

THE

House of Assembly Debates

(OFFICIAL REPORT).

SESSION 1947—48

HOUSE OF ASSEMBLY

Thursday, 1st July, 1948.

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

Present

His Honour Mr. G. B. EVELYN (*Speaker*), Dr. H. G. CUMMINS, Messrs. D. A. FOSTER, L. E. SMITH, F. L. WALCOTT, K. N. R. HUSBANDS, M. E. COX, R. G. MAPP, A. E. S. LEWIS, C. E. TALMA, G. H. ADAMS, B.A., H. D. BLACKMAN, E. D. MOTTLEY, J. A. HAYNES, B. A., and H. A. DOWDING.

Prayers are read.

MINUTES

Mr. SPEAKER: I regret to inform the House that there has not been time to have the Minutes of the last meeting printed and circulated.

CHAIRMAN OF COMMITTEES

On the motion of Mr. ADAMS, seconded by Mr. TALMA, the honourable junior member for St. Joseph (Mr. Smith) is appointed Chairman of Committees for to-day's sitting.

COMMITTEE OF SUPPLY POSTPONED

Mr. ADAMS asks for and is granted leave to postpone the consideration of Order No. 1—To resume Committee of Supply to consider the grant of sums of money for the service of the colony.

THE PUBLIC HEALTH BILL

Mr. SPEAKER: The next Order is to resume Committee on the Bill to consolidate and amend the Acts of the Island relating to Public Health.

Mr. SPEAKER leaves the Chair and the House resumes Committee on the Bill, Mr. SMITH being in the Chair.

The CHAIRMAN: When the House was last in Committee on this Bill, Clause 89, re-numbered 87, was under debate.

Messrs. WILKINSON and S. A. WALCOTT enter the House and take their seats.

Dr. CUMMINS: When this Clause was last under consideration, the senior member for the City made enquiry as to whether the gas that is to be used is likely to damage beds and bedding. I have been informed by the Acting Chief Medical Officer that the gas to be used is hydrogen cyanide which is harmless as far as furniture, clothing, bedding and things of that nature are concerned.

Mr. MOTTLEY: I must thank the honourable member for the explanation. There is also, I understand, another type of gas which is a 40 per cent. solution of formalin and that, too, is not harmful to furniture and so on. This and the next three clauses which follow deal with the destruction of vermin and the cleansing of verminous premises. As honourable members know, there are premises in this island in which people carry on what are known as peddling shops and live in the same premises and in the event of such premises having to be cleansed, the owner or occupier should be compensated for any goods that may be damaged. I am, therefore, suggesting that after the word "premises" in line 8 of sub-clause 3 of Clause 89, re-numbered 87, the words "and compensation for articles damaged or destroyed" be inserted. I am not making a motion to that effect. I am only throwing out the suggestion.

Dr. CUMMINS: What I want to tell the honourable member is this. Any room that is to be treated with gas is first sealed as far as it is possible to do so and the gas is confined to that particular room; so I really do not see the point which he is labouring.

The question that Clause 89, re-numbered 87, stand part of the Bill is put and resolved in the affirmative without division.

Clauses 90 to 92, re-numbered 88 to 90, inclusive are agreed to.

Dr. CUMMINS: As far as Clause 93, re-numbered 91, is concerned, I am asking leave to amend it by deleting sub-clause 3. That sub-clause is now incorporated in the definition clause. (Leave having been granted) I beg to move that Clause 93, re-numbered 91, as amended, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: I should like the senior member for St. Thomas to give an explanation in respect

of sub-paragraph (b) of sub-clause 2 of Clause 93 re-numbered 91. Personally I feel that sub-clause 3 should remain. I am going to move the deletion of sub-paragraph (b) but before I do so, I should like the honourable member to explain it to me. I can quite appreciate sub-paragraph (c) because they might have to provide urinals and things like that, which, I realize, are necessary.

Dr. CUMMINS: The honourable member who has just sat down seems to be perturbed over the question of the rental of public sanitary conveniences. There may be arrangements for free conveniences as well as there may be conveniences for rent. I have gone to public sanitary conveniences in New York City and on one side there are free conveniences while on the other side there are conveniences of a better type for which a fee is charged.

Mr. MOTTLEY: I cannot agree because sub-paragraph (c) deals with the question of charging fees for the use of public sanitary conveniences. "Let" can only mean let.

Mr. F. L. WALCOTT: I myself do not like the idea of having to pay for the use of a public sanitary convenience. The senior member for St. Thomas may be right as far as the City of New York is concerned but if this Clause is taken from the English Act I should like to say that I have not visited all over England but in the heart of London I have used public latrines without paying anything and they are some of the best, I imagine.

Mr. ADAMS: I should like to draw the attention of honourable members to the words "other than urinals" in line 2 of sub-paragraph (c) of sub-clause 2 of this Clause.

The question that Clause 93, re-numbered 91, as amended, stand part of the Bill is put and resolved in the affirmative without division.

Clause 94, re-numbered 92, is agreed to.

Dr. CUMMINS: I beg to move that Clause 95, re-numbered 93, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY Sub-clause 1 of Clause 95, re-numbered 93, says:—"A Sanitary Authority may by notice require the owner or occupier of any inn, refreshment-house or place of public entertainment to provide and maintain in a suitable position such number of sanitary conveniences for the use of persons frequenting the premises as may be reasonable" I do not know what you are going to define locally as an inn but I do not think that this sub-clause goes far enough. I am wondering whether it should not apply to stores, hotels and clubs,—all places which people frequent.

S. A. WALCOTT: This sub-clause says:—"such number of sanitary conveniences for the use of persons frequenting the premises as may be reasonable." Who is to decide what is reasonable?

Mr. WILKINSON: I am inclined to agree with the senior member for the City. The word "inn" is purely a word that is used in England and I do not think it applies to Barbados. Would it not be better to use the word "hotel" or the word "boarding-house?" Could not the senior member for St. Thomas substitute a more appropriate word?

Dr. CUMMINS: I am informed by the senior member for St. Joseph that at common law "inn" would include "hotel" or "boarding-house."

Mr. ADAMS: There is a common law meaning of "inn." The common law doctrine is that the owner of an inn—and this applies to a hotel as well—must by law take in any person who is reasonably well clad and is not drunk if there is accommodation, otherwise he may be liable to the payment of damages but if honourable members would like to use

more local language we could, perhaps, change the word "inn" to "boarding-house." "Hotel" has not been put in because there are clauses of the Bill dealing with hotels. I would like to put in "rum-shops," although the word would look crude. "Public-house" and "beer-house" have been left out because we do not have them in this island. It is suggested that the word "tavern" be used. Perhaps, we could use the term "licensed-place" and, if necessary, insert in the definition clause a definition of "licensed-place" as follows:—"A licensed place is a place licensed to sell liquor or as a place of public entertainment." I beg to move that the word "inn" be deleted and the words "hotel, boarding-house, licensed premises, club, or" inserted in the blank; also that the words "or place of public entertainment" in sub-clause 1 of this clause be deleted.

Mr. MOTTLEY I am further suggesting that the word "store" be inserted.

Mr. ADAMS: That is provided for in the Factories Act.

Mr. MOTTLEY: That provision in the Factories Act is in respect of employees. If you are asking a man who holds a licence for a place which about fifteen people frequent to provide sanitary conveniences, what about a store which people go into and come out of all during the day? I am suggesting strongly that if rum-shops are to be included, stores should also be included. I do not suppose that a Sanitary Authority would be so unreasonable as to call upon a person with a two-door shop to provide sanitary conveniences for persons frequenting that shop but certainly stores should be required to provide them. I have seen dozens of people in stores shopping and no sanitary conveniences are provided in those stores for them. Owners of businesses are not always willing to allow persons of a certain type to use the sanitary conveniences provided for their staffs and, therefore, provision should be made in this Bill for stores to have sanitary conveniences for the use of persons frequenting them for business purposes. A store is not a licensed place. I suggest that the words "shop or store" be inserted after the word "refreshment-house."

Dr. CUMMINS: I accept those amendments.

Mr. TALMA: Sub-clause 2 of this Clause which provides the penalty has not been amended. In keeping with what has been already done, I beg to move that the word "forty" in line 4 of this sub-clause be deleted and the word "twenty" substituted therefor.

Dr. CUMMINS: I accept that further amendment.

Mr. COX: I suggest that the words "places of worship" be inserted because it is well known that quite a number of people go to church and remain there for long hours. I beg to move that the words "places of worship" be included.

Mr. HUSBANDS: I beg to second that.

Mr. MAPP: I would appeal to the two honourable members not to press that motion. Obviously you cannot have "owner or occupier" of a place of worship. I would leave it to the wisdom of the Church Authorities to provide sanitary conveniences for their followers.

Mr. COX: Must I understand that the churches do not belong to anybody? Judging from the remarks of the junior member for St. Thomas it would appear that the churches do not belong to anybody. In my opinion they belong to somebody and I think that the person, whoever he may be, should be required to provide sanitary conveniences for the people who worship therein. Some of us

do not go to church but we all know that sanitary conveniences at the churches are necessary and I regret that the senior member for St. Thomas does not see fit to accept my amendment.

