

THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1947—48

HOUSE OF ASSEMBLY

Tuesday 29th June, 1948.

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

Present:

His Honour Mr. G. B. EVELYN, (*Speaker*), His Honour Mr. J. E. T. BRANCKER, (*Deputy Speaker*), Dr. H. G. CUMMINS, Messrs. F. L. WALCOTT, D. A. FOSTER, M. E. COX, L. E. SMITH, A. E. S. LEWIS, C. E. TALMA, G. H. ADAMS, B.A., W. A. CRAWFORD, J. A. HAYNES, B.A. and H. A. DOWDING.

Prayers are read.

Messrs. MOTTLEY, BLACKMAN and HUSBANDS enter the House and take their seats.

MINUTES

The Minutes of the meeting which was held on the 22nd June, 1948, having been circulated are taken as read and confirmed.

NOTICES

Government Notices are given as follows:—

Mr. ADAMS: Resolution to place the sum of £5,000 at the disposal of the Governor-in-Executive Committee for the purpose of making a contribution to the Government of St. Lucia to assist in the relief of distress caused by a recent fire in the town of Castries in that Colony.

Mr. BLACKMAN: Resolution to grant the sum of £76. 5. 4. to the legal personal representative of the late St. Clair Grant, formerly an employee of the Department of Highways and Transport, in consideration of his 19 years' service in that Department.

Dr. CUMMINS: Resolution to advance the sum of £1,017 from the Public Treasury (to be subsequently refunded as a free grant under the provisions of the Colonial Development and Welfare Act) to meet the cost of a course of training for the obstetrician at the Maternity Hospital.

Mr. ADAMS: Of my intention to ask leave to move the suspension of Rules 88 and 89 in order to deal to-day with the Resolution for £5,000 of which notice has just been given.

Mr. ADAMS: Of my intention to move the House into Committee of Supply at the next meeting to

consider the other money Resolutions of which notice has been given earlier to-day.

Other Notices are as follows:—

Mr. MOTTLEY: Bill to amend the Vestries Act, 1911 (1911—5).

Mr. MOTTLEY: Bill to amend the Parochial Employees Pension Act, 1944 (1944—14).

Mr. S. A. WALCOTT enters the House and takes his seat.

BILLS READ A FIRST TIME

On the motion of Mr. MOTTLEY, seconded by Mr. HAYNES, a Bill to amend the Vestries Act, 1911 (1911—5) is read a first time.

On the motion of Mr. MOTTLEY, seconded by Mr. HAYNES, a Bill to amend the Parochial Employees Pension Act, 1944 (1944—14) is read a first time.

Mr. WILKINSON enters the House and takes his seat.

CHAIRMAN OF COMMITTEES

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

SUSPENSION OF RULES 88 AND 89

On the motion of Mr. ADAMS, seconded by Mr. TALMA, the House suspends Rules 88 and 89 in order that the Resolution for £5,000 as a gift to St. Lucia may be dealt with to-day and further decides, on a motion by the same two honourable members, that it be an instruction to the Committee of Supply when the House is in Committee of Supply to deal with the Resolution.

Mr. MAPP enters the House and takes his seat.

THE RUDDER PENSION BILL

Mr. SPEAKER: The first Order stands in the name of the honourable senior member for Christ Church,—Second reading of a Bill to authorize the payment of a gratuity and pension to Jacques Kenneth Predyx Rudder.

Mr. TALMA: Mr. Speaker,—This is a Bill whereby a gratuity and a reduced pension will be granted to Sgt. Rudder who was formerly a member of the Volunteer Force and who served for a continuous period of fifteen years in that Force. This Bill is more or less in line with a Bill of a similar

nature which was passed by this House, not so long ago, whereby gratuities and reduced pensions were granted to Sgt. Major J. R. Jordan and Sgt. Armourer G. R. McComie who were also former members of the Volunteer Force. In 1942 the personnel of the Force was incorporated into the South Caribbean Force and was paid from War Office funds at War Office rates. Sgt. Rudder has been released from military duties and this Bill seeks to grant him a gratuity and reduced pension. It is one of those Bills that come before the House from time to time and I hardly believe that with so much other pressing and urgent legislation to be dealt with, a matter like this would engage the attention of this House for any length of time. I beg to move that this Bill be now read a second time.

Mr. ADAMS: I beg to second that.

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

On the motion of Mr. TALMA, seconded by Mr. ADAMS, Mr. SPEAKER, leaves the Chair and the House goes into Committee on the Bill, Mr. SMITH being in the Chair.

