THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1947—48

HOUSE OF ASSEMBLY

Tuesday, 20th January, 1948.

Pursuant to adjournment, the House of Assembly met at 12 o'clock noon to-day.

Present.

His Honour Mr. G. B. EVELYN, (*Speaker*), His Honour Mr. J. E. T. BRANCKER, (*Deputy Speaker*), Mr. J. T. C. RAMSAY, (*Chairman of Committees*), Dr. H. G. CUMMINS, Messrs. F. L. WALCOTT, L. E. SMITH, M. E. COX, D. A. FOSTER, A. E. S. LEWIS, C. E. TALMA, G. H. ADAMS, B.A., H. D. BLACKMAN, J. A. HAYNES, B.A., H. A. DOWDING, V. C. GALE, S. A. WALCOTT, and J. H. WILKINSON, O.B.E.

Prayers are read.

Mr. MAPP and Dr. WILSON enter the House and take their seats.

MINUTES.

The Minutes of the meeting which was held on the 6th January, 1948, having been circulated are taken as read and confirmed.

DOCUMENT.

Mr. SPEAKER: I have the honour to inform the House that I have received the Colonial Treasurer's Financial Report for the month ended 31st December, 1947.

Mr. CRAWFORD enters the House and takes his seat.

PAPERS LAID.

Mr. ADAMS: Mr. Speaker,—I have the honour to lay on the table of the House the following Papers:—

Message No. 1/1948 from H. E. the Governor, with reference to the Secretary of State's despatch No. 123 of the 4th December, 1947, inviting the views of the House on the resolutions of the Conference held in Montego Bay, Jamaica, in September, 1947, in the light of Mr. Creech Jones's observations.

Statement required under section 11 of the Barbados Fancy Molasses Production and Export Act, 1937, as at 30th September, 1947.

Post Office advances for the payment of Money Orders to the 30th November, 1947.

NOTICES.

Government Notices are given as follows:—

Mr. BLACKMAN: Resolution for £189. 14. 10. as a refund to Messrs. D. M. Simpson and Co., of the Customs' import Duty and package tax paid on a hand sprayer and tools and on a Diesel road roller, tools and equipment imported for the Commissioners of Highways of St. Peter.

Dr. CUMMINS: Resolution for £71 to supplement resolution No. 77 of the 16th October, 1945, to meet the cost of carrying out an enquiry into the organisation, discipline and conditions of service of the Barbados Police Force.

Mr. TALMA: Bill to amend the Matrimonial Causes Act, 1935 (1935—9)

Mr. TALMA: Bill to amend the law relating to Separation and Maintenance.

Mr. TALMA: Bill to provide for the holders of certain offices to be *ex officio* Justices of the Peace.

Dr. CUMMINS: Bill to amend the Police Act, 1908 (1908—2)

Mr. ADAMS:: Of my intention to move the House into Committee of Supply at its next meeting to consider the money Resolutions of which notice has just been given.

Other Notices are as follows:—

Mr. SMITH: Of the following Address:—

The House of Assembly

To

His Excellency the Governor.

The House respectfuly request His Excellency to send down legislation having for its object the installation of public telephones in each village in the island.

Mr. F L. WALCOTT: Of the following Address:

The House of Assembly

To

His Excellency the Governor.

That in view of the widespread unemployment in the West Indies especially among men demobilised from His Majesty's Forces and in view of the shortage of manpower in the United Kingdom, His Majesty's Government in the United Kingdom be asked

to consider favourably the re-establishment of the British West India Regiment as a permanent part of His Majesty's standing Army and recruiting it in the West Indies for service in any of His Majesty's possessions and especially for Garrison duty in tropical countries.

2. That in view of the present unemployment situation the House of Assembly respectfully ask Your Excellency to transmit this Address to His Majesty's Secretary of State for the Colonies as soon as possible.

QUESTIONS.

Mr. CRAWFORD: To enquire of the senior member of the Executive Committee present at the next meeting of the House:—

1. Is the Government aware that for some time past, a survey has been carried out of the now unused Whim Road, St. Peter, which leads from Church Street, through Bowling Alley to the Whim, with a view to its reconstruction and repair?

2. Is the Government further aware that an estimate of the cost of repairing this road also has been made for sometime, and, that as a result of its impassability, parishioners are forced to make a detour of from 3—4 miles in order to reach the city Speightstown ?

3. In view of

(a) the considerable inconvenience suffered as a result of the conditions above outlined, and

(b) the grave unemployment situation in the parish aggravated since vessels have ceased to use the harbour facilities of Speightstown, will the Government take all necessary steps immediately to repair and put again this highway into use?

Mr. BRANCKER: To enquire of the Senior Member of the Executive Committee present at the next meeting of this House:—

1. Has the attention of Government been drawn to Professor Simey's "Principles of Prison Reform" Bulletin No. 10, Section 6 "Education" paragraph 55, published by authority of Colonial Development and Welfare?

2. If the answer to the above question is in the affirmative, is it the intention of Government to take steps in the near future to set up an adult Education Scheme on similar lines to that which was instituted by prison Authorities in England in 1923?

Mr. MOTTLEY enters the House and takes his seat.

Mr. COX: To enquire from the Senior Member of the Executive Committee present in the House at their following meeting:—

1. Has anyone been appointed to the office of Executive Engineer of the Department of Highways and Transport?

2. Is it a fact that there is a West Indian who has the necessary qualification and has applied?

3. If the answer to question 2 is yes, will the Government consider favourably his application?

Mr. WILKINSON: To enquire of the Senior Member of the Executive Committee present at the next meeting of the House:—

1. Has there been recently any breach or infringement or contravention of any regulation or law of this Island in regard to the electrical or other equipment for a Cinema Theatre? If so,

(a) Will the Government give full details and particulars with names of all persons involved or concerned, in respect of the same?

(b) What steps or action has the Government taken or proposes to take against the persons involved?

2. Were personal representations made by or on behalf of the persons implicated to any Government Official? If so, will the Government say by whom and to whom such representations were made?

Mr. BRANCKER: To enquire of the Senior Member of the Executive Committee present at the next meeting of this House:—

Is it the intention of Government to submit a further Resolution this Session to this House to make provision for the establishment of amenities for fisherfolk at Stroud Bay Beach, parish of St. Lucy, similar to those which have been provided for by Resolution which passed this House in December 1947, in connection with other fishing bays and beaches of this Island?

Mr. COX: To enquire from the senior member of the Executive Committee present in the House at their following meeting:—

1. Is the Government aware that school children are denied free extractions of teeth during their vacational periods?

2. If the answer is yes, will the Government take immediate steps to allow such extractions within such periods?

3. If the answer to Question 2 is no, will the Government say why?

BILLS READ A FIRST TIME

On the motion of Mr. TALMA, seconded by Mr. ADAMS, a Bill to amend the Matrimonial Causes Act, 1935—9, is read a first time.

Mr. GARNER enters the House and takes his seat.

On the motion of Mr. TALMA, seconded by Mr. ADAMS, a Bill to amend the law relating to Separation and Maintenance is read a first time.

On the motion of Mr. TALMA, seconded by Mr. ADAMS, a Bill to provide for the holders of certain offices to be *ex officio* Justices of the Peace is read a first time.

On the motion of Dr. CUMMINS, seconded by Mr. ADAMS, a Bill to amend the Police Act, 1908 (1908-2) is read a first time.

SELECT COMMITTEES NOT YET REPORTED.

Mr. SPEAKER: Before we proceed to the Orders of the Day I want to draw to the attention of the House the fact that Select Committees which were appointed on the 28th October and 9th December, 1947, have not yet reported. I am the convener of meetings of two of those Committees and I have called meetings of one on two occasions but only one other member and myself attended. We cannot get on with the business of the House, except honourable members are going to do the work that is to be done outside the House.

SUSPENSION OF RULE 60.

Mr. ADAMS: Mr. Speaker,—I am asking leave to move the suspension of Rule 60 in order that Order No. 12 may be taken out of its place and dealt with as the first Order. It is conceivable, if not likely, that if the Order Paper is dealt with as it stands, we may not reach No. 12 to-day and it is highly important that it should be passed to-day. Order No. 12 deals with the taking over of certain roads by the Department of Highways and Transport and putting them in a proper state of repair.

There being no objection, the honourable member is granted leave to proceed.

On the motion of Mr. ADAMS, seconded by Mr. TALMA, Rule 60 is suspended in order that Order No. 12 may be taken as the first Order of the day.

ROADS TO BE TAKEN OVER AND REPAIRED.

Mr. SPEAKER: The first Order stands in the name of the honourable junior member for St. John, —To move the passing of a Resolution to approve and sanction a Statement showing the mileage and the locality of the highways or portions of the highways which the Department of Highways and Transport propose to take control of, with an estimate of the cost of constructing, re-constructing, or repairing and of the annual cost of maintaining the same in repair.

Mr. BLACKMAN: Mr. Speaker,—The roads in question are: (1) the parish road to Half Moon Fort in St. Peter; its construction, re-construction or repairing is estimated to cost £675 and the annual maintenance is estimated at £20; (2) the parish road to Collins and Grave Yard, St. Peter; its construction, reconstruction or repairing is estimated to cost £2,110 and the annual maintenance is estimated at £45; (3) the parish road forming the approach to St. George's Church, St. George; nothing is to be spent on construction, reconstruction or repairing of this road but its annual maintenance is estimated at £10; (4) the parish road extension Charles Rowe Road, St. George; its construction, reconstruction or repairing is estimated to cost £300 and the annual maintenance is estimated at £30; and (5) the parish road from Six Cross Roads towards Kirton, St. Philip; its construction, reconstruction, or repairing is estimated to cost £450 and the annual maintenance is estimated at £90. These roads have been taken over by the Governor-in-Executive Committee at the request of the Highway Commissioners of the parishes of St. Peter, St. George, and St. Philip and in future will be kept in repair by the Department of Highways and Transport and not by the respective Road Boards as has been done hitherto. I beg to move that the following Resolution do now pass:—

Resolution under the provisions of Section 9 of the Department of Highways and Transport Act, 1945 (1945-12):

Resolved that the House of Assembly approve and sanction the statement in the schedule hereto showing the mileage and the locality of the highways or portions of the highways which the Department of Highways and Transport propose to take control of, with an estimate of the cost of constructing, reconstructing or repairing, and of the annual cost of maintaining the same in repair.

Dr. CUMMINS: I beg to second that.

Mr. F. L. WALCOTT: Mr. Speaker,—It is well that this Resolution is being dealt with to-day because it gives me the opportunity of complimenting the Government again on acting with expeditiousness in respect of matters of high importance such as the repair of certain roads that are in a bad condition and which the particular parishes find themselves unable to repair. I should like, before this Resolution is passed, to refer to a question which I asked about three years ago in this Chamber, about the condition of one of these parish roads—the Whim Road in the parish of St. Peter. The Government's reply to my question was that it could not put this road in repair because it had no authority to do so. Since then, however, the people who live in the Whim tenantry have sent a petition to the Governor-in-Executive Committee in the matter and I hope that the same expeditious manner in which these roads have been dealt with will be displayed in respect of the Whim road. I make that statement, Mr. Speaker, for this reason. That road has been and is a road that leads from what is called the Upper Road in St. Peter to the heart of Speightstown. The people who live in the Whim tenantry and who are taxpayers are entitled to a good road but the Highways Commissioners of St. Peter claim that they cannot put it in a state of repair owing to the cost. They have petitioned the Vestry in the matter and that petition is at present before the Governor-in-Executive Committee. I hope that before long that petition which prays that the road be taken over and repaired will be given prompt attention and dealt with as speedily as possible. These are roads, Mr. Speaker, which have been taken over and I have mentioned the Whim road as another vital road that should be taken over. I should like to make it clear that the people who live in the Whim have done all in their power and it is now for the Government to act in the matter.

Mr. RAMSAY: Unless it be thought that the honourable member is singing a solo I want to join in the chorus.

Mr. SPEAKER: The honourable member is out of order.

Mr. GARNER: Mr. Speaker,—As I read the addendum to this Resolution I do not think it is really true because I happen to be a member of the Highways Board in the parish of St. Philip and I do not know that we have asked the Government to take over this road.

Mr. SPEAKER: Is the honourable member dealing with one of these roads mentioned in this schedule?