Mr. MOTTLEY: The only other amendment that could be more ludicrous is to include cemeteries. To make it appear more ridiculous I would suggest that cemeteries be included.

Mr. HUSBANDS: I do not know what the honourable member means by "making it appear more ludicrous" but on some occasions people travel long distances to attend places of worship, especially on occasions when some of these churches are holding Conventions and the honourable member knows that the need must arise for the use of sanitary conveniences by these people. I do not see why places of worship should not be included. People do congregate at places of worship in large numbers, especially on Sundays, and neighbours in the particular districts may not be willing to let them take advantage of their sanitary conveniences; therefore, I do see the need of making provision for such people.

Mr. COX: I am not surprised at the remark of the senior member for the City. I think I know him well enough. As a matter of fact I see no reason why cemeteries should not be included. Everybody knows that you go to some cemeteries where no sanitary conveniences are provided at all and it is only recently that some provision has been made in this respect at the Westbury Cemetery. I have developed the habit of not noticing the senior member for the City.

The question that the words "places of worship" be inserted was put and resolved in the negative, the division being as follows:—

Ayes. Messrs. F. L. WALCOTT, HUSBANDS, COX, FOSTER, and BLACKMAN.—5

Noes. Messrs. MAPP, TALMA, ADAMS, MOTTLEY, HAYNES, S. A. WALCOTT, WILKINSON, Dr. CUMMINS, and Mr. SPEAKER.—9.

The question that Clause 95, renumbered 93, as amended, stand part of the Bill is put and resolved in the affirmative without division.

Clause 96, renumbered 94, is agreed to.

Dr. CUMMINS: I beg to move that Clause 97, renumbered 95, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

At the request of Mr. S. A. Walcott, this Clause is read.

Mr. MOTTLEY: This is one of the most important clauses of the Bill which we have to deal with and I am asking honourable members to read it carefully. Before you can really appreciate the magnitude of this clause, you have to read and understand clauses 97 to 108 inclusive. Now, what is the position? This clause refers to any street—you can say "road" if you like; some people say that a road is a street—not being a street repairable by a Highway Authority. When is a street in Barbados not a street repairable by a Highway Authority? Those of us with any experience of the matter know what the roads used to be like before the coming into being of the Central Road Board which is now superseded by the Department of Highways and Transport and that during the early days, the Highway Boards of the various parishes, for the want of sufficient funds, actually abandoned some of the roads. It may still be argued—and I have heard it argued by legal luminaries—that those abandoned roads are roads which are repairable by the Highway Authority of the particular parish in which they are located.

The streets referred to in this clause can only be streets which are recognized by the Government as not being repairable by the Highway Authority, that is to say, roads running through villages where the land has been sold and the purchasers of which own half of the road on either side—roads which the lawyers refer to as in common, roads of sufferance roads which cannot be stopped, roads such as those which run through Bank Hall and Bush Hall villages. They are sold-out tenancies and the people who live in them have the right over the roads that lead to and from their properties. These are the roads to which this clause refers because all other roads, with the exception of privately owned tenantry roads, are really public roads in the sense that they are repairable by the Highway Authority. The streets referred to in this clause cannot mean the roads in tenancies which are privately owned; therefore, Sir, the more one reads this clause and the other clauses up to clause 108, the more one will realize how unreasonable this provision is, when it is taken into consideration that every owner of land in any of the villages to which I have referred actually contributes towards the highway taxes to-day. That is my first point. What this clause is, in effect, saying is this: Because A is living on a road which is abandoned—but which, it may be argued, may be repairable by the Highway Authority—therefore, this clause cannot be brought into force, but because B is living on a road in common which leads to and from a public highway, it can be put in force. In other words, if the latter road is not in a state of good repair, the Sanitary Authority can call upon the owners to put it in order. Not only that. If the owner refuses to put it in order, the Sanitary Authority can prepare an estimate, put it in order and also do a most vicious thing, that is, charge 5 per cent interest on the expenses incurred by them. Further, a clause later on says that a Sanitary Authority may complete the works and contribute half or any greater portion or the whole of the expenses out of the rates of the particular parish. No clauses like these should come into being to-day and I ask honourable members to study them very carefully, especially clause 97, renumbered 95, which, to my mind, is most unreasonable. I say that if it is insisted that a clause like this should be passed, on the face of it, it cannot be passed in connection with people who, I repeat, are freeholders in these villages. We are at the stage to-day when we are taking over the roads in these villages. Those of us who are acquainted with the selling of land in these villages will appreciate that some of these small owners have not yet paid for the portions which they agreed to purchase. Some of them may have their conveyances but there are people in Fairfield Tenantry, St. Michael, who agreed to purchase portions of land before I was born and have not yet paid for them. Applications have been made to the Highway Authority by people in villages such as Bush Hall, Bank Hall, and Jackmans to take over their roads because they say, they are not in a position to put them in a state of repair and the Highway Authority has taken over some of them but this clause says: "no more of that procedure," although these people contribute to the highway taxes which are collected in the island. I am suggesting most strongly that the further consideration of this clause and the clauses which follow up to clause 108 should be postponed so as to afford the Government the opportunity to read and see exactly what it is asking this House to pass.

Dr. CUMMINS: Mr. Chairman,—I very well see the force of the honourable member's argument

and I ask leave to postpone the further consideration of Clause 97, re-numbered 95.

Mr. ADAMS: It is a matter for the honourable member who is handling this Bill but what is the object of postponing this Clause? What does it say?

Mr. S. A. WALCOTT: Is the honourable member in order? This Clause has been postponed and is the honourable member in order to speak on it now?

Mr. ADAMS: I can move as an amendment that it be not postponed. The only point that the senior member for the City seems to have made is no point because at the present moment who is or is not liable to repair roads is very much in the air. How can the fact that the Government is now helping Highway Authorities with grants to repair roads affect the necessity for this Clause? The Government may or may not help Highway Authorities to put tenantry roads in order. These roads, in some cases, may be repairable by the Highway Authorities and in other cases may be repairable only by the owners, the people who own them on both sides. You are making a law to cover every possible case where a road may be in bad repair. What does it matter if the Government is now helping or not helping Highway Authorities? This Clause provides for the roads which a Highway Authority or the Government is not bound to repair, the roads in the sold-out tenancies to which the honourable member refers. Somebody is to be responsible for the repair of them and all this Clause says is that a Sanitary Authority may request the people who own these roads to put them in repair. I do not see anything wrong with that. It says that a Sanitary Authority may require the repairs to be done; it does not compel a Sanitary Authority to have them done. Over and over again I tell the honourable member that the law is so and so and if he does not care to accept my law, that is entirely a matter for him. As I have said, this is no compulsion; all it says is that people who own these roads on both sides may be required to put them in order. When you postpone this clause, what is to be done next?

Mr. F. L. WALCOTT: Mr. Chairman,—

The CHAIRMAN: What is the honourable member speaking on?

Mr. F. L. WALCOTT: I am speaking on the matter before the Committee.

The CHAIRMAN: The senior member for St. Thomas has asked that the further consideration of this Clause be postponed.

Mr. F. L. WALCOTT: I am persuaded by the argument of the senior member for St. Joseph. What the senior member for the City has said is full of sentiment as far as poor owners are concerned but you must agree with what the senior member for St. Joseph has said. It is very well if you are speaking about the poor type of owner but you have to bear in mind that if a tenantry is owned by people who can well afford to pay for the repairs, then I am sure that the senior member for the City would agree that they should put their roads in order at their expense.

The senior member for the City knows that there are roads in restricted areas whose owners can well afford to pay for the repairs; he would also know that certain people could not purchase land in those areas even if they were able to pay for it. I agree with him that in some areas there are roads which the people should not be called upon to repair because they are too poor and I doubt very much that any Government would at any time call upon those people to repair those roads. The Government has

been repeatedly told by this House that it is its duty to put those roads in order and the policy of the Government, during the last three to four years, has been one that should raise no fears in our minds that the owners of those roads will be called upon to put them in order.

Mr. MOTTLEY: The honourable member has not really read this Clause. This is in the English Act, it is true, but at present there is no such provision in the Highway Act which deals with these roads. Everybody knows that the Government is doing all it can, relative to the taking over of roads and putting them in proper order and the Government is saying that to-day no person can be found to be responsible for this particular type of roads but with the passing of this Clause in the Public Health Act, the Sanitary Authorities will be the persons responsible. Before the coming into being of the Central Road Board—now the Department of Highways and Transport—you had the Highway Boards and what power they had in some of the parishes—not all—passed on to the Central Road Board. Under the old set-up these roads were repaired by the Highway Authorities with highway taxes that were collected but, according to this, a separate rate can be laid for the repair of roads by the Sanitary Authority, not by the Highway Authority any more. What has been the practice that has been going on for generations? Applications have been made by people in these tenancies to the Highway Authority to take over their roads and put them in order. The Government came to the rescue and gave the money but according to this Bill, that is not to be the practice any more. A Sanitary Authority, according to this, may require any owner to put his road in a state of repair and if he refuses to do so, the Sanitary Authority may do it, call upon him to pay half of the expenses incurred and they themselves will pay half from the rates of the particular parish. I should not be now making this speech because the senior member for St. Thomas has seen the reasonableness of my argument and has asked that the further consideration of this Clause be postponed. I am not saying anything more because the honourable member has accepted my suggestion to postpone the further consideration of this Clause.