Clauses 1 to 5 inclusive are read and are agreed to.

On the motion of Mr. TALMA, seconded by Mr. ADAMS, the CHAIRMAN reports the passing of the Bill in Committee.

The House resumes and on the motions of Mr. TALMA, seconded by Mr. ADAMS in each case, the Bill is read a third time and is passed.

COMMITTEE OF SUPPLY

Mr. SPEAKER: The next Order is to resume Committee of Supply to consider the grant of sums of money for the service of the colony.

Mr. SPEAKER leaves the Chair and the House resumes Committee of Supply, Mr. SMITH being in the Chair.

CONTRIBUTION TO THE GOVERNMENT OF ST. LUCIA

Mr. ADAMS: Mr. Chairman,—I propose to deal only with the Resolution for £5,000 to be placed at the disposal of the Governor-in-Executive Committee for the purpose of making a contribution to the Government of St. Lucia to assist in the relief of distress caused by a recent fire in the town of Castries in that colony.

Honourable members will remember that at the last meeting I told the House that the Government proposes to be guided by the Government of St. Lucia as to what they would like us to do, that is to say, whether we should send them supplies to the value of £5,000 or the money. I beg to move that this Resolution do now pass.

Dr. WILSON enters the House and takes his seat.

Mr. TALMA: I beg to second the motion for the passing of this Resolution. In doing so I should like to say that this Government has acted promptly and I hope that not only will this Resolution be passed by this House but that things which are beneficial and useful to the sufferers in Castries will be purchased without delay and sent to St. Lucia. I also hope that actual and practical benefits will be derived from this Resolution and that if a further Resolution is necessary, this House will view it in a similar light, that is to say, that it will regard the suffering and plight of the people of Castries as almost the plight and suffering of its own people.

Mr. CRAWFORD: Sir,—It is, I think, a matter for gratification that the finances of this colony are in such a condition that we can afford to make this

contribution towards the relief of suffering in St. Lucia and I want to take this opportunity of expressing on behalf of the people of this country and myself our utmost sympathy in the disaster which has befallen the people of that colony. There are, Sir, a few well authenticated reports in connection with the disaster in Castries, to which I beg to refer, in passing, in the hope, Sir, that we in Barbados, may not have to learn, in the hard way, the lessons which this calamity must have taught, or should have taught, the Administration in St. Lucia. There is, for instance, Sir, the report that the Police and the Fire Brigade in St. Lucia did not pull their full weight in trying to extinguish the conflagration because of dissatisfaction over wages and conditions of work. There is also the report, fairly well substantiated, that after the conflagration started the civilian population itself did not offer much assistance to put out the flames because of the fact that he fire was raging in a district which was owned by the wealthy class of St. Lucia and there is also the report, also fairly well substantiated, that there were regrettable incidents of vandalism on the part of the masses of St. Lucia, arising out of resentment over the fact that, economically, their condition is very bad and, therefore, there was this deep-seated hostility on the part of the have-nots against those who have. As a matter of fact, Sir, someone who was there during the fire was telling me yesterday that there was the case, for instance, of a lady leaving her home which was not in the path of the fire to see her frigidaire taken to the Police Station and returning to find all her crockery and furniture smashed out of a wanton spirit of destruction, purely because, as I have said, there is not that feeling in existence between the different strata of society in St. Lucia which should exist in an ordinary civilized community. Much as I regret to make these remarks, Sir, I feel that they should serve some useful purpose and I want to submit that this deep leverage between the rich and the poor, not only in St. Lucia but throughout the West Indies, is a matter for deep regret and that every possible opportunity should be taken as far as is humanly possible to sort of bridge this impassable gulf between Dives and Lazarus. After all, we are small communities and if such profound enmity is to exist in these small communities, even in the face of a calamity like fire, well then, Sir, the next stage can be better imagined than described. Before I sit I want to suggest that we in this colony should do everything that is possible in our power to prevent such a state of affairs from arising in Barbados and I think a warning is appropriate at this time because of two or three factors. There is also in Barbados at the moment a growing feeling of resentment and envy between the haves and the have-nots, a more intensified feeling, I think, than existed previously. This, Sir, may be traced to three existing factors at the moment. One is the presence of large scale unemployment and the absence of any migration outlets and proper relief works through the incompetence of the Government. The second is that the cost of living in this colony to-day is abnormally high and though I would be the first to admit that wages in many categories of employment are not what they should be, yet, Sir, I will also admit that regardless of how high any employer can afford to raise wages to-day, they will still be insufficient to cope with the cost of living in this colony or the simple reason that we are completely unindustrialised. We have to import everything we need in the colony.