Mr. GARNER: Yes, Sir, No. 5, the parish road from Six Cross Roads towards Kirton. I cannot understand why this addendum should be worded as it is because the Commissioners of Highways of St. Philip have not asked the Government to take over this road. It is one of the best roads in that parish and it is quite easy to be maintained. There are other roads in the parish which are in a deplorable state of disrepair and the Commissioners would be glad if the Government would take them over. I cannot understand how this addendum could be worded like this: "The Governor-in-Executive Committee at the request of the parishes....." Perhaps they want to state it in that way but the Road Commissioners of St. Philip have not asked them to take over this road. There is some misrepresentation somewhere because, I repeat, there are other roads in the parish which are in a deplorable state of disrepair and the Commissioners would be glad if the Government would take them over and put them in good repair. But they appear to want to take away from the Commissioners roads which they have already done and leave them with roads which they want done. I cannot sit here and allow honourable members to vote for this Resolution when, in truth and in fact, this is not a true statement in the addendum because the Road Commissioners of St. Philip have not requested the Government to take over this road. I am objecting to this because it is not true that the Commissioners of Highways of St. Philip have requested the Government to take over this road.

Mr. WILKINSON: Mr. Speaker,—There must be something in what the honourable member says because if you look at the schedule you will see that the road about which he is talking is over a mile long and is going to cost only £450 to be put in order whereas if you refer to (2) which is just over half a mile in length you will see that they are asking for

£2,110 to put that in order. There is a clear indication that one is in good order and the other is in bad order. Before the honourable member spoke I was getting up to ask the introducer of this Resolution why it is necessary to spend over £2,000 on half mile of road. It does seem to me to be a very large amount of money to spend on that length of road and it works out at the rate of £4,200 per mile. I do not know if the junior member for St. John can give us any more information but £2,110 does seem to me to be a large sum of money to spend on half a mile of road.

Mr. DOWDING: I too would like to get some more information in respect of this vote because as far as I understand, it is not the Government's policy to take over roads unless they are in good repair and it does seem to me that the money which is required to be spent on (2) is away out of proportion to the amount which is spent on other roads that have been taken over. I do hope that this Resolution will eventually be passed because it is a commendable act on the part of the Government in trying to take over some of the long main roads which the Vestries have to maintain. I do not think it is possible nor do I think it is right that a Vestry should maintain some of these main roads which, for instance, pass through the parish of St. George without any assistance from the Government. As I said, I should like to commend the Government on taking over these roads and I sincerely hope that the money which is spent in each parish will be somewhat in proportion and that good roads will not be taken over in some parishes and bad roads taken over in other parishes. If the Government is going to take over good roads I hope that that will be its policy throughout and not to take over roads in some parishes which are good and roads in other parishes which are bad.

Mr. LEWIS: Before the question is put—I may be just asking what I should know—I take it that this is a money Resolution as well as a Resolution authorizing the taking over of these roads. What I woud like the honourable member in charge of the Resolution to tell me is whether we are agreeing now to the amounts in this schedule for annual maintenance indefinitely or whether they are merely for one year after these roads are taken over and put in proper repair. It is possible that I should understand the Resolution, seeing that it springs from an Act but I should like to get that point made clear. The idea does not strike me as taking over, constructing, reconstructing or repairing these roads and at the same time making arrangements for annual maintenance; that would seem to me to be included in the annual grant to the Department of Highways and Transport. I take it that the amounts in this schedule for annual maintenance are just to give some indication of what is likely to be spent and that we are not automatically authorising them.

Mr. SPEAKER: They are just estimates.

Mr. LEWIS: The amounts in the other column are estimates too but we are at present authorizing that expenditure to which some honourable members drew attention and the maintenance may be something which is done in 1949 and again in 1950; so I am wondering whether I am committing myself to the annual expenditure mentioned in this schedule rather than include it in the new programme for the repair of roads by the Department of Highways and Transport.

Mr. WILKINSON: Mr. Speaker,—

Mr. LEWIS: I rise to a point of order, Mr. Speaker. I do not think that the junior member for St. James has any right to speak again.

Mr. SPEAKER: The honourable junior member for St. James has already spoken.

Mr. TALMA: Mr. Speaker,—I regard the policy which has been adopted by the Government of taking over these roads, whether good or bad, as a policy in the right direction. Each and every Vestry complains of the lack of funds to put roads, whether they be tenantry roads or parish roads, in order, so that when a start has been made to take over roads and that becomes the general policy of the Government, it is really a very recalcitrant party who would be heard condemning such a policy,—a policy which has been sought after from time immemorial. The people have been crying for years for a policy such as this, — a policy whereby roads which are under the control of the Road Commissioners of the various parishes are taken over by the Government and put in a state of proper repair. The roads must necessarily be taken over in a piecemeal fashion and whether they be good or bad roads they will all come in in the general trend of events. To condemn an action such as this is certainly a departure from the set policy which has been adopted by all labour candidates in the past. We have £75,000 to be spent on tenantry roads, very little of which has been spent, though I am glad to say that that work is proceeding apace, and now we find that the Government has adopted the policy of taking over certain highways, whether they be bad or good highways, to be put and kept in repair. I hope in time to see the Government adopting a policy whereby all main highways will be under the control of the Highways and Transport Department and not only the five highways mentioned in this schedule. Whether they be five or fifty or good or bad roads, all will be taken over in time and everyone will be getting a *quid quo* for the taxes which they pay.

Mr. BLACKMAN: I have the file dealing with this matter and there seems to be a mistake in the wording of the addendum because the file states that the parish roads or portions of parish roads are recommended for taking over by the Department of Highways and Transport in view of their functions as connecting links in the Department's road system. The clerk who prepared the addendum, I suppose, is in the habit of wording it in this way but the file states that these roads are connecting links in the Department's road system.

Mr. MAPP: While the explanation given by the introducer of this Resolution is adequate—and we agree that as connecting links in the road system these roads should be taken over and maintained by the Department—yet it strikes me, Mr. Speaker, that the Act will have to be amended to enable this to be done. I do not know, Sir, if this does not conflict with some section of the Act. Some members say "No," but I do not know if the members of the Executive Committee present are absolutely sure about it. I beg to move that the further consideration of this Resolution be postponed.

Mr. ADAMS: I must remind honourable members —I do not want to blame any Government Department unnecessarily—that the Executive Committee is not responsible for the wording of the addendum. That is clerical work and, further, the addendum is not part of the Resolution; it can be worded entirely wrong and the Resolution may be perfectly in order: so that unless honourable members are extremely anxious to know why the conflict took place I am suggesting to them to allow the Resolution to be passed. I think there must be some honourable members in the House, apart from the junior member for St. Philip who has put us right as regards the inaccurate wording of the addendum, who have served as Commissioners of Highways and who know that

the Government has power to do a thing of this sort; so unless honourable members are very anxious to know why the mistake occurred I suggested that we proceed with the Resolution.

The question that this Resolution do now pass is put and resolved in the affirmative without division.

INCOME TAX (AMENDMENT) BILL.

Mr. SPEAKER: The next Order is to resume debate on the second reading of the Bill to amend the Income Tax Act, 1921 (1921—6). When this matter was being debated on the last occasion, the senior member for St. Peter moved the postponement of the debate and the senior member for St. Michael seconded the motion. Both of these honourable members have the right to speak now.

Mr. COX rises and bows.

Mr. ADAMS: I assume, Mr. Speaker, that I have the right to reply as well as to speak now.

Mr. SPEAKER: The motion for the second reading of the Bill was moved on your behalf and you can speak only in reply.

Mr. ADAMS: If Your Honour rules that way, I would like any honourable member who has any further point to raise to do so before I reply.

Mr. SPEAKER: The honourable senior member for St. Joseph will speak only in reply and if any other honourable member has any further point to raise he may do so before the senior member for St. Joseph replies.

Mr. GALE: Mr. Speaker,—This Bill was postponed on the last occasion because honourable members wanted to give it further consideration. In the interim I have consulted persons who, I thought, would be able to give the information—one is the Commissioner of Income Tax and Death Duties and another is a prominent accountant in this City—and they have assured me that what this Bill seeks to do is done in other countries; that it is the usual practice and prevents people from having to pay double taxation. There is nothing in this Bill that we cannot pass. I am not an expert on income tax but I have gone to the trouble to make enquiries and from what I have been told, the Bill will be a good thing for this colony.

Mr. SYMMONDS entered the House while Mr. GALE was speaking and took his seat.

Mr. ADAMS: Mr. Speaker,—From what I have been made to understand, the main thing that was worrying honourable members was the possible action this Bill would have on the state of our revenue. We can only say that it seems equitable. The United Kingdom and the United States of America, as the Objects and Reasons set forth, made this Convention. There were certain aspects of it to which the British disagreed; those aspects were reconsidered by the Secretary of State for the Colonies and certain amendments were made. I take it that the reputable accountant to whom the honourable member who has just sat down referred, is the Hon. H. A. Cuke who has given much attention to this Bill in company with the Commissioner of Income Tax and Death Duties and from a critical point of view there is nothing, in principle, to which objection can be taken. But neither of them can say accurately, of course, the exact effect it will have on the revenue, though they both believe that while it will benefit certain individuals and the Government's revenue will suffer to some extent, yet the balance is likely to be in the favour of the Government rather than of the private individual. The United States gave certain exemptions to their own nationals who were trading in Great Britain and did not have to pay income tax to the British, while the reverse was not true and the British got themselves put in the same position as the U.S. nationals were in, in respect of their investments and trading in the United Kingdom. An accession clause was inserted in the Convention whereby both Governments agreed to try and get their colonies to come in on equal terms. I know at present of only one colonial possession which has accepted it. There may be others but I happen to know of Nyasaland because my namesake, Mr. G. H. Adams who was the Financial Secretary of that colony at the time made a most lucid and admirable speech on it and he showed that the effect will be a gain to Nyasaland as a whole rather than a loss. I am sure that honourable members will agree that it is equitable and that we are going to suffer a tremendous drop in revenue is not likely at the present moment. There are very few American proprietors here or American Companies trading with branch businesses here, so that honourable members can pass this Bill with a consciousness that they are both removing what is inequitable, namely that people should pay taxes in two countries, and at the same time, as far as can be foreseen at the present moment, not causing our revenue to suffer by it. I do not think I can say more.

The question that this Bill be now read a second time is put and resolved in the affirmative without division.

Mr. ADAMS: I beg to move that Your Honour do now leave the Chair and the House go into Committee on this Bill.

Mr. TALMA: I beg to second that.

Mr. LEWIS: Mr. Speaker,—I feel it incumbent upon me to say that I would welcome, if it is not for more than a week, the referring of this Bill to a Select Committee. I too have endeavoured in the interim to get some information about the financial implications of the Bill and naturally, as we have heard from the senior member for St. Joseph, nobody can say the extent to which we will gain or lose by it. Not only that, Sir. There is, I know, such a thing as an Agreement between the United Kingdom Government and the United States Government in respect of this matter and I think it would be rather interesting to members to have an opportunity of hearing a few pages of the Agreement read to them and the various points which were raised. This is a Bill, Sir, in which law and finance are mixed up and where it might have financial consequences some honourable members may be able to follow it very clearly but the legal aspect of it, Sir, is one that, I feel, should be explained better to a wide section of the House from all sides and let us come back here feeling sure that we know exactly the full implications of this Bill. I have not had the opportunity of asking someone who would know about Companies Law whether that would have to be changed to be brought into line with this. For instance, at present we might stand to gain but suppose branch businesses opened here and Head Offices that were here were transferred elsewhere as the result of the passing of this Bill, would this colony stand to gain or lose? There are certain aspects like that which need to be considered and I think they are of sufficient importance for us to sit down with the Commissioner of Income Tax and the senior member for St. Joseph and have all phases of the matter put before us. The authorities whom I have heard quoted here to-day are naturally interested in business in this colony and where the interest in business might conflict with that in the revenue of the Government I

cannot tell where the feelings of the expert I have heard mentioned are likely to be thrown. We can only expect that people will be human after all and I would counsel honourable members to refer this Bill to a Select Committee. If my motion is not accepted I would like to warn the senior member for St. Joseph that during the consideration of this Bill in Committee, I shall endeavour to insert a clause which will cause this Bill to expire on the 31st December, 1950, because I definitely feel we should give it a trial for a limited period and at the end of three years we will ask the Commissioner of Income Tax if he can give us any more precise information in the matter. I know there are few cases that can be brought to our attention but the implications of this Bill happen to be something that, I feel, none of us here are absolutely sure about and it is merely for that comprehension that I am making the suggestion I am making now. I beg to move that this Bill be referred to a Select Committee of this House.