Mr. SYMONDS enters the House and takes his seat.

Mr. ADAMS: I would just relieve the mind of the senior member for St. James by stating that it would be perfectly in order for a member to move that this Clause be now re-considered and if the senior member for St. Peter did not make the motion, I beg to move that Clause 97, re-numbered 95, be now reconsidered. There are three conceivable types of roads. The first type is a road in a tenantry which the owner has not sold but has rented in lots; that is dealt with under Clause 108; the second is a road that may be repairable, as the law stands at present, either by the Highways Department or by a Highway Authority and the third is a road repairable by the persons who live on both sides of it in a sold-out tenantry. Some people are only too glad to get the Highways Department to come along and repair their steps leading to the street and in some cases people are lucky enough to get a whole flight of steps done. That is all well and good. Suppose you go to a person who says "I do not want you to build my step. I like a particular style of step. I am going to put a tunnel or a cannon on which to step." At the present moment, you can stop him under the Act we passed sometime ago. You cannot stop peo-

ple who are about to be covered by this Clause. In a sold-out tenantry a man can put any fancy gutter on, shift the angle of the road and you can do him nothing. If, under this Act, a man is making a mess of things, the Sanitary Authority may call on the owners of the road to put the whole road in order and if they refuse to do so, the Sanitary Authority may do it and apportion the cost to the people who live on both sides of it. What in the name of Heaven does it matter if the Government has granted funds to help a Sanitary Authority to do roads? A lot of people are only too glad to get the Highway Authority to come and put their roads in order but here and there you get an obstreperous person who says "Do not cross my land." Nobody has the power to call upon him to repair the road and you cannot trespass on his land. Suppose 99 people in a district comply with the law and say that they are quite willing to hand over their road and one man says "No," you cannot do anything; the Highway Authority cannot take it over. Suppose, I repeat, there are 100 people in a district and 99 want to dedicate a road to the public, the Government can do nothing with that solitary man who stands out.

Mr. MOTTLEY: That is not so.

Mr. ADAMS: The honourable member says "that is not so." Let him prove that I have said one thing that merely exaggerates conditions in this island. The whole object of this clause is to allow for the satisfactory drainage of the surface of a street or subsoil to a proper outfall. If a road is constructed with bad drainage at any particular point, the Sanitary Authority can give notice to the respective owners of the premises fronting, adjoining or abutting on or connected by a cart passage or otherwise with such road or part thereof to execute all such works as may be necessary to remedy the defect, obviously meaning a road in a sold-out tenantry of which each man on each side of it owns part. Before, however, that is done, the Sanitary Authority must have plans and if the persons refuse to execute the works, the Sanitary Authority may do it. The expenses then become a debt to the Sanitary Authority by the owners for the time being of the respective premises and they call on them to pay interest. This clause is definitely to get unwilling persons to do what their willing neighbours have done in respect of putting a road in order. One man should not spoil the chance of having a road properly drained; that is all this clause amounts to. To say that if we postpone it we can improve on its wording is beyond my comprehension.

Mr. COX: I want to second the motion of the senior member for St. Joseph that this clause be reconsidered.

The CHAIRMAN: The honourable member in charge of the Bill has already asked that the further consideration of this Clause be postponed and I do not think that the senior member for St. Joseph is in order to have it reconsidered. I would have to get some advice from the Clerk or the Speaker before I proceed further.

Mr. ADAMS: I withdraw my motion.

Mr. COX: Am I in order, Mr. Chairman, to make a motion in connection with this particular clause because I want to speak on it?

The CHAIRMAN: I rule that the honourable member is out of order.

Dr. CUMMINS: I ask leave to postpone the further consideration of Clause 97, re-numbered 95, and the consideration of Clauses 98 to 108, to be re-numbered 96 to 106 respectively.

There being no objection, leave is granted and the Clauses are postponed.

Clauses 109, re-numbered 107, and 110, re-numbered 108, are agreed to.

Dr. CUMMINS: I beg to move that Clause 111, re-numbered 109, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: I am wondering whether schools should not be included in sub-paragraph (e) or Sub-Clause 1 of this Clause. I can find nothing in the Bill dealing with the overcrowding of schools and honourable members will agree with me that at present some of our schools are frightfully overcrowded.

Mr. ADAMS: I should like to point out that the Clauses of this Bill which deal with schools have been postponed so as to have them included under one head.

Mr. S. A. WALCOTT: Sub-clause 2 of this Clause may be necessary in places such as England where workshops are closed up but it would be imposing a hardship on the owners or occupiers of small workshops in this island if they were required to have 300 cubic feet of space to every person employed therein. I do not care if the late Chief Medical Officer suggested or agreed to this because in a place like Barbados where there is a tropical climate, a space of 300 cubic feet for every person employed in a workshop is not necessary. There are many tailor shops, for instance, in this island which are practically in the open air and the owners or occupiers cannot possibly provide 300 cubic feet of space to every person that is employed therein. I consider that 300 cubic feet is unnecessary and I suggest to the introducer of the Bill to change it to 150 cubic feet. It would be of no benefit to pass this Clause as it is. This is not England where the doors of workshops have to be kept closed and the owners or occupiers of these small workshops would have to be prosecuted because they would not be able to provide 300 cubic feet of space for every person employed therein.

Dr. CUMMINS: I am going to counsel honourable members not to interfere with this clause. It is true that the windows and doors of workshops in this island are open all the time and a good current of air passes through them but still this is a hot climate and persons perspire a great deal. There may be a lot of dust from factories which would interfere with persons occupying these workshops. Not only that. In the Shops Act we made provision for 300 cubic feet of space to every person. This does not only apply to the floor space but also the height of the building is taken into consideration.

Mr. HAYNES: This should apply to boarding-schools also. It is a most important matter. We have boarding schools to-day that are breaking all the sanitary laws.

Dr. CUMMINS: The honourable member will remember that on Tuesday last we postponed clauses 87 and 88, so that schools could be dealt with under one head.

Mr. SYMMONDS: I want to support the remarks of the senior member for St. James. The average height of small buildings in this island is 9 ft. and if you say that every baker in a baker's shop, for instance, must have 300 cubic feet of space, it means that nine-tenths of the bakers would have to be dismissed. I strongly urge honourable members to defer this clause so as to be able to pay more attention to it.

Mr. HUSBANDS: I must take it that this provision for 300 cubic feet of space to every person employed in a building is the opinion of experts, people who should know. I cannot conceive a layman telling me the number of cubic feet which should be accepted as being necessary for this purpose. I am

a layman and nearly every other member of this House is a layman as far as medical science and hygiene are concerned and I cannot see how a layman can advise us to change what has been sent down to us by the experts.

Mr. SYMMONDS: I would never accept that doctrine. What are we put in this Assembly for? What is your carpenter but an expert on housebuilding? And do you want to tell me that if he built your house improperly you would never criticize his workmanship? I would never accept that doctrine. If I am not to use my intelligence and am to accept whatever is put before me, then I may as well not have any intelligence. The electors of this country expect me to use my commonsense and not to accept everything that is placed before me. My point is that the majority of buildings in which people are employed in this island, as the senior member for St. James said, are opened with numerous windows and if you are going to say that every person employed therein must occupy 36 square feet of floor space then a great number of persons would be dismissed from employment. You are saying that every workingman in this country must occupy 36 square feet of floor space wherever he works and I am saying that that is ridiculous, having regard to the conditions under which the majority of the people of this country live and work. You are going to find that numerous prosecutions will be brought under this Clause, if it is passed, against small people who are trying to earn a living. Many of the baker-shops in this island are only 6 ft. by 6 ft. and do you mean to tell me that only the owner is to work in a baker-shop of that size, and that his wife should not be able to go in and help him? It is a ridiculous thing and I think that the sooner we begin to apply proper scrutiny to the recommendations of these experts, the sooner we will pass laws in relation to the needs of the people of this country.

Mr. HUSBANDS: Anybody can criticize experts but it avails nothing. If formerly people worked in shops in which sufficient space was not allowed to every person working therein and it is now discovered by those who have done tests that a certain amount of space is necessary for human beings to do their work under certain modern conditions we, as laymen, cannot amend such things. We must accept this and the junior member for St. George cannot carry out any test that would prove otherwise. He knows absolutely nothing about it, he must admit.

