

19 June, 1911.]

BRITISH AND FOREIGN SHIPPING.

[11th Day.

GENERAL BOTHA : This is a legal question, and I shall also abstain from voting, because my own view is that we already have these powers, and if I voted for this resolution it might appear as if we admitted that we do not possess these powers.

Mr. FISHER : I take up the same attitude.

GENERAL BOTHA : I take it we have got the power.

CHAIRMAN : I take it South Africa, Newfoundland, and the British Government abstain from voting.

Mr. FISHER : I thought it was perfectly clear from the statement made by Mr. Pearce that we are satisfied with the powers we have, and in assenting to this resolution we do not admit that our powers are in any way limited.

CHAIRMAN : In fact, you do not want wider legislative powers.

Mr. BUXTON : That is the motion.

Mr. FISHER : The point is that we do not say they are limited.

CHAIRMAN : I must take from you which way you wish to vote.

Mr. FISHER : We abstain on the ground that if we voted it might be assumed we had limited powers.

Sir JOSEPH WARD : May I be allowed to say that in New Zealand there is no doubt as to what the position is, because we have the fact on record that our Governor, in connection with legislation of the kind passed through our Parliament last session which this motion affects, held it was overriding the Imperial statute of 1894. That legislation was referred here consequently to obtain the Royal Assent. It contains a provision to meet the difficulty which exists as to the employment of coloured as against white labour. That Bill passed both branches of our Legislature and has been referred home for the Royal Assent, and is held over. As far as we are concerned we have had a case before the Appeal Court of New Zealand which does not uphold the position suggested under that law which has been read. We are governed by exactly the same law, and under the circumstances I am sorry, even though the other representatives abstain, that I must put on record my vote in favour of this Resolution.

Mr. MALAN : I would like to be quite clear on this point. Is Sir Joseph Ward's position that it was held that their Act was *ultra vires*, because it was in conflict with the Act of 1894, or was it merely a case of the exercise of the King's veto, and that the King said : " We cannot assent to this." Was it that the Act was *ultra vires*, or was it that the King refused to give his assent to the policy of the proposed Act ?

Sir JOSEPH WARD : It was *ultra vires* according to the Imperial Act of 1894.

Mr. MALAN : Who held that it was *ultra vires* ?

Sir JOSEPH WARD : It was referred by the Governor to the Home authorities on that ground, and it has not received the Royal Assent. There is no question about that, and in the meantime we cannot deal with the question of the regulation of the rates of pay upon steamers carrying any coloured crew or white crew receiving wages below the labour regulation wages of our country.