Mr. CRAWFORD: Mr. Speaker,—

Mr. SPEAKER: Are you seconding that motion?

Mr. CRAWFORD: No, Sir; except for the purpose of discussion.

The question that Mr. Speaker do now leave the Chair and the House go into Committee on the Bill is put and resolved in the affirmative without division.

Mr. SPEAKER leaves the Chair and the House goes into Committee on the Bill, Mr. RAMSAY being in the Chair.

Clauses 1 and 2 are read and are agreed to.

Clause 3. (1) Subsections (2) and (3) of Section 11 of the Principal Act are hereby repealed and the following sub-sections to be numbered (2), (3) and (4) substituted in their place:—

"(2) The profits or gains to be charged on any Company shall be computed on the full amount of the same before any dividend thereof is made in respect of any share, and every Company which is registered in the Island shall be entitled to deduct from the amount of any dividend paid to any shareholder tax at the rate paid or payable by the Company (double taxation relief being left out of account) on the income out of which such dividend is paid: Provided that where tax is not paid or payable by the Company on the whole income out of which the dividend is paid the deduction shall be restricted to that portion of the dividend which is paid out of income on which tax is paid or payable by the Company.

(3) Every Company shall upon payment of a dividend, whether tax is deducted therefrom or not, furnish each shareholder with a certificate in one of the forms appearing in the Schedule to this Act setting forth the amount of the dividend paid to that shareholder and the amount of the tax which the Company has deducted or is entitled to deduct in respect of that dividend and also, where the tax paid or payable by the company is affected by double taxation relief, the rate (hereinafter in this Act referred to as "the net Colonial rate") of the tax paid or payable by the Company after taking double taxation relief into account.

(4) In this Section the expression "double taxation relief" means any credit for foreign income tax which is allowable against income tax chargeable under this Act by virtue of arrangements having effect under Section 57A of this Act and any relief allowable under section 17 or section 21 of this Act, including any credit or relief, which has been taken into account in determining the net Colonial rate applicable to any dividends received by the Company."

(2) Subsection (4) of Section 11 of the Principal Act is hereby renumbered to read as Subsection (5).

Mr. ADAMS: I beg to move that that be clause 3 of the Bill.

Mr. TALMA: I beg to second that.

Mr. WILKINSON: As I said, Sir, when the second reading of this Bill was being discussed by the House I agree with the principle of the Bill and as the senior member for St. Joseph said, it is equitable and just that we should not have double taxation. This Clause is, I understand, really concerned with Companies, that is to say, if a Company registered in Barbados is trading in the U.S.A. or Canada, it is not liable to taxation in both countries. But it also applies the other way, that is to say, Companies registered in the U.S.A. and Canada trading in this island would not be liable to double taxation. I put it to you, Sir. Which is more likely? Are you going to have more Companies that are registered in Barbados trading in the U.S.A. or Canada than Companies that are registered in the U.S.A. and Canada trading in Barbados? It is obvious that the American and Canadian Companies trading in this island will be in the majority and we will then, of course, lose revenue. But, as I said, the principle is correct. I am not in a position to say whether this Clause is worded correctly but I believe that my interpretation of it is correct and I think that in the long run we stand to lose by it.

Mr. LEWIS: Sub-clause 3 of this Clause states:— "Every Company shall upon payment of a dividend, whether tax is deducted therefrom or not, furnish each shareholder with a certificate in one of the forms appearing in the schedule to this Act . . . ." and Clause 1 states that this Act shall be read together with the Income Tax Act, 1921 (hereinafter referred to as the Principal Act). I see no schedule to this Act and I should like to be enlightened as to whether this Act will have a schedule or whether "the schedule to this Act" means the schedule that exists in the 1921 Act.

Mr. MAPP: Mr. Chairman,—The implications of Clause 3 may be more far-reaching than many of us imagine and I do not know that it would not be a wise thing for us to postpone the further consideration of this Bill. The position is that we may find these colonies being looked upon in the future as places to be exploited by foreign companies and it would certainly be a serious matter if they were not liable for the payment of income tax. The position is not clear and I take this opportunity of saying to this Committee that the implications may be very serious. I would like a little more information as regards Clause 3. I am wondering whether foreign Companies that are operating here will really not be liable to pay income tax just because Companies in this island which are operating in the U.S.A. or Canada will not be liable to pay income tax there. While it appears equitable, yet I am saying that in future these colonies may be industrialized to a certain extent and while I may be quite willing to allow foreign Companies to be exempted from income tax—I am not saying now that I am in favour of that —we may go the whole hog, not knowing the full implications of the Bill. I would like a little more information, if the point is correct, namely, that foreign companies trading here will not be liable to income

tax because, as far as I understand, they are taxed in other countries.

Mr. F. L. WALCOTT: Like the junior member for the City, the more we proceed with this debate the more diffident I am about voting for the passing of this Bill. I fear that after this Bill has become law we will get a lot of serious difficulties arising. I am somewhat worried about the exemption of foreign companies doing business here from the payment of this tax and I want to say here that I am not going to subscribe to any system of making richer than they are companies which are already rich neither am I going to subscribe to any system by which people who find it difficult to pay are made to pay more. As I say, Mr. Chairman, I am somewhat worried about this part of the Bill and I should like to meet the people who are going to carry out this Bill and let all the implications be explained before it becomes the law of the land. Before I agree to this Bill becoming law I should like to know how many thousand pounds we shall be likely to gain and how much the colony will be likely to lose by it and whether or not other people's incomes are likely to be attracted to this island as the result of this Act.

The CHAIRMAN: I hate to interrupt but I think that sufficient has been said in a general way. I am asking honourable members whether they do not think that something tangible should now be done. Either let the Chairman report progress and ask leave to sit again or proceed to the passing of the Bill.

Mr. LEWIS: Mr. Chairman,—As I am responsible for raising the point about foreign companies operating here I should like to say that the impression I got is that we will get more out of it because they will have to pay the entire tax on the business that is done here but the Head Office that is outside Barbados will agree not to collect any of the tax that has been imposed here; so that it would not be a case of collecting more and giving back some. On whatever business that is done here tax will be paid and on whatever business that is done elsewhere a separate tax will be paid. That is how it has been explained to me. But there are some businesses like Shipping Companies—

The CHAIRMAN: Again I hate to interrupt the honourable member but it is a pity that the honourable member's idea in the first instance was not accepted.

Mr. LEWIS: Mr. Chairman,—I am one of those who like to act in a democratic way and if I lose on the vote I would still like to pursue that course. The next thing is that as far as Airways Companies are concerned we are likely to lose any taxation we get from them. Whether this Bill will exempt them I do not know but from what I understand, they will not be taxed anywhere else but in the countries where their Head Offices are established.

Mr. ADAMS: I should like honourable members to give me precedence merely to see if I can bring this debate to a close. All these speeches which are now being made are speeches which should have been made on the second reading of the Bill. I am sorry that I gave the impression to the junior member for St. James that we would be losing by reason of the fact that Companies abroad are more likely to trade here than Companies here are likely to trade abroad. If I might be allowed I will put the matter this way. You tax trade only in the territory where the profits are made. An English Company trading in Barbados does not pay taxes in England on what it makes here; we tax its profits here and vice versa. But for obvious reasons—and for a long time—the practice has been between the U.S.A. and Great Britain under a special arrangement, that Shipping and Airways should be taxed only at the residence of the Company, otherwise you might find Shipping paying in other parts of the world and at home too. As regards dividends, non-residents do not pay taxation on dividends apart from the tax paid by the Company on its profits. I repeat that any foreign company trading here is going to be taxed on the profits made here; it may pay less because our Company rate is less than what it is in some other colonies but the Company collects nothing at its headquarters on what is made in this island.

Mr. CRAWFORD: Mr. Chairman,—Some of what has just been said I intended to say. Under the provisions of this Bill, we certainly are going to benefit in many respects rather than to lose. Honourable members are questioning more especially sub-clause 4 of Clause 3 and wondering whether under the arrangements for double taxation relief we might not stand to lose revenue and this, if it had been explained properly before, would have obviated the necessity for the subsequent discussion. As a matter of fact, under the present Convention what actually happens is that a Company cannot pay more than the maximum rate of income tax obtaining in either of the countries concerned, that is to say, if the maximum rate here was 6/8 in the £ and the maximum rate in Great Britain was 10/- in the £, you cannot collect more than 10/-. In the old days we used to get half and the other country got the other half. What they are planning to do is to give the country in which the Company is registered the benefit of its full income tax rate. In other words if, as I said, the rate here is 6/8 and the rate in England is 10/-, whereas in the old days we got only 5/- and Great Britain 5/- now we will get the full 6/8 and Great Britain only 3/4—the difference between 10/- and 6/8. So it is quite simple to understand that under the proposed system envisaged in this Bill the revenue of this colony does stand to gain rather than lose. Although our fiscal matters are complicated, more especially income tax, under the arrangements in 57A, relief from double taxation is going to operate in favour of the colony in which the person doing business is domiciled. A man living in England and receiving royalty has to pay tax on the royalty where he lives rather than in the country in which the royalty arises and when we come to the clause that deals with pensions it means that we shall be able to collect only the amount due on the actual amount of pension we are paying to the pensioner and other countries which are contributing to his pension are entitled to collect on the amounts of pension they are paying rather than collect on the whole amount and let the pensioner go to the trouble of having himself reimbursed in respect of the amounts which have been collected by all the countries that contribute towards his pension.

Mr. LEWIS: What the honourable member has just said may be absolutely correct if other colonies have adopted this legislation. We have businesses here that are branches of businesses in other West Indian colonies and if those colonies have not yet adopted this legislation, it may be an added reason for us to wait and see what they will do. In the island of Trinidad there is a tremendous amount of more practical experience, as far as a Bill of this nature is concerned, than in Barbados and I do not know that this Bill has been passed in Trinidad yet or in some of the other colonies that will be affected by it.

Mr. ADAMS: Inasmuch as this Clause is replacing a section of the Principal Act, 1921, it is not necessary to attach a schedule to this Act. As re-

gards the other point which has been raised by the junior member for the City, if Trinidadians have to pay income tax in Trinidad and in Barbados too, they will hurry up and get this legislation passed. It cannot harm us; it will harm people who are paying in Barbados and in other countries as well.

The question that Clause 3. stand part of the Bill is put and resolved in the affirmative without division,

Clause 4. The Principal Act is hereby amended by inserting immediately after Section 57 thereof the following headings and sections:—

"RELIEF FROM DOUBLE TAXATION."

57A. (1) If the Governor by Order declares that arrangements specified in the Order have been made with the government of any territory outside the island with a view to affording relief from double taxation in relation to income tax or any tax of a similar character imposed by the laws of that territory, and that it is expedient that those arrangements should have effect, the arragements shall have effect in relation to income tax notwithstanding anything in any enactment.

(2) On the making of an Order under this section with respect to arrangements relating to the United Kingdom Section 17 of this Act shall cease to have effect except in so far as the arrangements otherwise provide.

(3) On the making of an Order this Section with respect to arrangements relating to any territory forming part of His Majesty's Dominions (other than the United Kingdom or this Island) Section 21 of this Act shall cease to have effect as respects that territory except in so far as the arrangements otherwise provide.

(4) Any Order made under this Section may be revoked by a subsequent Order.

(5) When any arrangements have effect by virtue of this section the obligation as to secrecy imposed by Section 23 of this Act shall not prevent the disclosure to any authorised officer of the Government with which the arrangements are made of such information as is required to be disclosed under the arrangements.

(6) The Governor-in-Executive Committee may make rules for carrying out the provisions of any arrangements having effect under this section.

TAX CREDITS AGAINST INCOME TAX
INTERPRETATION

57B. (1) The provisions of this section shall have effect where, under arrangements having effect under Section 57A of this Act, tax payable in respect of any income in the territory with the Government of which the arrangements are made is to be allowed as a credit against the tax payable in respect of that income in this Island; and in this section the expression "income tax" means tax chargeable under this Act.

(2) The amount of the income tax chargeable in respect of the income shall be reduced by the amount of the credit:

Provided that credit shall not be allowed against income tax for any year of assessment unless the person entitled to the income is resident in the Island for that year.