Mr. ADAMS: I wish to congratulate the junior member for St. Peter on the way in which he has put it. For instance, some doctors say that iodine should be applied in a particular instance but some people say that their grandmothers used dog's hair and that is still good enough for them. I just want to remind the Committee that the Shops Act which was passed by a more Conservative House fixed the space at 300 cubic feet and the object is to see that places in which people work are not overcrowded.

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).

SUSPENSION OF RULES 61 (A) AND 61 (B).

On re-assembling,

Mr. ADAMS: Mr. Speaker,—I ask leave to move the suspension of Rules 61 (a) and 61 (b) so as to continue Government Business.

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

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

Mr. TALMA seconded the motion which was agreed to.

Mr. SPEAKER: On the adjournment for lunch the House was in Committee on the Public Health Bill.

THE PUBLIC HEALTH BILL

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

Mr. CHAIRMAN: When the House was last in Committee on this Bill, Clause 111 renumbered 109 was under consideration.

The question that Clause 111 renumbered 109 stand part of the Bill was put and resolved in the affirmative without division.

Clauses 110 to 119 inclusive were passed.

Clause 122 re-numbered 120:—

120. If it appears to a Sanitary Authority that a statutory nuisance within, or affecting any part of their Parish exists on any premises occupied for the public service of the Crown, they shall report the circumstances to the appropriate Government Department, and, if the Head of that Department is satisfied after due inquiry that such a nuisance exists, he shall cause such steps to be taken as may be necessary to abate the nuisance and to prevent a recurrence thereof.

Dr. CUMMINS: I beg to move that Clause 122 re-numbered 120 stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: This Clause affects Government buildings; it says that if the Head of a Department is satisfied after due inquiry that such a nuisance exists he shall cause such steps to be taken as may be necessary to abate the nuisance. I do not think that we can pass this Clause as it stands. We appoint a trained sanitary inspector, a trained Public Health Officer and, further, a Director of Medical Services and they say that a nuisance exists; they say, for instance, that water flowing from Glendairy Prison is causing a nuisance and the Governor of the Prison can say: "I do not consider that it is a nuisance." The whole difficulty is this; you can prosecute everybody in Cheapside for having nuisances on his premises but the Government will be breeding mosquitoes and doing all sorts of things down there and you cannot prosecute them. You will actually find mosquitoes being bred at Government House and you cannot report anybody. In the same way that there is a section which says that an elementary schoolmaster can be fined for nuisances on school premises why can't you have a similar section in relation to the Head of a Government Department? Must an untrained man say that a nuisance exists when you have a trained man to look after that matter? I do not see how we can pass this Clause as it stands.

Mr. S. A. WALCOTT: I agree with the honourable senior member for the City. This is a case where the Sanitary Authorities are ruling the show and I do not agree when you come to a Government Department that the Head of the Department must decide as to whether what the Sanitary Authorities say is correct or not. The Government can have a nuisance existing at the Public Market, it will not be remedied and nobody can be prosecuted; but an unfortunate private individual can be prosecuted and fined if he does not remedy a nuisance existing on his premises. When the epidemic of malaria was rampant in Barbados, the Government could not be prosecuted in respect of their premises at the Lunatic Asylum where the epidemic started, but people in St. James were prosecuted in respect of their premises. I do not see why the Government should be in any different position from that of a private individual in this respect.

Mr. ADAMS: The words "exists on any premises occupied for the public service of the Crown" occurring in the Clause are a sufficient explanation. The King cannot do anything wrong; you cannot prosecute the King. I am suggesting that the words "Governor-in-Executive" be inserted. The Head of the Department is not the occupier of it. If, for instance, mosquitoes exist, in the Post Office it is at least reasonable for anybody to have the courtesy to report the matter to the Head of that Department; but the most he can do is to report the matter to the Colonial Secretary who must report to the Governor-in-Executive Committee. The Governor-in-Executive Committee must send down a Resolution to the House for the money necessary to abate the nuisance. The duty is cast on the Head of the Department to make due inquiry. The Bill must be drafted in this way when it affects the Crown; we are making provision for the proper person to have it drawn to his attention straightway that a nuisance exists and he has to set about straightway to see that the nuisance is abated. You cannot pass any section with any compulsion on the Crown as the Crown to do anything; you tell the Head of a Department as soon as a nuisance is on the premises, that it is his duty to take steps right away to have it abated. He must report the matter to the Colonial Secretary. If the honourable senior member for the City wants the matter made a little more clearly he can say that the matter should be reported to the Governor-in-Executive Committee instead of the Head of the Department; but in any event the Head of the Department is bound to bring the matter to the notice of the Colonial Secretary and thereby to the Governor-in-Executive Committee.

Mr. MOTTLEY: The honourable member has made his speech but I do not think he is really of the opinion that this Clause should remain as it is. If he were connected with a Sanitary Authority he would realise how difficult it is to get Government Departments to keep their premises clean. I offer this amendment; I beg to move that in line 5 after the word "Department" all the remaining words of the Clause be deleted and the words "who shall report the matter to the Director of Medical Services through the Colonial Secretary" be inserted in place thereof. In case there is a deadlock between the Sanitary Authority and the Head of a Department as to whether a nuisance exists or not, the Director will be called in by the Government. If you leave it to the Head of the Department to make an inquiry after the nuisance is reported to him, nothing might be done. I suggest that the matter be reported to the Director of Medical Services through the Colonial Secretary. When the due inquiry is going on, the nuisance is also going on. There is on record that a nuisance has been going on at Glendairy Prison and a Governor of the Prison being strongheaded enough as not to have that nuisance abated. Under my amendment, the sanitary inspector reports to the Chief Inspector, the matter is reported to the Director of Medical Services and it is settled right away. There is no further inquiry.

Mr. MAPP: What is happening here is that we are leaving it to the Head of the Department to take final action. I think that we should insert a Sub-clause saying that if the necessary steps have not been taken to abate the nuisance and prevent its recurrence, the Sanitary Authority can communicate with the Governor-in-Executive Committee in the matter. That ensures that if the Head of the Department does not act promptly in the matter, or

if he acts and something is done but it is not done as the Sanitary Authority feel it should be done, there would be someone to whom an appeal can be made.

Mr. ADAMS: These suggested amendments are more than unnecessary for the extremely simple reason that no Head of a Department can act on his own. If a matter is reported to him, it is his duty to report to the Colonial Secretary what has been communicated to him. If a nuisance is reported to him and he is making due inquiry into it, he does not bring in his lawyer to prove that it is not a nuisance; he will bring in the Chief Medical Officer, or the Head of the Public Works Department or the Attorney General in making the inquiry. Nothing we can put in this Clause can possibly cause the Head of a Department to do more than he is bound to do now. I repeat; it is absolutely unnecessary to make these amendments. The object of putting in the words "after due inquiry" is to preserve something of the right of private persons to go before the Court. This Clause however ensures more speed in the case of a Government Department than with a private person. When a private person goes before the Court and his case is adjourned some months may elapse before the case is heard; but in this case, the moment in which a nuisance is reported, the Head of a Department must act promptly and get proper persons in making the inquiry. It is therefore unnecessary to put in the Attorney General or the Chief Medical Officer in this Clause. I know what the honourable senior member for St. James has said about the Public Market existed and there is no means of compelling a lazy Superintendent even to report to the Sanitary Authorities that a nuisance exists; but it is the duty of the Head of a Department to bring any nuisance to the notice of the Colonial Secretary and let the necessary steps be taken to abate it. If there is no appropriate vote under which it can be dealt with, then the necessary Resolution has to come before the House.

Mr. TALMA: I do not see that there is anything wrong if notice of a nuisance is brought to the Head of a Department and also to the Colonial Secretary. If two notices are given that will serve as a brake on the Head of a Department and cause him to act expeditiously.

Mr. S. A. WALCOTT: I agree with the amendment of the honourable senior member for the City. The honourable senior member for St. Joseph has made the point that the private individual has a Court of Appeal but not the Government. Under the amendment of the honourable senior member for the City the nuisance will be reported to the Director and he will decide the matter instantly and have the nuisance abated. I do not think that the Government will suffer any hardship if one of its head officers says that a nuisance exists. I consider that there will be a quicker way of dealing with the nuisance under the amendment proposed by the honourable senior member for the City than to have this due inquiry made. This due inquiry might take about six months to be carried out and the Head of a Department might be committing murder meanwhile.

Mr. F. L. WALCOTT: We are quibbling over this Clause which, it will be realised, deals with the question of serving notice on a Government Department. The Clause says that if the Head of a Department is satisfied after due inquiry that a nuisance exists, he shall cause such steps to be taken

as may be necessary to abate the nuisance and to prevent a recurrence thereof. If, for instance, you serve notice on the Colonial Postmaster as to the existence of a nuisance he must make an inquiry. The matter is drawn to the attention of the Colonial Secretary and he sends down a minute to the Head of the Department who cannot refuse to do what he has been told to do. If he refuses to do it then it is a matter of his resignation being tendered. The Head of a Department can only refuse to do anything if the Colonial Secretary does not know anything about the matter. I do not think that such a matter can hold up the administration of the Bill.