THE CHAIRMAN: I am sorry to have to interrupt the honourable member but we are dealing

with this Resolution, not with the cost of living or with the wages of employees.

Mr. CRAWFORD: I appreciate that, but if you give us five minutes more you may save us £5,000,000 later on. As I was saying, we have to import everything we need in this colony and the final observation I want to make is this: Added to the present high cost of living is the fact that owing to certain import restrictions we are compelled to import nearly all our essential supplies from Great Britain when they can be obtained infinitely cheaper elsewhere—foodstuffs, wearing apparel, anything you can think of. Advantage is being taken of the situation. The agricultural worker is being paid 6/- a day and it is thought that he is being paid a big wage. But even if his employer could afford to pay more, he still cannot live because what he has to buy costs him too much.

The CHAIRMAN: You are not dealing with the Resolution before us.

Mr. CRAWFORD: I am finished with that. What I have said is sufficient to impress upon the minds of the local administration that every possible effort should be made to see to it that, if a similar disaster befalls Barbados, there will be a better relationship existing between all sections of the community and that there will not be that feeling on the part of one section of the population that they are poor and suffering and the other fellow is not; so, therefore, if he is being destroyed by fire, even though they are going to suffer eventually, let him go up in smoke. If the Administration of St. Lucia had taken steps in time to remove this cause for antagonism between the various sections of that community, it might have been a different story which came out of Castries last week. As a matter of fact, you must have read that there is justification for the allegation that the Police and Fire Brigade were disgruntled over their salaries and refused to pull their weight, when the Government of St. Lucia itself had to appoint a Commission to enquire into the action of the Police and the Fire Brigade and when we look at the tremendous loss which has resulted in consequence and the drainage it is going to make on the food supplies in the West Indies—because we have to help the sufferers—certainly we are justified in the belief that if these conditions had not existed, the fire might have been brought under control long before it spread to the extent to which it did.

Mr. MAPP: Mr. Chairman,—I do not intend to be lengthy, as far as my remarks are concerned, because I feel that a moment like this calls for very serious thinking, not glib remarks, not propaganda but, instead, wholehearted sympathy with the people of St. Lucia and the desire to act as quickly as possible to help them in their hour of need. None of us, I feel, should indulge in any indictment such as we have just heard, against the Government of St. Lucia; none of us should go so far as to say that if such and such conditions did not exist, the fire might have been put out or any remarks of that nature. I feel we should leave it to the Government of St. Lucia itself to discover—I understand that an enquiry has been started there—such facts as led up to this disaster and to the conduct of the Police or the public in St. Lucia. What we happen to know is that St. Lucia is a poor country and very often has to apply for grants from the Imperial Exchequer to help it run its affairs. I feel that if we are giving, we should give wholeheartedly and without any re-erimination or propaganda or adverse criticisms. I

say that for a very good reason. I feel that at a moment like this we should tell St. Lucia "we are willing even to give more." We should tell her "in your efforts to rebuild we can supply you even with material like stone; we can supply you with more; we can supply you with men." Do not tell the St. Lucians "You are to be blamed for this". That is a fallacy. This is a moment, as I said, for an expression of wholehearted sympathy on our part. We should tell them "we can help you with material and labour and give you assistance to whatever extent you may need it—assistance with skilled labour such as Trinidad has supplied." That should be our attitude in this matter. I do not want to dwell very long on this because I do not think it should call for any propaganda speeches or things of that kind. A Resolution like this should be passed wholeheartedly.

Mr. S. A. WALCOTT: I have very great pleasure in supporting this Resolution and I am very pleased that the Government is in a position to give this amount of money to St. Lucia. But this money must not be used in purchasing any materials—building or foodstuffs—that Barbados may have to be sent to St. Lucia. The materials which we purchase to send to St. Lucia should come from the dollar countries. We are not in a position to spare any foodstuffs in Barbados to send anywhere because the food position in Barbados is a very precarious one. I am perfectly pleased to vote this £5,000 but it must be used in purchasing food and lumber outside Barbados. Stone is a different matter. As the junior member for St. Thomas said, we can supply them with stone but I ask the Government not to send any flour or cornmeal or lumber out of Barbados except it can be replaced instantaneously.