LIMITS ON TOTAL CREDIT

(3) The credit shall not exceed the amount which would be produced by computing the amount of the income in accordance with the provisions of this Act and then charging it to income tax at a rate ascertained by dividing the income tax chargeable (before allowance of credit under any arrangements having effect under Section 57A of this Act) on the total income of the person entitled to the income by the amount of his total income.

(4) Without prejudice to the provisions of the preceding subsection the total credit to be allowed to a person for any year of assessment for foreign tax under all arrangements having effect under Section 57A of this Act shall not exceed the total income tax payable by him for that year of assessment.

EFFECT ON COMPUTATION OF INCOME OF
ALLOWANCE OF CREDIT

(5) In computing the amount of the income—

(a) No deduction shall be allowed in respect of foreign tax (whether in respect of the same or any other income);

(b) where the income tax chargeable depends on the amount received in this Island, the said amount shall be increased by the appropriate amount of the foreign tax in respect of the income;

(c) where the income includes a dividend and under the arrangements foreign tax not chargeable directly or by deduction in respect of the dividend is to be taken into account in considering whether any, and, if so, what credit is to be given against income tax in respect of the dividend, the amount of the income shall be increased by the amount of the foreign tax not so chargeable which fails to be taken into account in computing the credit;

but notwithstanding anything in the preceding provisions of this subsection a deduction shall be allowed of any amount by which the foreign tax in respect of the income exceeds the credit therefor.

(6) Paragraphs (a) and (b) of the preceding subsection (but not the remainder thereof) shall apply to the computation of total income for the purposes of determining the rate mentioned in sub-section (3) of this section, and shall apply thereto in relation to all income in the case of which credit fails to be given for foreign tax under arrangements for the time being in force under Section 57A of this Act.

SPECIAL PROVISIONS AS TO DIVIDENDS

(7) Where, in the case of any dividend, foreign income tax not chargeable directly or by deduction in respect of the dividend is, under the arrangements, to be taken into account in considering whether any, and if so, what credit is to be given against income tax not so chargeable which is to be taken into account shall be that borne by the body corporate paying the dividend upon the relevant profits in so far as it is properly attributive to the proportion of the relevant profits which is represented by the dividend.

The relevant profits are— —

(a) if the dividend is paid for a specified period, the profits for that period;

(b) if the dividend is not paid for a specified period, but is paid out of specified profits, those profits;

(c) if the dividend is paid neither for a specified period nor out of specified profits, the profits of the last period for which accounts of the body corporate were made up which ended before the dividend become payable;

Provided that if in a case falling under sub-paragraph (a) or sub-paragraph (c) of this paragraph, the total dividend exceeds the profit available for distribution of the period mentioned in the said sub-paragraph (a) or the said sub-paragraph (c), as the case may be, the relevant profits of the period shall be the profits of the period plus so much of the profits available for distribution of preceding periods (other than profits previously distributed or previously treated as relevant for the purposes of this paragraph) as is equal to the excess; and for the purposes of this proviso the profits of the most recent preceding period shall first be taken into account, then the profits of the next most recent preceding period and so on.

(8) Where —

(a) the arrangements provide in relation to dividends of some classes, but not in relation to dividends of other classes, that foreign tax not chargeable directly or by deduction in respect of dividends is to be taken into account in considering whether any, and if so what credit is to be given against income tax in respect of the dividends; and

(b) a dividened is paid which is not of a class in relation to which the arrangements so provide, then, if the dividend is paid to a Company which controls, directly or indirectly, not less than one half of the voting power in the Company paying the dividend, credit shall be allowed as if the dividend were a dividend of a class in relation to to which the arrangements so provide.

MISCELLANEOUS

(9) Credit shall not be allowed under the arrangements against income tax chargeable in respect of the income of any person for any year of assessment if he elects that credit shall not be allowed in the case of his income for that year.

(10) Any claim for an allowance by way of credit shall be made not later than three years after the end of the year of assessment, and in the event of any dispute as to the amount allowable the claim shall be subject to objection and appeal in like manner as an assessment.

(11) Where the amount of any credit given under the arrangements is rendered excessive or insufficient by reason of any adjustment of the amount of any tax payable either in the Island or elsewhere, nothing in this Act limiting the time for the making of assessment or claims for relief shall apply to any assessment or claim to which the adjustment gives rise, being an assessment or claim made not later than three years from the time when all such assessments, adjustments and other determinations have been made, whether in this Island or elsewhere, as are material in determining whether any, and if so, what credit fails to be given.

DEDUCTION OF INCOME TAX FROM DIVIDENDS

57 C. (1) Where the tax paid or payable by a Company is affected by double taxation relief the amount to be set off or to be repaid under subsection (5) of section 11 of this Act in respect of the tax deductable from any dividend paid by the Company shall be reduced as follows:—

(a) if no tax is chargeable on the recipient in respect of the dividend, the reduction shall be an amount equal to tax on the gross individual at the rate of double taxation relief applicable thereto;

(b) if the rate of tax chargeable on the recipient in respect of the dividend is less than the rate of double taxation relief applicable to the dividend, the reduction shall be an amount equal to tax on the gross dividend at the difference between those two rates.

(2) For the purposes of this section —

(a) if the income of the person chargeable includes one dividend such as is mentioned in the preceding subsection, that dividend shall be deemed to be the highest part of his income;

(b) if his income includes more than one such dividend, a dividend shall be deemed to be a higher part of his income than another dividend if the net Colonial rate applicable to the former dividend is lower than that applicable to the latter dividend;

(c) where tax is chargeable at different rates in respect of different parts of any such dividend, or where tax is chargeable in respect of some other part thereof, each part shall be deemed to be a separate dividend;

(d) the expression "double taxation relief" has the same meaning as in subsection (4) of section 11 of this Act, and the expression "rate of double taxation relief" means the rate which represents the excess of the rate of tax deductable from the dividend over the net Colonial rate applicable thereto."

Mr. ADAMS: In moving that this be Clause 4 of the Bill I should like to say that as in the case of many legal students on their first reading, some of these sub-clauses appear to honourable members to be very complicated but if they would take the trouble to compare them with the original Bill they will clearly see the differences that are being made in the many rates are to be paid on these different points—dividends, company profits and so on. The Convention aimed at bringing certain things under one method and certain other things under another method for the purpose of relief from double taxation. The two methods are obvious. The tax is imposed either in the country of origin or in the country where the income is doubly taxed and then you have some system of relief, as is explained in one way by the senior member for St. Philip, whereby one country gives back to its nationals the difference between the rates of income tax in the respective countries; so it is a matter of one way or the other. The sub-clause dealing with Company profits come under the first heading. There is no double taxation in respect of Companies. You pay the Company rate in the country in which its profits are made and if you pay twice on your income, you get a refund. I realize that to a layman this Clause may appear very complicated but, as I say, if honourable members will take the trouble

to compare it with the Principal Act, they will see in what respects the Act we are passing now differs from the existing law. If honourable members want any further information I would be glad to give it but I do not think I would be doing anything more than taking up a great deal of time if I took paragraph by paragraph of this clause and explained them; it would almost be more of a legal lecture than a political explanation but if there is any specific point on which honourable members want information I shall be only too glad to give it. I beg to move that this be Clause 4 of the Bill.

Mr. TALMA: I beg to second that.

Mr. LEWIS: Sub-Clause 57 A (1) states this: "If the Governor by Order declares the arrangements specified in the Order have been made with the Government of any territory outside the island with a view to affording relief from double taxation in relation to income tax or any tax of a similar character imposed by the laws of that territory and that it is expedient that those arrangements should have effect, the arrangements should have effect in relation to income tax notwithstanding anything in any enactment." Perhaps that is where the point by the senior member for St. Philip comes in. The sub-clause states that "the arrangements shall have effect in relation to income tax notwithstanding anything in any enactment." Mr. Chairman, I really do not think that I have ever come across that wording before. I am wondering whether they did not intend it to be "notwithstanding anything to the contrary in any enactment" and perhaps it will mean the same thing. While the Clerk was reading this Clause I was reminded of the song "Music goes round and round"; the only thing is that the music is still ringing in my ear. My next point is — and I would like this House to listen to me—that an Order is to be made and there is nothing in this Bill to show that that Order is to be referred to the Legislature of this colony. We have a whole lot of Orders and Regulations that have been placed before this House and my opinion is that anything that affects the taxation of this colony should not be done in this general way; any arrangements that are made with any colony outside this island by means of an enactment, should, in my opinion, have the approval of the Houses of the Legislature in this colony and if there is any other honourable member who feels that way I hope he will help me to get that inserted in this Bill. The next thing I would like explained to me is in connection with 57B. I see the words "foreign tax" used in line 3 of sub-clause 4 and I am wondering what the term means. I am told that it means "other than local tax." The next thing, Sir, is still in connection with 57B. In sub-clause 10 I see that a period of three years is to be allowed for the filing of a claim for an allowance by way of credit. In my humble opinion, that is too long. I do not know if the circumstances of getting relief, through a claim, from income tax warrant such a long period but it sounds to me too long. The particular point on which I should like the senior member for St. Joseph to enlighten me is whether it is necessary to make the safeguard that the Orders made by the Governor under this clause are to be laid before the Houses of the Legislature for consideration and approval. In view of the fact, Sir, that I do not understand all about this Bill I would like that little protection guaranteed to me. I would like to warn the honourable senior member for St. Joseph that I am going to move for the expiration of this Bill at the end of three years from the 1st of this year by adding a sub-clause at the end of this clause, so as to give this Act a trial.

Mr. ADAMS: As regards the honourable member's point about submitting the Order for the approval of the Houses of the Legislature is concerned, no Order can be made by the Governor affecting the principle of the Act. If the Legislature of Antigua passed a similar Act tomorrow, the Governor can make an Order making reciprocal arrangements with the Government of Antigua for relief from double taxation but he cannot make an Order which will in any way alter the principle of the Act or the method by which these deductions are to be made. I do not think there is any danger in not inserting that in this Act. I think that I am right in saying that this Bill is to be passed in its entirety or not at all. It is one of those Bills—where you adopt a Convention—that you accept *in toto* or reject *in toto*. As regards the word "foreign," I was looking to see if there is a definition of it in the Principal Act but unfortunately the word is not used. If this Act is becoming part of the Principal Act, it may be necessary to delete the word but I will have an interview with the Acting Attorney General on the point. I suggest that we need not worry about that now. If the Acting Attorney General thinks it should be amended, that can be done when the Bill is before the Other Place but I suggest that we should not hold up the passing of the Bill merely to make it uniform. Off-hand I would say that the word "foreign" must have an interpretation other than a legal one. "Notwithstanding anything done in any enactment" may mean to the contrary or may mean nothing absolutely but, of course, if an Order is made repeating any enactment already passed, no harm is done. As regards the period allowed for making a claim is concerned, I think that perhaps those honourable members whose attorneys may make mistakes sometimes and who may have to apply to the Income Tax Commissioner for a rebate—I have never been so fortunate—would be able to help the House as to whether three years do not exist in the Principal Act. I believe that a person has three years in which to point out an error in his Income Tax Return and get it rectified.

Mr. LEWIS: Mr. Chairman,—The honourable member who has just spoken referred to Antigua. This is legislation which normally does not affect the British Empire alone. This is going outside the British Empire and if the Governor elected to make an Order it may affect colonies other than those within the British Empire. The United States of America is a party to this Agreement and we may wish to boycott, because of racial discrimination or something of the sort, an American colony to which these arrangements apply and in such a case it may be necessary for us to review the matter. We should reserve to ourselves the right to say whether the Governor of this colony can bring in any State merely because it has some connection with the U.S.A. I really feel we should reserve to ourselves the right to say that.

At this stage, 2 p.m. Mr. SPEAKER resumes the Chair and adjourns the House until 2.45 p.m. in accordance with Rule 40 (a).

REPLIES LAID.

On re-assembling,

Mr. BLACKMAN: Mr. Speaker,—I beg to lay on the Table of the House the reply to question No. 34 standing in the name of the honourable junior member for St. Lucy; and the reply to question No. 9 standing in the name of the honourable junior member for St. Andrew.

SUSPENSION OF RULE 61 (A).

Mr. ADAMS: I ask leave to move for the suspension of Rule 61 (a) in order to resume Government Business. I suggest that at least we should try and finish the Income Tax Bill.