Mr. MOTTLEY: The point which I am making and which the honourable senior member for St. Peter has not seen in this; the Clause says that if the Head of the Department is satisfied after due inquiry that a nuisance exists he shall cause such steps to be taken as may be necessary to abate it; but if after the due inquiry the Head of the Department is not satisfied that the nuisance exists, nothing happens and the nuisance is not abated. Despite what honourable members say, it is my considered opinion that the amendment which I have suggested will simplify and expedite the matter, I do not think it should be left to the Head of a Department to be satisfied that a nuisance exists; I do not think that it should be left to this person or that person to say that a nuisance exists when you have the Director of Medical Services. The man whom we want is the Director of Medical Services; if he says that there is no nuisance existing then the matter is settled. My amendment is a very simple one and, to my mind, it is absolutely necessary.

Mr. F. L. WALCOTT: The Chief Medical Officer cannot give a directive which is binding on any member of a Department; the Colonial Secretary is responsible for that. It is the function of the Colonial Secretary to give directives to members of Government Departments. If the Chief Medical Officer directs anything it must still be done through the Colonial Secretary.

Dr. CUMMINS: I have listened to the arguments of honourable members on both sides. I myself have had a little experience as a member of the Sanitary Commissioners of St. Michael, and I know that when we had to deal with Government lands and properties we ran into difficulties very often. I am really in sympathy with the argument advanced by the honourable senior member for the City and I will accept the amendment with the addition of the words "who if he is satisfied that such nuisance exists;" and the deletion of the words beginning with the words "and if" in line 5 to the words "he shall" in line 7. I think that that would meet the case.

The question that Clause 122 renumbered 120 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clause 123 renumbered 121:—

121. (1) No person may establish any offensive trade or cause the same to be established in any Parish without the consent in writing of the Sanitary Authority of such Parish.

(2) Any consent of a Sanitary Authority under this section of the establishment of an offensive trade may be given so as to authorise the carrying on of the trade for a limited period specified in the consent, and for such extension of that period as may from time to time be granted by the Sanitary Authority, or subject to the observance of such conditions, if any, as the Sanitary Authority may consider expedient.

(3) Any person aggrieved—

- (a) by any refusal of a Sanitary Authority to consent to the establishment of an offensive trade, or
- (b) by any time limit fixed by a Sanitary Authority for the carrying on of an offensive trade, or
- (c) by any refusal of a Sanitary Authority to extend any time fixed by them for the continuance of an offensive trade, or
- (d) by the imposition of any condition by a Sanitary Authority to the carrying on of any offensive trade

may appeal to the Assistant Court of Appeal, or a Judge thereof whose decision shall be final.

(4) For the purposes of this section, an offensive trade shall be deemed to be established not only when it is established in the first instance, but also if and when

- (a) it is transferred or extended from the premises on which it is for the time being carried on to other premises; or
- (b) it is resumed on any premises on which it was previously carried on, after it has been discontinued for more than eighteen months; or
- (c) the buildings in which it is carried on are enlarged;

but a change in the ownership or occupation of the premises on which an offensive trade is carried on, or the rebuilding of the buildings in which it is carried on when they have been wholly or partially pulled down or burnt down, without any extension of the total floor space therein, shall not for those purposes be deemed to be an establishment of an offensive trade.

(5) Every person who—

- (a) establishes any offensive trade or causes the same to be established without the consent of the Sanitary Authority, or
- (b) carries on any offensive trade consented to by a Sanitary Authority for a period, or extension thereof, longer than that authorised by such Sanitary Authority, or,
- (c) fails to comply with any condition imposed by a Sanitary Authority on the carrying on of any offensive trade,

shall be liable to a fine not exceeding fifty pounds, and to a further fine not exceeding five pounds for every day on which he carries it on.

Dr. CUMMINS: I beg to move that Clause 123, renumbered 121 stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: In paragraph (d) of Sub-clause (3) it says that the Sanitary Authority may appeal to the Assistant Court of Appeal or a Judge thereof whose decision shall be final. There is one Clause in which, on the suggestion of the honourable senior member for St. Joseph, we left in the words "whose decision shall be final" but I cannot see any reason why the decision of this Court should be final in this case. I therefore beg to move that the words "whose decision shall be final" be deleted.

Mr. ADAMS: In some cases a person has the right to appeal to the Privy Council, but in other cases there are urgent matters in which superior Judges are in no better position to decide them than the Judge in the first instance. If a person is dissatisfied with the decision of a Sanitary Authority as to the carrying on of an offensive trade and he goes be-

fore the Assistant Court of Appeal and the Court agrees with the Sanitary Authority, how is the Chief Justice in any better position than the Court of Appeal to decide the matter? This is one instance in which there must be some finality and I think that the words should be left in the Sub-clause.

Mr. MOTTLEY: If we are taking steps to encourage local industries and a person establishes a big leather industry there might be some question of law involved; and I do not see why we should take away a man's right and say that the decision of the Assistant Court of Appeal shall be final. (Mr. ADAMS: The Court might decide in his favour). Well the Sanitary Authority should also have the right of appeal.

Mr. S. A. WALCOTT: I beg to second the motion of the honourable senior member the City.

The question that the words proposed to be deleted stand part of the Clause was put and resolved in the affirmative..

A division was taken as follows:—

Ayes: MESSRS HUSBANDS, COX, FOSTER, MAPP, ADAMS, TALMA, BLACKMAN, LEWIS, DR. CUMMINS and MR. SPEAKER—10.

Noes: MESSRS. SYMMONDS, MOTTLEY, HAYNES, DOWDING, S. A. WALCOTT and WILKINSON—6

Mr. TALMA: With regard to paragraph (c) of Sub-clause (5), I regard a penalty of fifty pounds in case a person does not comply with any conditions imposed by a sanitary Authority with respect to the carrying on of an offensive trade, as being exorbitant. There is also a further fine not exceeding five pounds for every day on which the person carries it on. In a community such as ours I feel that the fines are exorbitant in respect of people who might not be so well informed. Supposed a person ran into thirty days! I hardly think that we should impose penalties and fines such as are imposed in England. I beg to move that the word "five" occurring in the in line 5 of paragraph (c) of Sub-clause (5) be deleted and the word "two" inserted in place thereof; and that the words "after conviction" be added at the end of the Sub-clause.

Mr. MOTTLEY: I beg to second that.

Mr. ADAMS: I would like honourable members to have the experience of a glue factory being carried on near their premises and see if they would not feel that the person who is carrying it on should be sent to prison for life. After a person has been convicted in respect of carrying on an offensive trade and he continues with it, do honourable members say that a fine of five pounds is too much? It might be a case of contempt of Court. There might be a case where a person earns ten pounds a day and he pays the Court five pounds; but nobody would continue to do anything if the fine imposed as a deterrent is great enough to prevent him from continuing to do it.

The question that the words proposed to be deleted stand part of the Clause was put and resolved in the affirmative without division.

Dr. CUMMINS: I accept the amendment relative to the addition of the words "after conviction" at the end of paragraph (c) of Sub-clause (5).

Clause 123, renumbered 121, as amended was passed.

Clause 124, renumbered 122, was passed.

Clause 125, renumbered 123:—

123. (1) The Director shall have the direction of all measures for the prevention and control of epidemic, endemic and infectious diseases, and may make such regulations as he shall consider expedient for promoting the health of the inhabitants of this Island and for removing all causes which may tend

to the introduction into this Island, or to the spread within this Island or from this Island to other places abroad, of any infectious and other diseases.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, regulations under the said subsection may provide for any or all of the following matters:

(a) the removal, detention, segregation, isolation and surveillance of persons—

(i) suffering from any infectious disease;

(ii) who in the opinion of a medical practitioner or Health Officer on account of exposure to the risk of infection are liable to suffer from any infectious disease,

and the provision of medical aid for such persons.

(b) the disinfection and disposal of the excreta and other discharges of persons suffering from infectious disease;

(c) the removal, disinfection and destruction of personal effects, goods, and other property which have been exposed to infection from any infectious disease;

(d) the speedy burial or cremation of the dead, and the provision of crematoria;

(e) house to house visitation and inspection;

(f) the measures to be taken with regard to carriers of disease;

(g) the immunisation against disease by vaccination and inoculation;

(h) the promotion of cleanliness, ventilation and disinfection;

(i) restraint and ordering of persons entering or leaving any area of this Island which may by regulations made under this section, be deemed to be an infected area.

(3) Regulations made under this section may (a) impose duties and confer powers on Sanitary Authorities, and

(b) authorise the making of charges and provide for the recovery of such charges and of any expenses incurred in disinfection.

(4) All Regulations made under this section shall forthwith be reported to the Governor for his approval and sanction and upon such approval and sanction being given shall come into force and shall have effect until and unless disapproved under the provisions of subsection (6) of this section.

(5) All Regulations made under this section and approved and sanctioned by the Governor shall as soon as possible after such approval and sanction be submitted for the approval of both Houses of the Legislature, and if not approved shall cease to be Regulations from the date of their disapproval, but the non-approval shall not affect anything done or suffered under the Regulations between their coming into force and their rejection by the Legislature.