Mr. CRAWFORD: It was exceedingly interesting to hear the junior member for St. Thomas exhibiting the wisdom of the ass and saying it is a fallacy to tell the Government of St. Lucia that they may have made mistakes in the past. Apparently the junior member for St. Thomas thinks that what we are doing here to-day is to ask him to write a cheque for £5,000 out of his private funds in the Bank and send to St. Lucia. We are taking £5,000 from the Treasury and at least we must let the taxpayers of this colony know that this matter has been subjected to a certain amount of scrutiny and to observations by their representatives while the Resolution was being passed. As regards his remarks about supplying stone and lime, that was taken up days ago. Mr. Devaux, one of the biggest merchants in St. Lucia, cabled about two days after the fire to find out whether he could order stone and lime from certain suppliers here for rebuilding purposes and it is expected that the first shipment of soft stone will leave for St. Lucia shortly. All that is good. But do not say that if a West Indian Government makes a mistake and that its policy is obviously at fault—and none is inviolable as far as I know—we must make no observation on it. According to the honourable member we should not make any observation if the Government of St. Lucia continues to pursue a policy which is not in keeping with promoting satisfaction between the different sections of the community. Even by its own admission, inferentially, it knew that there was dissatisfaction existing among the ranks of the Police and Fire Brigade, the people who are supposed to preserve law and order, and it took no appropriate and prompt steps to deal with the matter. After the calamity, after the widespread suffering which is entailed, it has now appointed a Committee to find

out the cause of it. Certainly the Government of St. Lucia is at fault and the making of an observation of that nature does not detract from our deep-felt sympathy with the people of St. Lucia in their distress. If the junior member for St. Thomas thinks differently, let him say so but I am convinced that nothing that I have said, so far, is improper.

Mr. MAPP: Apparently the honourable member does not think I am entitled to think differently. Some people exhibit the folly of the ass but not the wisdom of it. All I ask is this: how does it help to indict the Government of St. Lucia at a time when it has instituted a Commission of Enquiry?

Mr. HAYNES: I should like to support the remarks of the senior member for St. James in respect of our supplying St. Lucia with lumber, especially at this time of the year. We are all, I am sure, full of sympathy with our neighbours in their suffering but we have to remember that charity begins at home. It would be rather appalling, if since the passing of the Resolution for £158,000, the Government is not fully informed about this question of the supply of lumber. I understand that some of the public works that have been going on have had to be shut down for want of lumber, yet we passed a Resolution the other day for the execution of works of a similar nature.

The CHAIRMAN: I am sorry to interrupt the honourable member but that is nothing to do with this Resolution.

Mr. HAYNES: I am pointing out that we should be careful not to spend any of this money in lumber. This is a very inauspicious time; it is what is called the hurricane season and we should be careful as to what help we give, especially help by way of a supply of lumber.

Mr. SYMMONDS: Every member of this House, I believe, is in sympathy with the people of St. Lucia in this hour of trial after this great calamity and I am sure that every honourable member is going to concur in the passing of this Resolution. My only regret is that we are not in a position to grant more help and I am throwing out the suggestion that if in the rebuilding of Castries any of our unemployed masons and carpenters may be of use, the Government should assist some of them in going to St. Lucia even if the assistance is only by way of free passages to and from Castries. Of course, I do not know if assistance from our workers is necessary or if there is a superabundance of labour of the artisan type in St. Lucia but from what I have been hearing from many masons and carpenters in the parish of St. George who have approached me—I do not know from whom they got their information—many of them seem to think that labour was being sent from Trinidad to assist in some of the rebuilding work in St. Lucia; so I am throwing out the suggestion that if anything could be done for any of our unemployed masons and carpenters in this direction, it should be done.

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

On the motion of Mr. ADAMS, seconded by Mr. TALMA, the Chairman reports the passing of one Resolution and the postponement of six Resolutions in Committee of Supply and asks leave to sit again.

The House resumes.

Mr. ADAMS: I beg to move that the Resolution which was passed in Committee of Supply be now read a first time.

Mr. TALMA: I beg to second that.

Mr. WILKINSON: Mr. Speaker,—It seems to me that the continual postponement of the Resolution for £3,000 for rent of warehouses—

Mr. SPEAKER: The honourable member should have raised that point before. The honourable member may, if he likes, move later on for the referring of that Resolution to a Select Committee.

The question that the Resolution which is passed in Committee of Supply be read a first time is put and resolved in the affirmative without division.