Mr. SPEAKER: Are you proceeding with any other Government Business?

Mr. ADAMS: Unless honourable members say that they do not wish to go on with any further Government Business after that.

Mr. WILKINSON: I think the honourable member should tell us that he will deal only with the Income Tax Bill.

Mr. ADAMS: If that is the general wish of the House I will not proceed with any further Government Business after we have finished the Income Tax Bill. I should like to take this opportunity to point out to honourable members that at Question Time the Government does not know what particular question is going to be discussed and sometimes the file dealing with it is not in the House. I hope that in future when honourable members intend to move the adjournment of the House so as to discuss any question they will give notice beforehand so that we might have the file dealing with the particular matter in the House.

Mr. SPEAKER: There is a question being debated by the House now.

Mr. BRANCKER: I think we should deal with the Income Tax Bill and then revert to Question Time. Although one may sometimes feel that there is not going to be any debate on a particular matter we may cheerfully occupy hours in discussing a section of a Bill which might at first appear to be innocuous. I would very much like to continue the debate relative to factory scales.

Mr. ADAMS: I am perfectly prepared to ask leave to move the suspension of the Rule so as to deal only with the Income Tax Bill.

There being no objection, the honourable member was granted leave to make the motion.

Mr. ADAMS: I beg to move that Rule 61 (a) be now suspended.

Mr. BLACKMAN seconded the motion which was agreed to.

INCOME TAX (AMENDMENT) BILL.

Mr. SPEAKER: When the House adjourned for lunch we were in Committee on the Bill to amend the Income Tax Act, 1921 (1921-6).

Mr. SPEAKER left the Chair, and the House resumed Committee on the Bill, Mr. RAMSAY being in Chair.

The question that Clause 4 stand part of the Bill was put and resolved in the affirmative without division.

Clause 4 was passed.

On the motion of Mr. ADAMS, seconded by Mr. BLACKMAN, the CHAIRMAN reported the passing of the Bill in Committee.

Mr. SPEAKER resumed the Chair and reported accordingly.

On motions of Mr. ADAMS, seconded by Mr. BLACKMAN in each case, the Bill was read a third time and passed.

WEIGHING OF PEASANTS' CANES AT SUGAR FACTORIES.

Mr. SPEAKER: The Business for which the Rule was suspended having been dealt with, the House will now revert to Question Time. On the last occasion of Question Time the reply given to question No. 10 standing in the name of the honourable junior member for St. Lucy relative to the weighing of peasants' canes at sugar factories was under debate and the honourable member was speaking.

Mr. BRANCKER: Mr. Speaker,—It will be recalled that at our last meeting I had just started to discuss the Government's reply which was given to the question. As it is generally known, we are now about to begin the reaping of the 1948 sugar crop, and it is therefore essential that we should forcibly direct the attention of the Government to the matter of the factory scales. I take it that the Government shares the view of honourable members of this House and the majority of persons in the community that it is essential to ensure that the cane-grower has no grounds for dissatisfaction with regard to the marketing of his product at the various sugar factories of this island. This is just by the way, but I do not recall hearing any mention made at today's meeting of the House of the usual Resolution which is sent down around this time of the year relative to the remuneration of itinerant Inspectors; because I feel as a result of last year's experience that these Inspectors are inextricably bound up with the matter of the purchase of the products of the peasants' canefields by the sugar factories. Perhaps many honourable members will agree with me that these Inspectors are rendering a very, very valuable service to the community and I have been wondering when I consider what they are doing now in respect of visiting these factories, how we managed to do without them for so long. Unquestionably these Inspectors are filling a gap in respect of the weighing of peasants' sugar canes at the factories of this island, and the only thing that worries me about this matter is that they are so few. I would like one of these Inspectors to be present at every sugar factory in this island whenever peasants' canes are being weighed so as to look after the interest of the peasants and to safeguard them from the fraudulent manipulation of the scale beams and the defective scales either of which conditions is liable to obtain and actually obtains on certain occasions. There are a vast number of cane-growers in this island—the number of peasants is about 19,000 and apart from them there are some plantation owners; but it is the peasants who matter mostly and I would like to see that they are given a square deal and are assured that everything is correct. They must feel that everything is all right as regards the question of the price for their canes, as regards the question of the canes being properly weighed and they must feel that they have support from this House, from the Department which is in charge of looking after the scale beams and from the Police. I am afraid that in connection with this question No. 10 which I have asked, the peasants have not got the feeling that they are receiving full support from the Police; because when this incident about which I queried took place at Spring Hall Factory last year it was about three hours before the Police arrived on the scene. The feeling among those persons who were there was that the Police were taking as long as possible to arrive there in the hope that the itinerant Inspector would have got fed up with waiting and would have disappeared before they arrived. Fortunately, that Inspector was a man of some tenacity of purpose, a persistent type of individual who would have waited until the next morning until the Police saw fit to arrive. I have been informed that the reason why the Police Superintendent was so long in coming

was that a fire had taken place somewhere and he had to wait to see that the fire was put out. His services were so indispensable that they could not send anybody else; but they were sergeants available and they were many N.C.O.'s also. If this was a case of a small shopkeeper whose scales were defective there would have been a number of policemen there and it would not have been a question of depending upon the Superintendent of Police. If they had got one or two of the very many intelligent men in the Police Force to go to that scene they would not have had to wait for a particular Superintendent to see that protection is given to the peasant. When the particular Superintendent arrived on the scene he would have had to be satisfied with whatever took place on that occasion. I have been discussing this matter with a mechanical engineer and he tells me that the scale which is in use at Spring Hall Factory is a Pooley scale, one of the few mechanical contrivances that can hardly ever go wrong, and therefore if anything takes place in connection with a Pooley scale the odds are, not that the thing takes place because the scale is defective, but it is rather a question of the manipulation of the scale. On this occasion many people were there when this itinerant Inspector demanded that—

Mr. SPEAKER: I take it that the honourable member is quoting from a qualified engineer.

Mr. BRANCKER: He is a certificated engineer.

Mr. SPEAKER: If the honourable member is making a statement I take it that he is making that statement with some foundation. I take it that there is a qualified engineer from whom the honourable member is quoting.

Mr. BRANCKER: Yes Sir, he is a qualified engineer. Of course I am not trying to advertise Pooley scales. (Laughter).

Mr. SPEAKER: Honourable members must have reliable information on which they speak.

Mr. BRANCKER: A Pooley scale has a good reputation and in the light of this occurrence there was the feeling that what happened was due to the fraudulent manipulation of the scale; and it is not insignificant that the Inspector was told at the Factory that this scale had been acting rather queerly for the whole day. It was mid-day at this time and canes were being weighed all the time! This is a very serious matter and it will be more serious during this crop when there are less canes than during the last crop. On that occasion the odds were 565 pounds in favour of the purchaser of the canes. A ton of canes is 2,240 pounds and 565 pounds represents more than a quarter of a ton of canes in respect of a single lorry. This is a matter which cannot be overlooked. As far as the weighing of peasants' canes is concerned, the matter has already been brought up in this House by me, and we must agree that there is some substance in what the peasant proprietors in many parts of the island, and particularly in the parish of St. Lucy, have been complaining about for many years. You may recall, Mr. Speaker, that as long ago as September 27, 1938, I first raised the question in this House. I asked:

"Does the Government in order to promote the confidence as well as to protect the interest of the small holders deem it advisable to erect and maintain at an easily accessible place in each parish, a weighbridge or scales for the use and convenience of peasants for weighing their canes?

If the answer to this question is in the negative, will the Government sponsor legislation making it an offence (punishable by a fine, or in the case of a second conviction for the same offence, imprisonment without the option of a fine) for a factory owner, his servant or agent, to refuse vendors of canes or/and their duly authorised representatives unrestricted access to and a clear view of such portion of the scales as is indicating the weight thereof?"

The reply given by Mr. Holder was as follows:—

"It has been decided to introduce for consideration by the Legislature a Bill to amend the Weights and Measures Act 1891-5, to make provision for sellers of canes or their duly authorised representatives to have the right to see their canes weighed."

As a result of this querry, the Supervision of the Weighing of Sugar Canes Bill was introduced and passed. That gave power to any policeman not below the rank of sergeant to inspect the scale beams when canes are being weighed. I introduced an amendment to the Act and that amendment which was passed authorised any member of the Police Force along with Justices of the Peace and Officers of the Department of Science and Agriculture to inspect the scale beams when canes are being weighed. Since the amendment to the Act we have had these itinerant Inspectors appointed, and that is why I propose that the powers which are now possessed exclusively by Justices of the Peace, Members of the Police Force and Officers of the Department of Science and Agriculture be extended to every Officer of the Department of Labour which will include the itinerant Inspectors whose duty it is to inspect these scale beams. I have said that we should increase the number of these Inspectors so that we can have a reasonable assurance that at least one of them will be present whenever peasants' canes are being weighed to ensure that there will not be any more quarters of tons short as it has been proven by the presence of the Government Inspector during the last crop. You may recall, Mr. Speaker, that when we debated this matter in years gone by, we were told on two or three occasions in this House that the factory owners would be the last persons in the world who would try to rob anyone. That is so in so far as they are concerned personally; but when it is a question of getting a few pounds of canes more, if you rob all the peasants that will be an appreciable benefit. If you go in for this business in a retail way that will not be as lucrative as if you go in for it in a wholesale way. In this question No. 10 which I asked, I specially referred to the proven error in the weighing of a load of canes when the lorry load had been weighed but the lorry had not been removed before the itinerant Inspector arrived. The Inspector ascertained the weight which the cane-weigher had given the lorry driver, looked at the canes, shook his head and insisted on having the canes weighed again. At the second weighing of the canes it was proven to the satisfaction of all concerned, even these who did not want to see, that the weight of the canes was 565 pounds more than what had been registered and then the excuse was made that the scale was acting peculiarly during the whole morning. Subsequently an official of the Factory was heard to say according to my information which I have no reason to doubt, that this scale has a certain peculiarity that when the lorry goes near to one edge of it a different weight is likely to be recorded. How many lorries have been in the position where the scale does not weigh accurately? I learn that last year megass was being sold by Spring Hall Factory to another factory in the same parish, and although these factories are so trustworthy, the purchasing factory did not hesitate to weigh the megass despite the fact that

it had been weighed by the selling factory. The discrepancy was in favour of the buyer at that time so that the matter was not drawn to the attention of the selling factory. The question which I asked is as follows:—

"What steps is Government proposing to take in connection with scale beams at sugar factories throughout this island for the protection of the interest of the peasants, who sell their canes to such factories, in view of the proven error in the weighing of a load of canes this year at Spring Hall Factory, St. Lucy; an error which was in favour of the purchaser of the canes?"

The Government's reply is really platitudinous It is as follows:—

"All sugar factory scales are tested prior to the commencement of the crop and several times during the crop."