(6) The approval of both Houses of the Legislature shall be deemed to have been given to any Regulations made under this section unless either House of the Legislature shall pass a Resolution disapproving such Regulations within forty two days after such Regulations have been submitted for their approval.

In reckoning any such period of forty two days as aforesaid no account shall be taken of any time during which the Legislature is dissolved or prorogued or during which either House of the Legislature is adjourned for more than seven days.

(7) All Rules and Regulations made by the General Board of Health under section four of the Public Health Act, 1908 and all orders and directions made by the said General Board of Health under section eight of the said Act shall be deemed to be Regulations made by the Director under the provisions of this section and shall continue in full force and effect until amended, repealed or revoked in due course by Regulations made under this section.

Dr. CUMMINS: I beg to move that Clause 125, re-numbered 123, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. DOWDING: I ask that this Clause be read. The Clause was read.

Mr. MOTTLEY: This is a very necessary Clause but I should not like to see anybody with any powers plenary as would be given under this particular Clause. I am referring to paragraph (a) of Sub-clause 2 where the Director may make regulations to provide for the removal, detention, segregation, isolation and surveillance of persons suffering from any infectious disease. I think that a provision should be inserted here in respect of persons who can be properly isolated. The Director will have power under this Clause to make these regulations, and there are such infectious notifiable diseases like diphtheria, typhoid fever and other diseases in respect of which people can be effectively isolated at home. It might be all well and good to say that we must have these regulations; but surely the question might be asked as to whether a person can be properly isolated at home or not. I would like to hear the honourable member in charge of the Bill say something in this connection before I make an amendment. I have had the experience of seeing people who are suffering from infectious diseases in very small places and in the absence of existing regulations the Sanitary Authorities were unable even to compel them to be isolated at all. On the other hand you will find people who are suffering from infectious diseases, people who can be properly isolated, being taken to an institution. It might be argued that no medical officer would take away anybody who is suffering from an infectious disease if that person can be properly isolated; but I would prefer to see that in the law. I would prefer to see in the law that no medical officer can really say to a person: "I am nothing to do with whether you can be properly isolated or not; you must go to an institution." We have had the experience of giving too much power to one man. We must have these regulations so as to save people from themselves; we may get people suffering from infectious diseases and the surroundings may be such that it would be unsafe to have such people there, and there must be the power to prevent these people from spreading these diseases. However, on the other hand, you will find that there are people who can afford to be nursed privately and isolated properly. I should like to hear the honourable senior member for St. Thomas speak on this matter before I make my amendment.

Mr. SYMMONDS: I want to support the remarks which have been made by the honourable senior member for the City. In sub-paragraph (a) (ii) the Director may make regulations in respect of persons who in the opinion of a medical practitioner or Health Officer on account of exposure to the risk of infection are liable to suffer from any infectious disease. I think that we are hereby giving sweeping power to one person, power which can be

misused. We have no tuberculosis hospital in this island; the only place where any person who is suffering from tuberculosis can be properly provided for is the Almshouse. Imagine this Clause being passed as it is this afternoon and then within a few weeks' time large numbers of people who today are being isolated and properly nursed, are sent to the Almshouse by virtue of the powers which are conferred on the Director by this Clause!

Dr. CUMMINS: Honourable members must realise that this Clause only gives the Director of Medical Services power to make Regulations and those Regulations have to be placed before the Legislature for its approval. Consequently, when the Regulations are sent down, the members of the Legislature need not pass them.

Mr. SYMMONDS: That explanation does not satisfy me. We are giving the Director power to make Regulations and Sub-clause (5) says: "All Regulations made under this section and approved and sanctioned by the Governor shall as soon as possible after such approval and sanction be submitted for the approval of both Houses of the Legislature, and if not approved shall cease to be Regulations from the date of their disapproval, but the non-approval shall not affect anything done or suffered under the Regulations between their coming into force and their rejection by the Legislature." Sub-clause (6) says: "The approval of both Houses of the Legislature shall be deemed to have been given to any Regulations made under this section unless either House of the Legislature shall pass a Resolution disapproving such Regulations within forty two days after such Regulations have been submitted for their approval....." Therefore these Regulations can be in force for a minimum period of forty two days without any objection to them by honourable members of this House.

Mr. LEWIS: I, too, have some observations to make in respect of this Clause. When these Regulations are made, they have to come into force immediately so as to meet a dangerous epidemic, probably. They have to take effect right away because that might be the only way in which you can arrest an epidemic. The Regulations are laid before the Legislature and those forty two days within which the Legislature would have to pass a Resolution disapproving them, will not count if the Legislature is prorogued. There will be a minimum period of forty two days and a maximum period of about three months during which the Regulations will be in force. Honourable members must remember that there is a contention that you cannot amend these Regulations; if there are 50 Regulations and 49 of them are good we cannot amend the bad one; we have to reject all of them. There are a few other points in this Clause to which I want to call attention. I do not know whether it is right to compel everybody to be isolated or to make provision for private isolation in certain cases. I am not an authority on that matter. If, to the satisfaction of the medical fraternity or the persons in charge of affairs, isolation can be done privately perhaps it would be good for us to make that provision for our little island constituted as it is; but there are matters for which Regulations can be made. I see that Regulations can be made for the speedy burial or cremation of the dead; it would seem to me that if anybody had a religious objection to being cremated the Director of Medical Services could compel that the body be cremated. I feel that as an individual I must respect the wishes of other people, and to give the Director of Medical Services

the edict to say that such and such a body must be cremated against the religious or other privileges of people is something with which I cannot agree. Then Regulations can be made in respect of the immunisation against disease by vaccination and inoculation. We are now about to make vaccination compulsory in this island and the Regulations in this respect may be compulsory when the House is prorogued. I know that there have been cases in Barbados where vaccination has caused more deaths than the disease itself, and it is not entirely an established fact that the people who object to vaccination are really fools. We have been getting along quite well with our sunshine and I think that any individual should be able to object to vaccination under certain circumstances. I feel that this House must seriously consider that they are imposing on this community something which it has never had imposed on it before, even if it is for no more than forty days and forty nights. This House must always remember that they have not got the power to originate any Regulation; we might want a Regulation under any Act on the Statute Book for anything in the world and we cannot make it. We have given away the power to make Regulations to somebody else and no matter how desirable a Regulation might be, we cannot make it. A Regulation is not a Bill, and none of us can give notice of any Regulation to amend any Regulations whether they be in relation to the Department of Highways and Transport Act, the Medical Services Act or anything else. I am not saying that none of these things should be done, but I feel that it is my duty to call attention to the state in which we are considering them. So far as this House is concerned, Regulations are worse than a Bill; unless we get the power to amend Regulations, we cannot amend them; we have to reject them if we do not approve them and in this case let loose an infectious disease on the community. I am not any authority on this Bill, but I am calling attention to things which I regard as hardships on individuals.

Dr. CUMMINS: There is an old saying, "Good Lord deliver me from my friends". I think that the people of Barbados to-day should ask to be delivered from their friends. The Regulations which are to be made under this Clause are for the promotion of the health of the community, and in the case of the occurrence of an epidemic we want to act speedily. The more speedily and effectively we can act in such a case, the better it will be for the health of the community. We have heard a lot about vaccination; (Mr. LEWIS: I am not pressing that) and somebody has got to make Regulations. If we ask the twenty-four members of this House who are experts to make Rules and Regulations we would have nothing but chaos. The obvious person who should make these Regulations is the Director of Medical Services and it is proposed to submit them to the Governor-in-Executive Committee for approval and immediately afterwards they will be sent to the Legislature for ratification. Section 4 of the Public Health Act, 1908 gives power to the General Board of Health to make Rules and Regulations and this Clause takes that power from the General Board of Health and puts it into the hands of the Director of Medical Services; but we have the same state of affairs in existence to-day. I think that honourable members would be well advised to allow this Clause to remain as it is and do not tamper with it. When the Regulations come before the House and honourable members do not agree with them they can reject them. I repeat that if the members of this House were asked to make Regulations in case of an epidemic, we would have nothing

but chaos. I ask honourable members to allow this Clause to remain as it is.

