

2 June, 1911.]

NAVIGATION LAW.

[4th Day.

Dr. FINDLAY : What subject ?

Mr. PEARCE : Navigation; I am dealing with navigation. That having been done, that recognition of the power of the Dominion to deal with the subject having been given, then it seems to me the time comes when the United Kingdom should press its view as to the desirability of securing uniformity; but in the case of the Commonwealth—I do not know what the experience of the other Dominions concerned has been—the United Kingdom has taken up the attitude of bringing pressure to bear upon us in the course of the drafting of the Bill, and in the passage of that Bill through Parliament, and we put the view, with all respect, that that is an undesirable course, and it is one which infringes on the legislative power of the Dominion. As our Bill will be one of the measures in the forthcoming session, we desire to put the view before this Conference, and we anticipate we should have the full support of other Dominions in pressing the view upon the Government of the United Kingdom that uniformity, or any action to secure uniformity, should be taken subsequent to the Dominion passing its legislation, and not prior to and during the course of the passing of that legislation, by a memorandum sent forward by the Board of Trade.

Then, if that point is conceded by the Government of the United Kingdom, we find ourselves in this position : we are desirous, and I am sure the other Dominions also are desirous, that under our legislation we shall not put the British shipowner at a disadvantage as compared with the foreign shipowner. We do not desire by our legislation to do that, but we must in justice to our own shipowners see that they are not put in an unfair position as regards the British shipowner. Therefore, in any proposal the United Kingdom is to make with regard to securing uniformity, we ask that that position should be remembered, that our legislation is aimed at, first of all, securing fair conditions for our shipping trade in our own waters; and, secondly, fair competition between British shipowners and foreign shipowners; and there we come up against the treaty question again—these questions are linked up in a sense—and it constitutes another reason why the action indicated by Sir Wilfrid Laurier should be taken, in order that on these shipping questions we should have the power to deal with British shipowners in a spirit of fair play as regards foreigners.

While this resolution is specific in certain directions, the underlying proposition we have to make to the Conference is that, first of all, the right of the Dominions to legislate in these matters should not be challenged or questioned, and that we should be given a free hand, first of all, to place on the Statute Book our view as to the dealing with this subject, and then that the action to bring about uniformity should be subsequent to the Dominion's legislation being assented to by His Majesty's Government.

The CHAIRMAN : Mr. Buxton will deal generally—in fact, altogether—with the question of navigation and shipping; but may I say on the point which has been raised by Mr. Pearce that I am quite sure that the early communications that have been made to the Dominions by the Colonial Office, where it is necessary ultimately to obtain uniformity of legislation, have been made to the Dominions entirely for their own advantage, from the impression at home that it would be to their advantage to know these views at the earliest possible moment, rather than that they should pass a law which had ultimately to be reserved and possibly vetoed by the Imperial authority here. The early communication is in order that the Act as passed in the Dominion shall as nearly as possible correspond with the shape which it is believed it must ultimately take, and that priority of communication has been out of consideration for the feelings and convenience of the Dominions themselves.

Mr. BUXTON : Perhaps that point is, to a certain extent, rather more one for the Colonial Office than the Board of Trade, but as Mr. Pearce has mentioned the Board of Trade communications I can assure him that in this matter there is no intention of interfering with any constitutional rights which the various Dominions may possess. On the other hand, there are certain con-