That reply does not indicate that the Government fully appreciates the seriousness or urgency of the matter. We know that all factory scales are tested prior to the commencement of the crop and during the crop. I remember some time ago an hon. member, when we were dealing with this matter of testing factory scales during the consideration of the Colonial Estimates, saying that he had information that a certain Superintendent of Police would always telephone the factory owner and say "I am coming along now." That was said in this House by a responsible member; and as regards these routine inspections which are carried out by the Police under the supervision of a Superintendent, I feel that the work would be much better done under the supervision of a Sergeant, someone who would not be a social associate of these factory owners. These inspections are not being carried out properly; the only way in which to test a factory scale properly is to test it to capacity. It is not a question of carrying a quarter of a ton weight or a half-ton weight and saying that the scale is all right; nothing less than a five-ton weight is necessary in order to ascertain whether the scale is all right or not. If the scale has a capacity of ten tons let the Government take steps to secure whatever apparatus is necessary—whatever the cost may be—for testing these scales properly. Let whoever is testing them have the apparatus for testing them properly—something that will establish whether they are working properly or not and not merely satisfy some people. I am more afraid of the fraudulent manipulation of the scales than of the defective machinery and that is why I feel that it would be very necessary to have more of these Inspectors to visit these scale beams as often as possible. I am suggesting that when a factory robs a plantation owner the matter is not so serious as in the case of robbing a poor peasant who cannot bear the loss. The peasant's position is a very unfortunate one; the man who has only eight or fifteen or thirty tons of canes cannot afford to lose a quarter of a ton from every lorry load of canes. This is a matter of much urgency now because before the end of this month I believe that every factory will have commenced its grinding operations; and it is imperative that when these operations are commenced every peasant who has to send his canes to the factory should feel satisfied in his mind that he is getting full and adequate justice at the scale beams. It is hardly to be expected that a peasant will feel satisfied in his mind with regard to those districts where for a long time he has felt not without justification that he has been robbed, if he feels that the Government is complacent and is just saying that all factory scales are tested prior to the commencement of the crop and several times during the crop. Even when the scales are working with 100% perfection there still remains the question of the fraudulent manipulation of them. There might be a better suggestion for dealing with this matter than that which I have made. I have suggested that the number of itinerant Inspectors be increased so that you can be assured of one of them being present whenever peasants' canes are being weighed; but I suggest that if honourable members have better suggestions than mine to offer they will let the Government have the advantage of them. I realise that however vigilant some of these Inspectors might be, there are some very shrewd brains who own the factories; and it is well that the Inspectors do not visit the factories in the same car two or three times in succession because word will be conveyed to the factory manager or owner that the Inspectors are coming. I understand that when the incident at Spring Hall Factory occurred during the last crop the Inspector was using a different car. If they are no people standing at the end of the gap to send in the news to the factory owner that the Inspector is coming in a different car, the Inspector might be able to catch him unawares. It is well that this incident occurred at this factory and there was a Government man on the spot to support the complaint of the peasant proprietors. The matter has been proved and there must not merely be sympathetic consideration on the part of the Government, but steps must be taken to safeguard the interest of every peasant in respect of every ounce of canes which he sends to the sugar factory. There are one or two factories about which I have not heard any complaints; there are one or two factories which are different from their brethren. In one or two districts particularly where the factories are centrally situated, the peasant has less cause for anxiety in respect of his canes than in the remote districts in the extreme north and south of the island; but the difficulties of transport, which are in some cases almost insurmountable, prevent people at the extreme end of the island from sending their canes to the more central factories where there is healthy competition and where the factories are keen on getting peasants' canes because there are not sufficient plantation canes to supply these factories; therefore the factory owners see that the peasants are satisfied. The best way to satisfy the peasants is to give them a reasonable price for their canes and assure them that their canes are properly weighed. If there is any doubt as to how many pounds make a ton, well anything in excess of 2,240 pounds, but nothing less than that. The peasants have just cause for anxiety in connection with their produce and the Government must take steps to see that there is no likelihood of a recurrence of an incident such as that which took place during the last crop in the parish of St. Lucy which, as we all know has one of the worst reputations in the island so far as the estimation of peasants is concerned. I am submitting that it is imperative for the Government to throw off what I suggest is a complacent attitude in this matter; they must not merely tell us that all sugar factory scales are tested prior to the commencement of the crop and several times during the crop, but they should go much further and ensure that these scales are tested adequately. The scales must be tested to capacity otherwise there is no good in testing them at all. If apparatus is not availabe now to carry out this test, let the Government obtain the apparatus and that will help to remove the fear of defective machinery. It is remarkable that whenever an incident like that which occurred at Spring

Hall Factory takes place, whenever anything goes wrong with the scale, it is never out of the favour of the owner of the scale.

Mr. SPEAKER: I think the honourable member mentioned an instance where the discrepancy was out of the favour of the owner of the scale.

Mr. BRANCKER: That was a case of two factories dealing with each other. It was not a case of these factories dealing with the small people. I will qualify my remarks by saying that when these errors occur as between the grower of the canes and the owner of the factory and therefore the owner of the scale beam they will be in favour of the owner of the scale beam and the owner of the factory. My next point is that leaving out the question of the defective machinery there is the question of the fraudulent manipulation of the scale. Of course, however hard you try, if you have somebody who is out to rob, any number of Inspectors would be unable to prevent that individual from robbing; but I suggest that the number of these Inspectors be increased. I do not recall how these Inspectors are being paid but I hope that they get a very adequate allowance for travelling so that they can go from one end of the island to the other in the shortest possible time when they are least expected. There should not be any particular Inspectors confined to any particular group of factories so that their vehicles will become familiar and can be observed at certain distances and the cane-weighers can fix their machines to work correctly before the arrival of the Inspectors. That is what I had in mind in 1938 when I raised the question and suggested that in the case of a second conviction for the same offence, a term of imprisonment without the option of a fine should be the penalty. I had also proposed that the punishment for a breach of the law should not be a fine of £50 which the present Supervision of the Weighing of Sugar Canes Act allows, but a fine of £500 and imprisonment for a term not exceeding twelve months. I feel that that would stop the fraudulent manipulation of the scale beams. A fine of £50 is something with which the factory owner may feel that it will pay him to take a chance. During the whole crop with a quarter of a ton off every lorry load of canes, a fine of £50 will not matter very much, but with a fine along with a term of imprisonment as I have suggested, I feel that a factory owner will be very careful before he allows anything to go wrong with the scale. As far as I gather in connection with the incident to which I have referred, which incident took place during the 1947 crop, no prosecution has been instituted and it may well be that such was not done because of the omission in the Supervision of the Weighing of Sugar Canes (Amendment) Bill. It is an omission for which we could not be blamed at the time because we did not contemplate the appointment of these itinerant Inspectors of the Department of Labour to go around and inspect scale beams. At that time we had Justices of the Peace, Members of the Police Force and Officers of the Department of Science and Agriculture doing this work, and now that we have these Inspectors who are the primary people to go around and inspect the the scale beams at these sugar factories, it is essential that they be given powers similar to those given to the Police. It is even more essential that these Inspectors be given these powers than in the case of the Police so that when they arrive at factories and discover, as one of them did last year, that canes have been incorrectly weighed they will be able to institute the necessary proceedings to bring the factory owners before a Court of law although there may not be any Policeman or Justice of the Peace or Officer of the Department of Science and Agriculture present.

At this point, it now being 3.30 p.m., Mr. SPEAKER stated that it was now time for the consideration of Private Members' Business.

ADDRESS *RE* APPOINTMENT OF COMMITTEE TO MAKE RECOMMENDATIONS *RE* TENANTRY ROADS, STANDPIPES AND HYDRANTS

Mr. SPEAKER: The first Order of the Day under Private Members' Business is to resume debate on the passing of an Address to His Excellency the Governor *re* the appointment of a Committee to recommend to Government the tenantry roads to be taken over and repaired and the localities for installing standpipes and hydrants. On the last occasion when the debate on the passing of this Address was adjourned, the honourable senior member for St. Thomas was speaking. The honourable member is not in his place.

Mr. LEWIS: As I have said on previous occasions, I know that the repairs of the tenantry roads is one of the burning questions in this island, and numerous attempts have been made to bring the matter to the attention of the Government. In some measure the Government has given relief in this matter as we have heard during a recent debate, but what I am wondering is this: when these tenantry roads are taken over and put in a proper state of repair and water and light are installed—I take it that the people who are living in these private tenantries, as some honourable members call them, will still be renting the land and perhaps some of the houses in the tenantries are rented out as well—I am wondering if we are going to make the necessary safeguards that when the taxpayers' money is used in putting these roads in a proper state of repair and their money is used in laying water mains perhaps, the necessary appreciation in value of the land does not go to the owner of the land or of the houses and people called upon to pay exorbitant rents in the districts that have been appreciated in value out of public money. I am suggesting that in this matter of the appreciation in value of the land care should be taken to see that when these tenantry roads are put in a proper state of repair and water and light are installed the rents charged for the land or the houses are not prohibitive such as to run people from these places. As a necessary corollary to this insistent demand for the repair of the tenantry roads we should have some form of rent control both of land and of houses. Perhaps this Address would better serve its purpose if it read this way: "The House of Assembly respectfully request Your Excellency to take immediate steps to appoint a Committee including members of the House to co-operate with the several Commissioners of Highways in the island and recommend to the Government ways and means of financing these projects." I think it was pointed out by my colleague that some of these tenantry roads should be put in a proper state of repair for the use of the tenants, and that people who are getting lucrative rents should be made to contribute towards the repairs that are carried out to these roads. It is for that reason that I would suggest to the honourable mover of the passing of this Address that he add at the end of the Address that the Committee should also recommend to the Government the ways and means of financing these projects, namely, the taking over and repair of the roads, the installation

of standpipes and hydrants and things of that sort. I think that these are matters which should not be lost sight of in this House and we should have some form of rent control as regards these tenantries so that when these improvements have been made the tenants will not have to run out and create slums somewhere else.

Mr. SPEAKER: I think that point might be debated when the recommendations come down as to what roads should be taken over. So far, this Address only asks for the appointment of a Committee to recommend what roads should be taken over. I quite see your point but I am inclined to think that is one to be taken when the recommendations come down.

Mr. LEWIS: Another point is that the installation of standpipes and hydrants is something which will have to be considered in relation to the Resolution for obtaining the services of a Fire Brigade Officer; we may put hydrants where they should not be put. If we are getting down this Officer he might be able to help us in this matter.

Mr. MAPP: The repairs of tenantry roads is a question which has been debated and threshed out for a long time in this island and this is a further constructive attempt to carry the matter to a proper conclusion. Last week certain honourable members opposed the passing of this Address. One honourable member said that while he was in favour of the principle of the Address it was necessary for the law relative to the taking over of these tenantry roads to be amended before the Address could be passed. In my opinion, that is really putting a hurdle unnecessarily in the way of our step forward in this direction because the law can easily be amended or revised in case the Government agrees with the principle of this Address While I am in favour of these local Bodies having some work to do rather than leave everything to be done by the Government, the question is whether these local Bodies are doing this work satisfactorily or not. From complaints which I have received from my constituency it does not seem that these local Authorities are doing this work satisfactorily. I receive complaints all the time that the tenantry roads leading to certain plantations are repaired and other more vital roads are not repaired. That is a very serious state of affairs and I do not think that we as a responsible Body should allow such a state of affairs to continue. If we observe that these local bodies are not performing their duties satisfactorily, as a matter of fact we should take steps to see that when we vote money for the repairs of these roads we have a voice in telling these local Bodies that they are not doing their work satisfactorily and in dictating to them if necessary as to what roads should be immediately taken over or immediately repaired. The last point raised by the last honourable member who has spoken really concerns non-village roads, so to speak. I quite agree that the owners of tenantries should be called upon to bear a part of the expense incurred in the repairs of the roads. There are many instances where people have bought land in old tenantries and have become free holders and while I agree with the principle enunciated by the last honourable member who spoke, I think that these village roads are causing the bulk of the trouble and I am baffled sometimes as to why they are called tenantry roads These are the roads which the various local Bodies are not looking after properly. Some time ago we voted the sum of £75,000 for the purpose of repairing some of these roads and from time to time we have voted more money to be spent by these local Bodies in repairing the roads; yet complaints are received all the time from the out parishes that these Bodies are repairing roads which should not be given priority in any programme of road repair but they can always be left until later on. I repeat that it is time that we take action so as to have a voice in saying what roads we think should be repaired. I notice that the Vestry representatives do not want to listen to what I am saying, but I say that the time has come when we must have a voice in saying in respect of these roads for the repairs of which we have voted money, what roads should be immediately taken over and repaired. I do not see that there is any big obstacle in the way of the passing of this Address unless it is a question of opposing it for the sake of opposition. I beg to move that this Address be amended by deleting the words "and hydrants" occurring at the end of the Address because I do not see that we have any experts here on the matter of the installation of hydrants. So far as the other part of the Address is concerned, I cannot see that there is any big obstacle in the way of the terms of the Address being carried into effect at the earliest possible opportunity.

