certain rights and privileges here.

4. Quite a number of persons of Chinese descent in Canada are possessed of dual Canadian-Chinese nationality. Most of these are natural born Canadian citizens who have also acquired Chinese nationality through their Chinese fathers. In addition, there are an increasing number of Chinese citizens who have become naturalized Canadian citizens since February 13, 1947, and who have not yet relinquished their Chinese citizenship. This has been made possible by Order-in-Council P.C. 567 of February 13, 1947, which revoked P.C. 1378 of June 17, 1931 and P.C. 1760 of August 13, 1934. Under this new Order-in-Council Chinese no longer require to secure release from Chinese nationality through application to the Chinese Ministry of the Interior before applying for a certificate of Canadian citizenship.

5. Most writers on international law accept the principle that a person enjoying dual nationality is subject to the laws of the country in which he resides. This being the case, there would appear to be grounds for our objecting to Chinese Consular officers in Canada inviting dual nationals to participate in Chinese elections or in any other way making an effort to organize or interfere with such dual nationals in Canada. Our Embassy in China has consistently taken the attitude that it will not intervene on behalf of or otherwise attempt to exercise authority over Chinese-Canadians in China who are possessed of dual nationality.

6. In addition to the natural born and naturalized dual nationals mentioned above, there is the important group of Chinese residents who came to this country on immigrant visas with the implied intention of making their permanent homes in this country. These persons enjoy the advantages and privileges of Canadian domicile within the meaning of the Immigration Act, namely old age pensions, relief, free education, unemployment insurance, etc., even before they become naturalized Canadian citizens. It may be reasonably argued, therefore, that they have a strong moral obligation to this country of their voluntary adoption to conduct themselves