On the motions of Mr. ADAMS, seconded by Mr. TALMA in each case, the Resolution is read a second time and is agreed to.

PUBLIC HEALTH BILL.

Mr. SPEAKER: The next Order is to resume Committee on the Bill to consolidate and amend the Acts of this 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 67, re-numbered 65, was passed.

Clause 68, re-numbered 66, is agreed to.

Dr. CUMMINS: I beg to move that Clause 69, re-numbered 67, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: This clause says:—“Unless a sufficient water supply is available a Sanitary Authority shall not require the provision of a water closet in respect of any building except in substitution for an existing water-closet.” I should like some explanation from the senior member for St. Thomas in respect of this clause. It says “Unless a sufficient water supply is available” and that appears to me to be rather elastic. At present, there is a provision in the Waterworks Act which sets out quite clearly that while the Governor-in-Executive Committee will furnish an applicant for a supply of water with the pipes, it does not guarantee a supply of water. That being so and conditions being what they are to-day how would this provision “unless a sufficient water supply is available” work?

Dr. CUMMINS: I do not see any difficulty in it as we know, at present the water supply in some districts is not what we would like it to be. We also know that certain equipment is on order and we are hoping that in the not far distant future a sufficient water supply will be available all over the island. This clause, as it stands, does give a Sanitary Authority the power of discretion.

Mr. MOTTLEY: All right. I am satisfied.

The question that clause 69, re-numbered 67, stand part of the Bill is put and resolved in the affirmative without division.

Dr. CUMMINS: I beg to move that clause 70, re-numbered 68, 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: Sub-clause 1 of this clause says:—“If a building has a sufficient water supply available the Sanitary Authority may, subject to the provisions of this section, by notice to the owner of the building require that any closets, other than water-closets, provided for, or in connection with, the building shall be replaced by water-closets, notwithstanding that the closets are not insufficient in number and are not prejudicial to health or a nuisance.” This is going to create a great hardship if

we leave it as it is. Although existing closets may not be insufficient in number or may not be prejudicial to health or a nuisance, yet according to this sub-clause a Sanitary Authority can say to the owner if the building has a sufficient water supply "you must put in a water-closet." That, I repeat, would create a great hardship and I do not think I should allow this sub-clause to pass. Who is to determine that a sufficient water supply is available for the particular building? The water supply has to be Government's water supply and as regards the earth-closet system it is going to take a long time before it is abolished in this island; it has not been abolished yet in the U.S.A., England or anywhere else. I shall move for the deletion of this sub-clause later on. Then in sub-clause 6, reference is suddenly made to clause 195 of this Bill which provides for appeals against, and the enforcement of, notices requiring the execution of works and that sub-clause goes on to state that the provisions of clause 195 "shall apply in relation to any notice under this section"—clause 70, re-numbered 68—"requiring a person either to execute works or to allow works to be executed, subject however to the modifications that no appeal shall lie on the ground that the works are unnecessary and that any reference in the said provisions to the expenses reasonably incurred in executing works shall be construed as a reference to one half of those expenses." In other words, the right of appeal exists in all other instances but not in this particular instance. In all other instances a person on whom a notice has been served by a Sanitary Authority to do something, has the right to say "what you call upon me to do is unnecessary; let the Assistant Court of Appeal decide it," but in this instance he cannot plead that the works to be done are unnecessary. Before I can pass this, the honourable introducer of the Bill has to convince me that it is absolutely essential that it should be passed. Not only in Bridgetown but also in St. Andrew where a person may have a supply of water only by means of a well, despite the fact that his closet is not prejudicial to health or a nuisance he may be required to replace it by a water-closet. I am not going to make any motion at this stage because I always like to hear the other side before I take any such step. If after I have heard the honourable introducer of the Bill I am convinced that the provisions of this clause are necessary I shall recant and vote for it.

Mr. SYMMONDS: This is one of the clauses which are nuisance clauses of this Bill. Undoubtedly this is one of the clauses—I know many honourable members of this Chamber have an aversion to the use of the word "poor" but the poor are always with us—that is going to affect many poor persons in this colony and I do not think we should sit here, however much we desire to see public health put on a certain footing, and pass anything that is likely to become a real hardship upon the poor people in this colony. I do not feel that this power—arbitrary power—should be placed in the hands of a Sanitary Authority to call upon a man who has no water-closet to put in a water closet, even though the Sanitary Authority would be paying half the expenses. I would agree to the passing of this clause if the Government or the Sanitary Authority would be prepared to pay the whole bill. Many a poor man who would be unable even to add a necessary shedroof to his home would be called upon by a Sanitary Authority, in its zeal to carry out these public health reforms, to put in water-closets and they are not even to be permitted to go to the Court of Appeal. Further, if they are given the right to appeal the Government or the