Mr. SYMMONDS: I cannot allow the remarks of the last speaker to pass as facetiously as he has made them. This is a matter which affects the liberty and the life of the people in this community. (Dr. CUMMINS: You do not think so). The honourable member has referred to the powers which were exercised by a Board, a responsible Body with varying opinions being brought to bear on a single question. Today this Bill seeks to hand over to one man, the Director, the right to decide whether a person suffering from an infectious disease is to be removed from his home or not. The honourable junior member for the City has well put the case in relation to the cremation of the bodies of certain people, and by the time that this House has any say in the matter, a lot of damage might have been done in this island. Imagine our passing a Clause in this Bill which says that any medical practitioner who imagines that a person is suffering from an infectious disease can have that person removed from his home. According to this Bill any medical practitioner can look at the honourable senior member for St. Thomas or anybody else and say: "You have been near to somebody who is suffering from T.B." and under the powers conferred by this Bill, the Director can direct that the person be put in an institution for a particular period. The powers given to the Director under this Clause are such as were exercised by Herr Hitler. Regulations made by the Director will be submitted to the Legislature for approval and a period of forty-two days or perhaps even three months will elapse during which period a lot of damage may have been done before the House can do anything in the matter. I do not think that the liberty of people should be so taken away by this House, without any thought being given to the electors of the island; we are making the people of this island absolutely helpless before the will of the Director. If the Director happens to have his mental balance somewhat upset, the lives of the entire community are in his hands. I know that some medical authorities have had to be fired because of their having taken to drunkenness, and I say that the health and the lives of the people of this island should not be handed over arbitrarily to the sweet will of one man for forty two days or perhaps three months before any member of this House can say one word in objection to the Regulations. I appeal to honourable members not to pass this Clause as it is; let us defer it and insert some Sub-clause by which the Regulations can be amended by the House. I am not saying that the Director should not make the Regulations, but I say that before they have the chance of becoming law and doing a lot of damage in this island they should be submitted to this House. I appeal to honourable members either to put in a Sub-clause whereby the members of this House will have power to amend the Regulations or delay their effectiveness in law unless in case there is an outbreak of some serious epidemic. As this Clause stands, in the case of typhoid fever, tuberculosis or any infectious disease, a medical practitioner is given most sweeping powers; he can say; "I suspect you to be a carrier of the disease" if you pass near a person or if you visit a person who is suffering from T.B. I ask honourable members not to pass this Clause as it is; I beg to move that the further consideration of this Clause be postponed.

Mr. LEWIS: The honourable senior member for St. Joseph has now returned to his seat and I have had a talk with him on the points which I have made. I spoke about vaccination being made compulsory and the honourable member has told me that

that is not so. With regard to the remarks of the honourable senior member for St. Thomas I should like to say that if vaccination is made compulsory at people's birth, there may be a regular, fresh supply of vaccine lymph; but when you keep vaccine lymph waiting for a disease and then make vaccination compulsory, it is likely that a few deaths may be caused and I do not know what compensation will be given to people. This is a matter which has to be very carefully gone into. In cases where people have things stored up and then used as medicine trouble might result. I should like to hear the honourable senior member for St. Joseph speak as regards sub-paragraph (d); I should like him to tell me whether Regulations providing for the speedy burial or cremation of the dead cannot mean that in a case of emergency the Director can compel that the body of a person who has died as a result of a certain disease be cremated so that the disease would not be spread. (MR. HAYNES: There is no crematorium). That is to be provided. In my opinion the Director will say that he must have some crematoria in case they are needed. I would like to see this House refusing to do something which the Director says is necessary in Barbados. If the Director says that cholera has broken out and it is better to cremate people's bodies than bury them, nobody can do otherwise. If honourable members do not see with me in some of the things which I have said, it is entirely a matter for them. I do not know sufficient about this Bill as to introduce an amendment and I look to honourable members for their help in the matter. Any Director of Medical Services can go to Government House, get the Governor panicky and get him to sanction Regulations. There are some members of this House who are members of the Executive Committee and I say that they should have some say in matter. We may have here a Governor who has come from a place which has been affected by some disease and he will sanction Regulations made by the Director; the Regulations will come into force when the House is prorogued and the people's Representatives will not have a chance to say anything about them until about two or three months have elapsed. I say: let the four members of this House who are members of the Executive Committee have some say in the matter so that the people of this island can say that the Governor's advisers have advised him. The people of this island will be able to say that a certain number of persons who have been elected by them have sanctioned Regulations and the Regulations have inflicted a hardship on them. I beg to move that wherever the words "the Governor" occur in this Clause they be deleted and the words "Governor-in-Executive Committee" be inserted in place thereof.

Mr. SYMMONDS: I beg to second that.

Mr. HAYNES: I myself am a little confused as to the real meaning of this Clause. I am told that is not harmful but I think it is harmful. One has to remember that this Act has to be carried out by an official, and probably an untamed Englishman who has been brought into this little island to work under these extraordinary conditions. I beg to second the motion of the honourable junior member for St. George for the postponement of this Clause so that when we come back here next Tuesday the honourable senior member for St. Thomas will be able to give us some more concrete information in the matter. At present I think that the matter is very hazy.

Mr. MOTTLEY: We may as well face the facts. I started off by saying that I wanted to hear something from the honourable senior member for St. Thomas about the Regulations and I see that there are arguments on both sides. What will worry most of us is this: nobody would like to think that any Director of Medical Services would make Regulation for compulsory vaccination. As a matter of fact, opinion as to vaccination is divided in the United States of America, England, Germany and all over the world. Thinking of Regulations which have been made affecting certain Departments, we are afraid that in giving these powers to the Director of Medical Services we might suffer a fate similar to that which has been suffered in those Departments. But we must face the fact that Regulations must be made: and Regulations affecting public health must be made by a qualified medical man. The four laymen from this House who are members of the Executive Committee will have to call upon a medical man to make these Regulations. This debate has done a lot of good. It is felt—and I suppose that the members of the Government in this House can understand it—that we would not like to have any Regulations made for the compulsory vaccination of people or Regulations disregarding people's circumstances and surroundings. It is felt that if people can be properly isolated at home, they should not be taken away. If we agree that Regulations must be made, they must be made by a medical man because nobody else can make them; no member of the Executive Committee would know about making them. What I am afraid of is exactly what the honourable junior member for the City has said, namely, that we are giving the power to the Director to make Regulations and we cannot amend any Regulation which has been made; we have no other alternative than to reject the Regulations if we do not approve of any of them. Is there any possibility of our being able to amend these Regulations? I hate to think that we will give power to the Director to make Regulations and then we cannot amend them. I feel that that is wrong. If we give the Director the power to make Regulations and we are not satisfied with them, not from the scientific point of view, we should have the power to amend them. As regards Sub-clause (4) where the Regulations have to be forthwith reported to the Governor for his approval and sanction and then they come into force, I should like to say that we may have a Governor from Timbuctoo or we may have a Director of Medical Services who might want people exterminated. I think that the Governor-in-Executive Committee should approve of these Regulations, and I therefore agree with the motion made by the honourable junior member for the City. I, too, want to hear the honourable senior member for St. Joseph speak on this matter; I do not like to have these Regulations made and then we cannot amend them. We should be able to amend the Regulations without having to reject all of them. I repeat that Regulations have to be made and we must have them made by a medical man; but I cannot agree that when they are made we cannot amend them to suit local conditions. (Mr. ADAMS: We are amending the Interpretation Act so that we can amend one Regulation without having to reject all of them). Well that will meet the situation.

Mr. ADAMS: I was willing to say something if the honourable member had sat down earlier. I give the assurance that as long as it is the general feeling of the House that we should have the right to repeal or amend a Regulation without rejecting

all the others, I will report that immediately to the Head of the Executive; and when the Interpretation Act is being discussed in Executive Committee we will take into account what the feeling of the House is in the matter. I know that the Acting Attorney General and the present Attorney General were acting in the matter and the point is present to the mind of the Attorney General. The matter is being dealt with at the moment; I know that the Head of the Executive is very desirous of seeing the Interpretation Amendment Bill brought before the House as speedily as possible. I feel that the words "Governor-in-Executive Committee" might well be used instead of the word "Governor" in these Sub-clauses. The practice is growing up as is inevitable in our present transitional stage, that although the four members of the Executive Committee in this House may not have any power to advise on this, that or the other matter, it will be our responsibility to advise when these Regulations are being made that such and such a thing is not likely to meet with the approval of the Legislature, and therefore it will not be put in. I think that the honourable senior member for St. Thomas should accept the amendment proposed by the honourable junior member for the City inserting the words "Governor-in-Executive Committee" in place of "Governor" in which case the members of the Executive Committee will bear the responsibility of advising the Governor that such and such a Regulation should not be included. As regards sub-paragraph (d), I think that the words relative to the cremation of the dead and the provision of crematoria will have to be taken out. The Cremation Act of 1907 which has not been used for forty years, gives authority for the building of crematoria. Section 7 of the Act says that the Governor-in-Executive Committee shall make Regulations to be approved by the Legislature as to the maintenance and inspection of crematoria and it prescribes in what cases and under what conditions the burning of any human remains may take place, and so on. Apparently it has escaped the Legal Draughtsman that it is unnecessary to put in this Clause that Regulations will be provided in this respect. Regulations made under this Act will be repealed and you cannot repeal them without making provision otherwise. As regards vaccination, the Act says that you can swear off vaccination and therefore no Regulation can make vaccination compulsory. A Regulation made under a subsequent Act would not ordinarily be sufficiently effective so as to repeal the substantive Act. I would say that the principle having been established that if you have a conscientious or honest belief you can swear off vaccination, it is therefore inconceivable that the Director would not be advised in that respect. There is no reasonable ground for saying that the Director can make Regulations for compulsory vaccination. I do not think that we have such strong views as to make vaccination compulsory. I give honourable members my word that I will state that it is not the wish of the House to have vaccination made compulsory, so that if the Director is thinking of making vaccination compulsory under any Regulation, he cannot do so. (A MEMBER: Could we insert the word "voluntary"?). If that expresses the wishes of the House. I beg to move that all the words in paragraph (d) of sub-clause (2) be deleted and the following words be inserted: "the speedy burial of the dead" and that in paragraph (g) the words be "voluntary vaccination" instead of "vaccination."