Mr. F. L. WALCOTT: In dealing with this matter it is necessary that honourable members' attention should be drawn to the historical background as regards these roads. On reflection you cannot but admit that there has been gross neglect in that many of these roads are in the deplorable condition in which they now are. I will go further and say without fear of contradiction that because of our peculiar constitutional set-up which provided for those whose qualifications were so far removed from the people that they never worried to think about the people who live in these dilapidated areas, and that is responsible for this administrative neglect. I defy any honourable member of this House to say that the tenantry roads and even other roads which cannot be truly called tenantry roads should be repaired and no proper investigation made in the matter. When I was a boy I was of the opinion that people who live in these districts never paid any taxes but as I grew older I found that the people in these districts are rated on the same basis as those who live in districts where the roads are good. I would like to say that while I have a lot of criticism for the various Vestries of this island yet they are still part of the constitution and I would like to suggest an amendment to this Address to the effect that both the members of this House and the Commissioners of Highways of the various parishes should go into this question because I want to be fair to everybody. I know that it is not a matter of not repairing some of the roads but rather a matter of selecting those roads which are to be repaired. We all know that few roads leading to the plantations are not repaired properly; very few of these roads you will find in a bad condition, but on the contrary it would take a contortionist to get to some of the labourers' houses after it has rained. I have had the unfortunate experience of seeing a man having to put his child on his back with the child's feet astride in order to get him across the road. In some of these districts there are ponds from one side of the road to the other when it rains. We cannot close our eyes to these things. In this matter of road repairs we have criticised the action of the Department of Highways and Transport. We have had to revote money which had not been spent and if the necessary road repairs are not carried out as expeditiously as we desire them to be carried out, then we can have a sort of decentralisation and allow the various Commissioners of Highways to carry out some of this road programme. If there are any roads which require the services of a technical officer—I

realise that the Commissioners of Highways have no technical officer like the Department of Highways and Transport—it would be better to put such roads in the hands of the Central Government to be repaired. From an investigation it may be found that some of these roads will have to be given over to the Government to be repaired. I am not against the principle of allowing the Commissioners of Highways to continue the work which they are doing because in many instances the sum of £500 which had been voted for them last year has been spent to good advantage and I realise that if that sum of money had been placed at the disposal of the Department of Highways and Transport it would have been physically impossible for the Department to have carried out the work which has been carried out by the Commissioners of Highways. As regards the question of employment, sometimes the Highways Department works in one parish and attempts to bring in labour from other parishes; but the policy in these local areas is to provide work for the people of those areas. That is another aspect of the question which has to be viewed seriously. That is why I am not against allowing the Commissioners of Highways to continue to repair these roads; but I am in favour of having a Committee appointed so that there can be agreement as to the roads that should have priority and not leave the matter to these Vestry representatives. With the possible exception of St. Michael, with the number of people who vote at an election, it cannot really be said that these local Bodies are representing the people; but we are labouring under the old system that you must have a certain qualification for membership of the Vestry and a certain one for membership of the House. If the honourable mover of the passing of the Address is willing to have the amendment which I have suggested incorporated in the Address I am willing to support it through and through. I object to having the members of this House working in one water-tight compartment and the Commissioners of Highways working in another. I think it would be much better to have the members of the House and the Commissioners of Highways meet as a Body and decide as to what roads are to be recommended to be repaired. I realise, and I hope that the people who live in these areas will realise, that although we may have this Committee appointed it does not mean that all the roads will be repaired. I do not think that we have all the machinery to work on the roads which need repairs, but we can start in the right direction and do as much as we can do. I feel that with the suggested amendment the Address will serve the purpose which the honourable introducer intends it to serve.

Mr. GARNER: I have listened to every honourable member who has spoken in order to find out what this Address is all about and all I can say is that it is a duplicate of what has taken place in this House on several occasions. It is to my way of thinking, a publicity stunt for election time and it has nothing at all to make self-respecting people accept it in good faith. In the first place, the honourable senior member for St. George, when he first came into this House, introduced an Address relative to the repair of tenantry roads and it was passed. Not so long ago your humble servant introduced an Address which was also passed and one of the items mentioned in it was the repair of tenantry roads throughout the island. In answer to that Address a Resolution for £75,000 was sent down and this money was to be spent in the repair of these roads. That work is being done. Perhaps at one time this Address would have been in order but it is absolutely out of order now. If you go throughout the length and breadth of this island you will see the Commissioners of Highways busily engaged in doing this work. In my parish they are doing good work and if there is a time that I can compliment the Government on the action which they have taken it is now. Money is being spent on the repair of the tenantry roads. I am not speaking because I am a Vestryman or one of the Commissioners of Highways, but at one time the Commissioners of Highways could not get the Government to give them any money to be spent on the roads. Consequently the roads were neglected and even now the Commissioners of Highways are not given enough money to be spent in repairing the roads. All we are asking for is more money and we can give you all the roads you want. I do not see that the appointment of this Committee, for which the honourable senior member for St. Michael is asking in this Address, can serve any useful purpose. The law says what the Commissioners of Highways should do and we have it in our power to refuse to do certain things so that this Address is only a farce. In truth and in fact it has no substance because the law is there and unless the law is amended nothing can be done. As I have already said, the Government have granted money for repairing these tenantry roads; in my parish we have received £2,500 and we can be given a similar amount next year. On account of the crop season I do not think we can spend anything more than this £2,500 but I ask the Government to give us more money when the crop is over and we will continue to repair the roads. Do honourable members think that people from St. Peter, for instance, can come to St. Philip and know better than the people up there the roads that should be repaired? The law says what must be done before roads can be taken over; you have to send in a petition and so forth, and those honourable members who want this Committee appointed should read the law and see what it says. Another point is that the Commissioners of Highways can repair the roads much more cheaply than the Department of Highways and Transport can repair them. Everybody knows that work is being done in the repair of these tenantry roads but this Address has only been introduced for purposes of electioneering. The honourable senior member for St. George introduced his Address which was passed and when nothing was done about it your humble servant introduced and had passed an Address in which one of the items suggested was the repair of the tenantry roads; and a Resolution for £75,000 was sent down for this purpose. With regard to the question of standpipes, there is in the Colonial Secretary's Office a list of all the standpipes which we want in the parish of St. Philip. We have submitted all the roads which we can repair over a period of time so that the money can be allocated; and we have just sent in the number of miles of roads which we have repaired and an inspector has been up to see how well or how badly the roads have been repaired. If the scheme has just begun, let us give it a chance and see what can be done. I have been to St. George and Christ Church and I have seen the Commissioners of Highways busily at work. In one instance the work has been stopped because the money has been exhausted. On one occasion I had to go to the Colonial Secretary and find out something about our instalment. I repeat: give us the money and we will repair the roads. The Commissioners of Highways are more eager to get the work done than the Government is eager to give them the money to do it. That is the whole trouble. The roads have not been repaired in the past because we did not have any

money for the purpose. I submit that no case has been made out for the appointment of this Committee; the Committee would have no power under the existing law, and as I have already said, the law would have to be amended before anything can be done. I formally beg to move that this Address be rejected; I honestly feel that this is only a matter of publicity. The matter has already been dealt with, the roads are being repaired and I see no reason why we should not give the scheme a fair trial. My reason for moving that this Address be rejected is that it must conflict with the law of the land. I do not care what Committee you appoint; the proposal cannot work because the law of the land does not permit it.

Mr. FOSTER: I am voting for the passing of this Address. Speaking for the parish of St. Andrew I will begin where the honourable junior member for St. Philip left off. I think the honourable member is right in saying that he is on the spot and he should know more about the roads in his parish than any body from St. Peter or anywhere else. When we handed over the roads to the Highways Department in those days we asked that someone be appointed from the Vestry to have a voice in the matter and the Central Road Board turned us down. Honourable members will remember that as far back as October last I asked what was the delay in beginning work on these tenantry roads and up to now I have not received any reply. I think that if one of the representatives for the parish of St. Andrew had any voice in the matter he would have seen that work on these roads was started long before now. I am therefore supporting the passing of this Address because I think it is necessary.

Mr. COX: When I first moved the passing of this Address little did I think that it would have met with such vehement opposition by some honourable members who claim to be interested in the welfare of the many suffering people in this colony. I will begin by dealing with the honourable senior member for the City. He said that he was in sympathy with the Address but he criticised the wording of it as much as possible. And what do we find? We find that after vain gangling he just sat down without making any suggestion by way of an amendment. I feel that if the honourable member was so much interested in seeing something done for the people and if he is big enough to realise that it is not a question of an individual but a community, he would have offered some amendment which, if reasonable, I would have accepted. But the honourable member just criticised the Address and got back in his hole and remained there. The honourable senior member for St. George began by saying that the Address was a political stunt; but I must say that some people have not got sense enough to use political stunts. However, I can assure honourable members that this is not a question of any political stunt but an earnest desire to see something done for the people. With regard to the honourable senior member for St. James I need not pay much attention to him because he made it crystal clear when he stood for election that he knew nothing about political work, but he was just warming a seat for Brother Keith. That was understood by everybody. I am not therefore at a loss to understand that the honourable member, finding himself in the depths of the sea, cannot swim but has to hold on in the hope of being rescued. As far as the honourable junior member for St. Philip is concerned. I can say that we are accustomed to his ugly gesticulations. We realise that he more often than not happens to be under the influence of some hypnotic influence or some weird spell of a malignant dissatisfied mind, and as so far we can only be sorry for him and look upon him with an eye of pity. I am satisfied that something of the nature of what has been asked for in this address is necessary. I have taken the trouble to visit one of these tenantry roads in St. Michael; I took along with me the honourable junior member for St. John who is in charge of matters relating to communications and we discovered that the repairs to the road ended in the vicinity of a plantation owned by Mr. Dowding so that he could come out of his backyard, go through a cart road, enter this new road and into the main road and return in the same manner. But no repairs have been carried on where the bulk of the people live. The honourable senior member for the City told us on the last occasion that the Highway Commissioners have already done what I am attempting to do now. I would like to say that I am well aware of the fact that the honourable senior member for St. George had an Address passed earlier in the Session but that only applies in so far as the parochial Authorities are concerned; because everybody knows what happens in connection with roads as a whole in the parish of St. Michael. Everybody knows that the Highway Commissioners of the parish of St. Michael went out of existence since 1945, and that what applies to the parishes of St. George, St. Philip and St. James does not apply to the parishes of St. Michael, St. Lucy and St. Andrew. Therefore it is necessary, as far as I can see, for a Committee to be appointed to tell the Government what should be done so far as the repair to tenantry roads is concerned. After all, if we are spending £75,000 to make people comfortable so far as roads are concerned it is not fair to stop repairing a road in the vicinity of a plantation where there are about three houses one side and four on the other from the main road. In the case which I have mentioned, the majority of the land on the left side of the road belongs to the Dowdings; and where the repairs have been stopped the land is owned by just a few people. What the honourable senior member for the City would have us believe is that the Highway Commissioners have done everything possible to alleviate some of this suffering, but some people cannot tell the truth even by mistake. The hon. senior member for the City said that 66 miles of roads were recommended to be taken over by the Government. Somebody is wrong because I went to the Clerk of the now defunct Highway Commissioners of St. Michael and I found out that at the last meeting held on the 5th of April——

Mr. SPEAKER: Is the hon. member reading an extract from the Minutes of the meeting?

Mr. COX: Yes Sir, and I am submitting it as a document of the House. This is what the extract says: "On 5th April, the following roads were the last to be handed over by the Commissioners of Highways, St. Michael, to the Central Road Board for repairs:—Cutting Road, Haggatt Hall, Passage Gardens Road, Passage Road; Cummins Road, Brittons Hill; Mount Friendship Hill and Utility Village; Pasture Road, adjoining Hill Road, Bank Hall.

A list of the 55 miles of tenantry roads referred to above can be seen at the Colonial Secretary's Office."

These were the last recommendations of the then Commissioners of Highways. As regards the mileage, Cutting Road——

Mr. SPEAKER: Do you think it necessary to mention the particular roads and also their length? I think that if you give the length that will be quite sufficient.

Mr. COX: Very well, Mr. Speaker. No. 1, 1,300 feet; No. 2, 1,100 feet. No. 3, 1,060 feet, No. 4, 1,800 feet and No. 5, 1,100 feet—a total of 6,360

feet which is approximately 1¼ miles of road out of the 66 miles which we were told had been recommended to be handed over to the Government. That is the type of information which you get from people in this community who stand aloof and would have you believe that they are honest and dignified. When I see these corrupt, dishonest actions they make me feel very indignant. We have been told that everything is all right with less than two miles of road recommended to be repaired! What is worse, the honourable junior member for St. John——

Mr. MOTTLEY : I crave Your Honour's indulgence to rise at this point because the hon. senior member for St. Michael stood up here and read the last two paragraphs of a letter which I think he said he will submit as a document of the House. This letter is dated the 8th of January, 1948, and the hon. member might think he has done something; but if he would read the paragraph preceding those paragraphs which he has read dealing with what led up to the 55 miles of tenantry roads——

Mr. SPEAKER : The hon. member is suggesting that you should read the paragraph which led up to the 55 miles of roads.