Sanitary Authority is not going to pay the expenses of the Court for them and they would be compelled to put in water-closets. I think it is an iniquitous clause of the Bill. Even in Great Britain or in the U.S.A. there are large areas of built-up land where people live on farms and they do not have water-closets installed; they have the same earth-closets we have here and to say that the thousands of poor people in this island should be afflicted by, and subjected to, what can easily become a most tyrannical and oppressive rule of Sanitary Authorities is a provision that would never meet with my approval. I say that we would be putting the people of this colony in a state of bondage if we passed this clause as it is; we would be putting them in a helpless position because of their poverty and would, I repeat, be subjecting them to the tyrannical rule of Sanitary Authorities. I want to oppose this clause to the utmost of my power.

Mr. ADAMS: Mr. Chairman,—I marvel sometimes at the honourable member who has just sat down. He is a vestryman; he is, like most vestrymen, jealous of their rights and nearly every time he gets up to speak he makes out the proposed Sanitary Authorities, most of whom are going to be vestrymen, as being tyrannical, this, that and the other. It is most difficult to follow the workings of the mind of the honourable member who has just sat down. All along we have given them great powers and all along he feels that they are going to be tyrants. Why then give them power at all? This Bill follows very closely the English Public Health Act of 1936 which is itself a consolidation of the several Acts dating very far back and the different amendments that have been made. Why should we assume that the Sanitary Authorities of Great Britain are reasonable people and that the Sanitary Authorities of Barbados will be so unreasonable that they will call upon poor people to put in water-closets? We always boast of being able to run our affairs. Why should we say anything by way of slander of potential Sanitary Authorities? Most of them are going to be vestrymen and what vestryman is going to impose a hardship on poor people, unless he does not want to run for the particular Vestry in the following year? Let us give credit to the potential Sanitary Authorities for working the Act reasonably. There is a similar provision in the English Act for water-closets but that Act is worked by reasonable people. I affirm again that I do not visualize any local Sanitary Authority which is likely to impose a hardship on people. In England, there are lots of areas still in which there are earth-closets and no Sanitary Authority has in many cases, because of the poverty of the people, called on them to replace their earth-closets by water-closets. The point I want to make is that most of these objections are direct slander of people whom we will be trusting to work this Act. Honourable members are, in effect, saying "do not even give them credit for being able to exercise discretion; cut it out altogether." When the honourable junior member for St. George refers to the poor, he should also refer to those who are not poor. If he had said that there should be a means test, one could appreciate that. If he had suggested that you should not call on a wealthy man to change his earth-closet to a water-closet and give him half of the expenses, one could understand.

Mr. MOTTLEY: I thought that the senior member for St. Joseph would have explained the matter more fully. If I have not said so, I should have stated that I could quite appreciate a clause like this in the Public Health Act applying to places in the immediate city area that are used for commercial purposes; that is to say, I can quite appreciate that