Dr. CUMMINS: I accept the amendments.

Mr. SYMMONDS: I ask leave to withdraw my motion for the postponement of this Clause since

these Regulations will be placed before the Governor-in-Executive Committee for their approval and subsequently before this House. I should like to say, however, that the majority of the members of this House are in favour of the discontinuance of the principle of age-grouping and superannuation in our educational policy but we cannot get anything done about it.

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

The question that Clause 125, renumbered 123 stand part of the Bill was put and resolved in the affirmative without division.

Clause 126, renumbered 124 was passed.

Clause 127, renumbered 125 :—

125. (1) For the purpose of preventing or controlling any epidemic, endemic or infectious disease, the Director may, if he shall think fit, :—

(a) make use of all parochial institutions, organisations, and employees, and

(b) order that any work or nuisance, which any Sanitary Authority or any person is required by or under this or any other Act relating to the public health to execute or remove, be executed and removed by any person whom he may for that purpose appoint.

(2) All expenses incurred in the performance of any work under paragraph (b) of subsection (1) of this section shall be certified by the Director to the Governor-in-Executive Committee and shall be payable from the Public Treasury on the warrant of the Governor-in-Executive Committee.

Dr. CUMMINS: I beg to move that Clause 127, renumbered 125 stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: As regards Sub-clause (2) I think I hear the honourable senior member for St. Joseph, in a different position arguing this Sub-clause before this Committee. Suppose this work went on for how long?

Dr. CUMMINS: If honourable members will look at the Estimates they will see that a certain sum of money has been provided to meet expenses in connection with and for the prevention of the spread of infectious diseases.

Mr. ADAMS: All money which is paid out of the Treasury must be paid on the warrant of the Governor-in-Executive Committee. The Governor, in the presence of the Executive Committee, signs the warrants for the payment of money which has been voted in the Estimates. My recollection is that the sum of £3,000 was asked for in the Estimates in connection with the prevention of the spread of infectious diseases and the House reduced the amount by £1,000. There is an item in the Estimates which makes provision for dealing with infectious diseases.

Mr. MOTTLEY: The honourable member must assure me that the Governor can only sign the warrant for the payment of this money if the House votes the money. Suppose more money is not voted by this House when the Director of Medical Services has finished spending this £2,000!

Mr. ADAMS: There is one thing which is absolutely certain under the Constitution of Barbados and it is that not a single cent can be spent out of the Treasury unless it has been voted by the Legislature either in the Estimates or by Special Resolution; and the way in which all money is paid out of the Treasury is on the warrant of the Governor-in-Executive Committee. The Governor does not authorise the payment of one cent of public money for anything except he signs the warrant in the presence of members of the Executive Committee on Thursdays. The matter is

always put down on the Agenda or reference is made to it in the Minutes. There is what is known as the Governor's "hundred pounds" out of which payments are made in cases of emergency. The Governor's "hundred pounds" is really a misnomer because the amount is now two hundred pounds; but it is impossible for one cent to leave the Treasury unless it has been voted by the Legislature.

Mr. S. A. WALCOTT: I would like the phraseology of this Clause to be changed. It says that the Director of Medical Services certifies to the Governor-in-Executive Committee the expenses incurred in the performance of any work and the Governor-in-Executive Committee can pay the money: but it does not say whence the money is to come. If we pass this Clause as it is we will be giving away our rights.

Mr. MAPP: This House must agree to any expenditure before the money can be paid out of the Treasury. As far as I remember, many Bills which we have passed have been worded just as this Clause is worded. We cannot do anything which is contrary to the Constitution; the Governor-in-Executive Committee cannot authorise the payment of any money unless it has been voted by the Legislature.

Mr. S. A. WALCOTT: I am not casting any reflection on anybody: I would like an independent opinion from the Attorney General in this matter. If what the Leader of the House says is correct we would only have to say "yes" and pass the money; we cannot dispute anything. I beg to move that the further consideration of this Clause be postponed. If honourable members read this Clause carefully they will see that we have no say in the matter. If the Director certifies that the bill is correct the Governor has to sign the warrant for the payment of the money.

Mr. MOTTLEY: If what the honourable senior member for St. Joseph says is correct, I do not think that any harm can be done if we make assurance doubly sure. I beg to move that after the word "Treasury" in line 5 of Subclause (2) the following words be inserted: "Out of funds voted for the expenses in connection with and for the prevention of the spread of infectious diseases." That amendment will ensure that the money will be paid out of these funds and it will make assurance doubly sure. We are not arguing about the legality of the matter; we are only applying commonsense to it.

Mr. WILKINSON: I beg to second that. I do not see that the slightest harm will be done by inserting the words proposed by the honourable senior member for the City. That will make the matter clear anyhow. I think that we have voted £2,000 in the Estimates in connection with the prevention of the spread of infectious diseases and I see no harm whatsoever being done by the insertion of these words.

Mr. ADAMS: This harm is done; we are telling the Other Place and the world that we do not believe the elementary principle that not one cent can leave the Treasury unless it has been voted by the Legislature. None of us deserves a seat in this House if he does not believe that. Not one cent more than the £2,000 which has been voted in connection with the prevention of the spread of infectious diseases can be passed for that purpose. If the Governor-in-Executive Committee signs for more money, the Auditor General will say that not one cent more is there for that purpose and the Legislature has to pass a Resolution for the additional amount which is needed. Not one cent can come out of the Treasury even in respect of matters which have been authorised by law until the warrant is signed by the Governor-in-Executive Committee. How can any member of this House think that there is any danger in the expenditure of money with the Colonial Treasurer appointed by this House and the pre-audit system in use? If a certain amount of money is voted in the Estimates for a particular

purpose, it is there to be spent for that purpose. We cannot for instance, take £5,000 from the Hospital vote and pay it out in connection with the control of infectious disease because the Director certifies the expenses. Cannot honourable members see that the usual legal phraseology has been used? (A MEMBER: What is your objection to the insertion of those words?) My objection is that I do not want to appear to be foolish. I am sorry, I withdraw that remark; but if we pass this Clause with the proposed amendment it is bound to be returned by the Other Place with the words deleted. I do not agree that we should insert anything here which is unreasonable.

Mr. CHAIRMAN: The question is that the words proposed to be inserted stand part—

Mr. ADAMS: I should like to remind the Committee that under the Executive Committee Act all aids and supplies to the Executive shall be the sole gift of the House of Assembly and the House shall have and exercise its undoubted and sole right to withhold, reduce or grant such aids and supplies; and to direct, limit and appoint such aids and supplies whensoever granted and to limit and appoint the ends, purposes, limitations and qualifications of such grants, aids and supplies.

The question that the words proposed to be inserted stand part of the Bill was put and resolved in the negative.

A division was taken as follows:—

Ayes: Messrs. MOTTLEY, HAYNES, DOWDING, S. A. WALCOTT, WILKINSON and Mr. SPEAKER—6.

Noes: Messrs. SYMMONDS, HUSBANDS, COX, FOSTER, TALMA, MAPP, ADAMS, BLACKMAN, and Dr. CUMMINS—9.

The question that Clause 127 renumbered 125 stand part of the Bill was put and resolved in the affirmative without division.

CHAIRMAN REPORTS PROGRESS

Dr. CUMMINS: I beg to move Mr. Chairman, that you do now report progress with leave for the Committee to sit again.

Mr. BLACKMAN seconded the motion which was agreed to.

The CHAIRMAN reported and Mr. SPEAKER resumed the Chair and reported accordingly.

THE ADJOURNMENT

The Order Paper having been fixed,

Mr. ADAMS: I beg to move that this House do now adjourn to Tuesday next, the 6th day of July, 1948, at twelve o'clock noon. In doing so I should like to say that whatever honourable members might feel as regards what the Governor-in-Executive Committee should do in the future, it is essential that we pass the Resolution to provide funds for the rental of additional warehouses to provide additional rum storage accommodation because we are holding up this business. It was only because we were trying to get through with some Clauses of the Public Health Bill two Tuesdays ago that we did not proceed with the Resolution. I have said that because of something which I heard across the Table.

Mr. SPEAKER: We cannot have any debate on that matter now; the honourable member cannot debate what is said as an aside. The matter is on the Order Paper for discussion and it cannot be debated now.

Mr. ADAMS: I do not intend to debate it. I was speaking on the motion for adjournment.

Mr. TALMA seconded the motion which was agreed to.

Mr. SPEAKER accordingly adjourned the House to Tuesday next the 6th day of July, 1948, at twelve o'clock noon.