Mr. COX : I can read the whole thing. This is what it says :

"On the 23rd June, 1943, a Resolution passed at a meeting held by the Commissioners of Highways on 21st June was forwarded the Colonial Secretary pointing out that there are at least 55 miles of tenantry roads which are in a very deplorable condition, and as the funds of the Highways Board are not sufficient to carry out the repair of these roads, that application be made to the Colonial Development and Welfare Committee for a grant under the Colonial Development and Welfare Act, to enable these roads to be put in order, and to make provision for a greater number of standposts for the supply of water being provided, so that the sanitation of the villages may be improved.

Reply was received from the Colonial Secretary stating that the above had been placed before the Committee sitting under the chairmanship of the Honourable D. G. Leacock, M.L.C., which it is understood was at present considering the question of improvement to tenantry roads.

Again on 18th December, 1944, the Colonial Secretary was written to stating that the Commissioners of Highways regretted that no concrete proposals had been made in respect of the 55 miles of tenantry roads which the Board had asked that approach be made to the Stockdale Committee for a grant from the Colonial Development and Welfare funds to reconstruct. A reply was received stating that the matter was under discussion with the Comptroller for Development and Welfare in the West Indies."

Then it says that on the 5th April, 1945, the roads which I have already mentioned were the last to be recommended to be repaired. (Cheers). This statement was sent by the then Commissioners of Highways to the Department of Highways and Transport. I am nothing to do with what is in the Colonial Secretary's Office.

Mr. SPEAKER : Hon. members must give the hon. member an opportunity to say what he is saying.

Mr. COX : I took the hon. junior member for St. John with me and showed him the line that was drawn in respect of the repairs of the road which I have already mentioned. The matter was reported to the Director of Highways and Transport and he said that that was the length of the road given to him by the former Commissioners of Highways and he could not go any further unless he had the authority to do so. The number of miles of road recommended to be repaired are here for anybody to see. The Commissioners of Highways have recommended that this road be repaired as far as where certain people live, so to speak, because the Director of Highways and Transport says that the length of it was given to him by them. The Central Government have granted £75,000 for the repair of the tenantry roads in this island, and in spite of the statement made by some hon. members that in other parishes many of the roads have already been repaired out of this money, in the parish of St. Michael I am sure that not even half a mile of road has been repaired from the time that this money was voted. It would appear therefore, that somebody has to instruct the Director of Highways and Transport as to the roads which he should repair. The representatives of the various Vestries tell you that all you must do is to give them the money but you must not have any authority to say a word as to how it should be spent! You must not say that this road is worse than that one and it should be repaired before the other. No, nothing like that; the representatives of the Vestries are saying: "We want the money and we can repair the roads." If the Government have voted the money for repairing the roads and they should not have any say as to which roads should be repaired immediately and which should wait until the others are repaired—if that is the manner in which the business of this country is to be carried on then God help Barbados.

With regard to the question of pipes, the honourable junior member for St. Michael says that it is all well and good for people to talk about erecting standpipes but it will take about four or five years before anything can be done in the matter. I would like to say here and now that the honourable member can speak in that light because he is one of those persons who are more or less favourably placed and he has pipes all around him. His horses, dogs, gardens and so forth can get all the water necessary, but the people who really matter have got to find themselves cuddled together under a pipe at three, four and five o'clock in the morning getting wet and catching colds in order to get a bucket full of water! I understand that in this island there are about 6,450 services and of these the paltry number of 706 are public services, leaving a total of 5,744 private services. I find that in recent times — in 1946-47 — no fewer than 220 private services have been installed in this island but on the other hand, not one public installation has been made. Now what is the position? We are told that we cannot get any material; after all, you can find material to carry out 220 private installations and you canot find any to carry out even 20 public installations! But I am sure that you can find some material. If we allow 20,000 people to have these 5,744 private installations, that works out at an average of 3 persons to one installation. That is so far as private services are concerned : but as regards the public services with these 706 installations there are 243 persons to one pipe. No improvement in the water service has been made in so far as those who are not in a position to instal water are concerned. If you are building a bungalow today all you have to do is to telephone the Waterworks Department and water is installed right away; but when it is a question of supplying water to the poor people you hear that there is no material! (A MEMBER: Shame on the Labour Government). Yet 220 private installations can be made in a year! I am not against private installations being made. I wish there could be more of these installations made; but if material is scarce, I feel that whatever is available should be divided and if you are making 100 or 200 private installations you can make at least 50 public ones. In spite of the noise and chatter which I hear I am

prepared to bring home this matter as forcibly as possible. In the parish of St. Michael where the Sanitary Commissioners have made these elaborate recommendations, I find that they have only recommended 20 additional public installations. In St. Michael there are 208 public installations and there is an average of 293 persons per installation; if 20 additional installations are made, if there is an increase of 10%, there will be an average of 273 persons per installation. That is what you get from people who say that you must leave the matter in their hands and they will do all they can.

As regards the question of hydrants, that is a question which I feel should be tackled very seriously. I have included the installation of hydrants in the Address because I feel it is high time that something be done to protect the poor people from the ravages of fire. Every now and then you hear that a fire has taken place and somebody has lost his house. It happened in Church Village only a few weeks ago. That poor person must have drawn his belt in order to accumulate as much money as would purchase his little home and in the twinkling of an eye you hear that it has been destroyed and it was not insured. The person who owned that house becomes a liability on the Government and has to rely upon patronage and pure pigeon's feed. I feel that if we are interested in the people we should agree to the appointment of some Committee to recommend to the Government the localities where these standpipes and hydrants should be installed. In Fontabelle there are 22 hydrants; in Strathclyde 16; in Belleville, 35; in Hastings, St. Matthias and the surrounding districts 64; in the Bush Hall and Bank Hall areas 25, and there are thousands of houses in those areas; in Welches 3; in Flint Hall 1. From there you will travel and you will not find another hydrant until you reach an area where the rich people who can insure their houses live; they have double protection because they have water on the spot and their houses are insured. In Tweedside there are only 4 hydrants: in Bridge Road 2; in Henry's Lane and the surrounding districts 7. and worst of all for hydrants is the Government Hill district. There is one at the gate of Government House and there is another somewhere opposite "Ilaro Court" just off the road for the protection of the wealthy people. That entire area can be burnt out and you cannot find another hydrant. And the people in that district are asked to pay Fire Brigade taxes! I came across a man who lives about three miles from Bridgetown—

Mr. SPEAKER: I do not think that that has anything to do with the Address; I do not see any reason for raising the question now as to whether a person should pay Fire Brigade taxes or not.

Mr. COX: The Act says that Fire Brigade taxes should not be collected beyond half a mile from the City, and you find that people who get no protection from fire have to pay these taxes. I feel that something is wrong there. I have moved the passing of this Address because I have taken the trouble—unlike some hon. members who only keep noise—to go around in the various villages and see the conditions for myself. As a matter of fact at first I did not think it necessary for an Address like this to be passed because I thought that there was somebody who could advise the Government as to the roads which were in need of repairs; but as as soon as I found out from the Director of Highways and Transport the roads which have been recommended to him for repairs, I felt that those recommendations could not really solve the problem relative to the tenantry roads and it was necessary for a Committee to be appointed to go into the matter. If hon. members do not want their parochial business to be interfered with, that does not interest me. I am more intersted in the parish of St. Michael but I feel that something universally should be done in the interest of the people as a whole. If hon. members feel that nothing should be done in the parishes where the Highway Commisisoners exist that cannot alter the fact that it is necessary for something to be done in the parishes where such Commissioners do not exist. I see the necessity for some Committee to recommend to the Government what roads should be taken over and what roads should not be taken over. I heard some hon. member say that you have to send in a petition and so forth before roads can be taken over. There are those who have petitioned the Government since 1945 asking that roads be taken over and there are many others who are not in a position to repair the roads and who would be glad to give them over to the Government with the least possible delay; so that when the question is raised about having to send in a petition and so forth, the people of this parish are well acquainted with that. But I say that there should be some Committee appointed to tell the Government that this road is worse than that and therefore it should be repaired before the other; that it is half a mile or a mile long and that the repairs should not be stopped where they cannot help anybody except the rich people. This question is one which has been engaging the minds of the people as well as their representatives for some time. I do not mind who makes the recommendations; my whole interest is in seeing that something is done. As regards the question of playing polities, I have seen polities played—

Mr. SPEAKER: I think we can leave that alone.

Mr. COX: All right, Sir. I have not got to play politics. The people know when people are honest and as long as you continue to carry on in the interest of the people, to voice their grievances and bring to light the grievances and anomalies which exist, you do not have to worry your head. You can sleep and you will always be elected—

Mr. SPEAKER: That has nothing to do with this Address.

Mr. COX: I have made out a case for the appointment of a Committee in so far as the parish of St. Michael is concerned, and I hope that honourable members will rise above the level of personalities and support the passing of the Address in the interest of the people as a whole.

Mr. SPEAKER: I think that the question can well be put now; there are only three members present in the House who have not spoken on the motion for the passing of the Address.

Mr. CRAWFORD: I should like to move the adjournment of the debate without prejudice to my speaking next time. When I sit now that is not to be taken that I have made my contribution to the debate.

Mr. SPEAKER: If you make that motion and it is lost you will not be able to speak again. I suggest that inasmuch as 16 honourable members have already spoken on this Address the vote can be taken.

Mr. CRAWFORD:. I beg to move that this debate be now adjourned.

Dr. WILSON: I beg to second that.

The question that this debate be now adjourned was put and resolved in the affirmative.

A division was taken as follows:—

Ayes: Dr. WILSON, Messrs. SYMMONDS, BRANCKER, CRAWFORD, GARNER, MOTTLEY, S. A. WALCOTT, DOWDING, GALE and WILKINSON—10.

Noes: Messrs. COX, FOSTER, MAPP and LEWIS—4.

The debate was adjourned.

APPRECIATION OF MR. PARRIS' SERVICE AS A MEMBER OF THE HOUSE AND MARSHAL.

Mr. ADAMS: Before fixing the Order Paper I should like to say that it has been brought to my knowledge during the luncheon interval that our Marshal, Mr. Parris, has served in his capacity first as a member of the House and then as Marshal for a period 40 years today. I have got this information only today and therefore I have not been able to make any check as to whether this is a record in the history of Barbados or not, but I should imagine it is a record. Although Mr. Parris' period of service as a member of this House might not be as long as some other hon. members in their lifetime yet I think that a period of 40 years' service in both capacities is so exceptional as to deserve some measure of regard and appreciation by us. I therefore beg to move the passing of the following Resolution:—

Resolved that this House place on record its appreciation of the forty years of useful service which its Marshal James W. Parris, Esquire has rendered to this House in his capacity as member and later as Marshal.

Mr. SPEAKER: I think the hon. member should have obtained leave to give notice of the Resolution and then to move its passing.

Mr. ADAMS: I ask leave to give notice of this Resolution. I took it that Private Members' Business had been finished and we could revert to Government Business.

There being no objection, the hon. member was granted leave.

Mr. ADAMS: I beg to move that this Resolution do now pass.

Mr. WILKINSON: I have much pleasure in seconding the motion for the passing of this Resolution. I am regarded as one of the oldest members of this House and when I look at the Marshal I think I can remember that he has been connected with this House for a period of 40 years. That must be nearly a record. I too would like to place on record my appreciation of Mr. Parris' service to the island as a whole. I do not remember if I was a member of the House when Mr. Parris was a member but I have always known him as our Marshal. I am sure it is fitting and right, as the honourable senior member for St. Joseph has moved, that we place on record our appreciation of Mr. Parris' long and valuable service to the island of Barbados. (Cheers).

The question that this Resolution do now pass was put and resolved in the affirmative without division.

The Resolution was passed.

THE ADJOURNMENT

The Order Paper having been fixed,

Mr. ADAMS: In moving the adjournment of the House I am asking honourable members to meet next Tuesday and to try and meet again on the following Thursday. With regard to the Resolutions passed at the Montego Bay Conference it is important that the Secretary of State get an early reply, and I think we should have a special sitting for that purpose even if we do no further business. I beg to move that this House do now adjourn to this day week, the 27th day of January, 1948, at twelve o'clock noon.

Mr. TALMA seconded the motion which was agreed to.

Mr. SPEAKER accordingly adjourned the House to Tuesday next, the 27th day of January, 1948, at twelve o'clock noon.