buildings in the City which are used for business purposes should not have earth-closets and in cases where business places have earth-closets a Sanitary Authority should have the power to call upon the owners to replace them by water closets, whether or not the earth-closets are a nuisance. Right in the City there should be a water-borne system. I am not saying that any Sanitary Authority would be hard on the people or anything like that but what I do say is that this clause as it stands would create a great hardship on poor people. This sub-clause (1) says:—"If a building has a sufficient water supply available." What is a sufficient water supply? The average man with a small house turns in water. Let us say that 98 per cent of the people who have small cottages turn in water. Those people, I suppose for economic reasons, are carrying on with earth-closets which they keep in a sanitary condition. Are they to be called upon to change their earth-closets to water-closets just because they have water turned into their premises for domestic purposes? But there is a further difficulty. Sub-clause (4) of this clause 70, re-numbered 68, says this: "Where the owner of a building proposes to provide it with a water-closet in substitution for a closet of any other type, the Sanitary Authority may, if they think fit, agree to pay him a part, not exceeding one-half, of the expenses reasonably incurred in effecting the replacement, notwithstanding that a notice has not been served by them under this section." I would be sorry for some of the parishes if people started to change their earth-closets to water-closets because in every such case the Sanitary Authority would be bound to pay half of the expenses incurred. It is no use arguing with me that the provisions of this Clause should apply to Barbados. I am going to move an amendment and if the clause passes as it is, then that is a matter for the Committee. I will have discharged my responsibility. I feel that this should apply to the City of Bridgetown and to buildings which are used for commercial purposes and the clause can be so worded by the senior member for St. Joseph—he does not, of course, like to word anything for me—as to carry out that intention. There is no sense in passing this Bill merely for the sake of its becoming the law of the land. Let us pass something that can really work. When you pass this Bill as it stands you do so knowing that it cannot work. This clause does not even contain a proviso. Do not let us take this as any Party business. We are all discussing an Act for the benefit of the health of the community. If I raise an objection and the honourable introducer of this Bill adduces argument to convince me that I am wrong I will back down, no matter who likes it or not. I am going to wait and see if the senior member for St. Thomas can convince me that I am wrong. I do not pretend to be any draughtsman but I pretend to be able to apply my commonsense to all these proposals and if I make a suggestion which is not worded in parliamentary style I am not ashamed of it. If the Government cannot find somebody to draft my suggestion in the proper style I will nevertheless stand up and express my views. This is not workable; therefore, we should not pass it as it is. I am not suggesting that the Sanitary Authorities would be unreasonable but I really feel that the provisions of this clause should be applicable only to the City of Bridgetown and especially to buildings which are used for commercial purposes. In view of the fact that people are employed by commercial houses it can be argued that earth-closets attached to premises of that nature would be a nuisance and would be prejudicial to health; therefore,

they should be replaced by water-closets. Let us have some amendment to this clause that will make it perfectly clear that these proposals should be applicable only in such cases.

Mr. DOWDING: I must join the chorus against this clause. I am not in agreement with the argument of the senior member for St. Joseph at all. It strikes me that this would be placing too much faith in the Sanitary Authorities. The argument of the senior member for St. Joseph is that we should pass this clause as it is and leave the working of it to the discretion of the Sanitary Authorities. No, Sir. I cannot agree to that at all. As this clause stands, it is not workable; so let us, at least, postpone it and get something that is workable and that is suited to local conditions. It is no good passing something that is absolutely unworkable.

Mr. ADAMS: I hope the honourable member would do me the kind favour of telling me in what respects the clause is not workable, let alone being absolutely unworkable, and I would do my best to re-draft it accordingly. A matter of this sort should be left to the discretion of a Sanitary Authority. After all, if the owner of a plantation is a rich man who can well afford to change his earth-closet to a water-closet, the Sanitary Authority of the particular parish may well say to him "you can pay the expenses yourself." The idea is to put on the Statute Book such powers as may enable certain improvements to be effected in the future and one of the obvious improvements is to convert earth-pits into water-closets where a sufficient water supply is available. Unless you have Sanitary Authorities whose members are given to graft, as the senior member for the City unconsciously suggested, or are irresponsible people I fail to see how this clause is going to impose a hardship on the poor people. If honourable members see something in it that is unworkable, let them show me where it is unworkable and I would do my best to make it workable.

Mr. MOTTLEY: It is only when you will have read this Public Health Bill that you will appreciate the argument which I am putting forward. If you read this Bill, you will see that there are clauses which will compel persons who are building, extending, or repairing their houses in any part of the island to submit plans to the Sanitary Authorities. Now let us look at the matter in this way. A man is desirous of erecting a house in a certain area and submits a plan showing that provision has been made for a supply of water but that there will be an earth-closet attached to the premises. Another man in the same neighbourhood already has a house with water turned in but with an earth-closet attached. You say to the latter "Your earth-closet is not prejudicial to health or a nuisance but you have water turned in; therefore, you must change it to a water-closet;" but in the case of the former you waive that right. That is where it is unworkable. I am not talking about any graft. I am suggesting strongly to the senior member for St. Thomas to see that this clause should apply only to commercial districts in the City. Further, a person has the right, in every other instance in which a Sanitary Authority calls upon him to do something that he feels is not necessary, of appeal but in this instance he cannot plead that the works are unnecessary. This, to my mind, is a most ridiculous thing; they can tell a person that certain works are necessary but the person cannot tell them that those works are unnecessary. I am the last person to attempt to keep back the passage of this Bill. I only put forward a suggestion when I see there is something in it and I appeal to

the senior member for St. Thomas to see that there is something in the suggestion I am making. Do not let us cut out the clause altogether; let us amend it. I am certainly going to move an amendment in respect of these words appearing at the end of sub-clause (4): "notwithstanding that a notice has not been served by them under this section." I would never agree to the idea that a Sanitary Authority could still pay half the expenses, notwithstanding they have not served a notice to change an earth-closet into a water-closet.

