

CORRESPONDENCE

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AN IRISH REPUBLIC.

To the Editor of the LAW JOURNAL :

SIR,—The establishment of an Irish republic is not at present within the range of " practical politics." At the same time there is no doubt that, in the minds of some discontented Irishmen, such a prospect is looked forward to as " a consummation devoutly to be wished." And certain Irishmen, who are not discontented, are tempted to sympathize with such aspirations, without perhaps sufficiently reflecting on the possible effect they might have, if carried out, on their own individual fortunes.

Few Irishmen could be found in Canada who have any reasonable ground for complaint as subjects of Her Majesty in this Dominion. They are subject to the same laws, and have the same rights and privileges as are possessed by their fellow-citizens of other races. But though Irishmen generally are contented with their lot here, some of them are sometimes prone to think that their native land might, in some way or other, be benefited if it could be delivered from its present connection with Great Britain. They assume that, in some way which has never yet been clearly defined, the laws enacted by the British Parliament are detrimental to the Irish, and they assume that if the government of Ireland were committed to the Irish themselves, legislation would take place more favourable to the interests of their native country.

I am inclined to think Irishmen in Canada, and other parts of the British Empire, who sympathize with these notions, assume that such an event as the establishment of an Irish republic, while conferring a benefit on their native land, would in nowise affect them individually, and that their own status as British subjects would, notwithstanding, remain as it is at present.

Perhaps it is as well that Irishmen, who are disposed to support such opinions, should be reminded that the consequences of the establishment of an Irish republic may possibly be a great deal farther-reaching in its effects than it is at present supposed.

A case recently decided by the English Court of Appeal appears, incidentally, to throw a flood of light on the legal consequences which would flow from this momentous change in the condition of Ireland. The case I refer to is the *Stepney Election Case*, which is reported in the last number of

the English Law Reports, 17 Q. B. D. 54. In that case the court had to determine whether certain Hanoverians, born in Hanover while William IV. was King, continued to be British subjects after Her Majesty's accession to the throne of Great Britain. William IV., it may be remembered, was both King of England and King of Hanover. On his death, owing to the operation of the Salic law, his heir to the throne of England, being a female, could not succeed to the throne of Hanover, the succession to which, therefore, devolved on his brother, who was his nearest male heir, and consequently the sovereign of Great Britain ceased to be the sovereign of Hanover. So long as the kingdoms of Great Britain and Hanover were under the same sovereign, all persons born in Hanover were British subjects. The question the Court of Appeal had to determine was, as I have said, whether persons born in Hanover while its sovereign was also king of England, remained British subjects when it passed to the dominion of another sovereign. The Court of Appeal unanimously determined that they did not, and that it was incumbent on them to be naturalized before they could be entitled to the privileges of British subjects. Their right to vote at parliamentary elections, without being first naturalized, was therefore denied.

If the English Court of Appeal has correctly laid down the law, and allegiance follows the sovereign and cannot be divested by the mere election of the subject, it follows that if an Irish republic were established to-morrow, all Irishmen born in Ireland, who are resident in England, Canada, or any other part of the British dominions, would *ipso facto* become aliens in Great Britain and its dependencies, and would be deprived of the rights and privileges of British subjects, and before they could acquire these again would have to take out letters of naturalization no matter how much they might prefer to continue British subjects. This would lead to curious results. A good many of our public men would be suddenly put out of public life. Messrs. Curran, Anglin, Costigan, Senators Smith and O'Donohoe, and all other Irish-born men, would cease to be qualified to sit as members of parliament; judges, and all other officials of Irish birth, would cease to be qualified to hold office. In fact, every public office held by an Irish-born person in the British dominions would become vacant. Archbishop Lynch and Dr. Potts, and all other Irish-born persons, ecclesiastical and lay, would become aliens, and would cease to be qualified to vote at all public elections.

Should a war arise between Great Britain and the Irish Republic, all Irishmen captured fighting against Ireland would be liable to be treated as traitors and shot.

Are Irishmen in Canada, who are tempted to advocate the separation of Ireland from Great Britain, prepared for any such result? I think they are not; and, on the contrary, I think I have shown that they have individually a strong personal interest in maintaining British connection.

Yours, etc.,

CIVIS.