Mr. S. A. WALCOTT: I would like to prove to the senior member for St. Joseph how this clause is unworkable. Let us consider the financial phase of the matter. It is not only the sanitary phase to be considered because the clause particularly provides that if the closets are not prejudicial to health or a nuisance they may be replaced by water-closets. Now, Sir, where is the money to come from? Half of the expenses incurred is to be paid by the particular parish and the parishes lay rates for about 15% of their total expenditure to run sanitation. After the rates have been laid for the raising of a certain sum of money no more money is raised in the same year for parochial purposes except in the case of an epidemic or anything of that nature. If this Bill is passed as it is, it will be absolutely unnecessary to indiscriminately put water-closets in the outlying parishes, which can be done by Sanitary Authorities because they are human and you will have given them this power without even the right of appeal against their instructions. Their words would be law and I do not see how this House can give any Authority the right to deal with individuals in this manner. I cannot see how this clause could possibly be allowed to pass. Half of the expenses incurred is to be paid by the poor unfortunate person and the other half is to be paid by the particular parish. There are many persons who would strain to their limits to put a supply of water into their premises for domestic purposes and after they have done so, the Sanitary Authorities can say to them "you have a water supply on your premises; you must replace your earth-closet by a water-closet" and it would have to be alone because there is no right of appeal. It does not cost 2/- to instal a water-borne system. The person has to dig a cesspit and the Government is going to charge for the extra supply of water. This clause will be creating a great hardship on all the outlying parishes. It must be borne in mind that taxes are paid by a lot of small men, not by big men alone, and then you hit them by requiring them to pay half of the expenses incurred in changing earth-closets to water-closets, even though the earth-closets are not prejudicial to health or a nuisance.

Mr. SYMMONDS: Mr. Chairman,— I am going to move that the further consideration of this clause be postponed. In the first part, the effect of this clause will simply be this: If the cost of installing a water-closet amounts to \$120.00 some poor man may be ordered by a Sanitary Authority to pay \$60 and that means that his house may be sold or the money may be recovered summarily before a Police Magistrate because he could not produce that \$60 and I do not think that any poor man in this country should be subjected even to the mere thought of a Sanitary Authority having the power to do a thing of that kind. Correspondingly, one of the wealthiest men in this island may replace his earth-closet by a water closet and the same Sanitary Authority may say to him "We are going to give you half of the expenses." This clause is, like many other clauses of this Bill, a most vicious thing; it strikes at the liberty of poor

people in this island under the guise of improving public health conditions and we should examine it very carefully. I feel strongly like asking for the re-committal of several clauses which have been already passed. I repeat that this is a most vicious clause of the Bill and I beg to move that the further consideration of it be postponed.

Mr. DOWDING: I beg to second that motion and in doing so I would like to say that I fail to see why we cannot put in a section stating definitely the kind of closet that is to be installed in the city, suburban, and rural districts respectively of the island.

Mr. ADAMS: I may be extremely dull to-day. If the word is not to be "may", shall it be "must"? One honourable member suggests that we delete "may" and insert "must" and the honourable member who has just sat down asks "why 'may'?" The only other word to be used in place of "may" is "must."

Mr. DOWDING: On a point of explanation. I was not referring to the use of the word "may." I was suggesting that a clause be inserted stating definitely the type of closet that is suited to the particular district.

Mr. ADAMS: The senior member for the City has really confused himself as regards this clause, when he talked about people about to build. This has nothing to do with people about to build. The phrase "not prejudicial to health" means that it does not matter that you keep your earth closet clean; that wherever in the opinion of the Sanitary Authority a water-closet would be better than an earth-closet, they would ask the owner to replace the earth-closet by a water-closet and they would pay half of the expenses. If the right of appeal was given in such an instance, it would nullify the effect of this clause. As far as I personally am concerned, it is more or less a matter of indifference to me whether this clause remains in the Bill or not. But it seems rather strange to me, a non-vestryman, that I should be giving credit to vestrymen and the objections should be coming from vestrymen; it is a grave reflection on the probity and honesty of vestrymen in this island.

Mr. MOTTLEY: We are casting no reflection on anybody. We are really trying to prevent this House from passing a statute that would allow it to appear that vestrymen are not holding the scales evenly. The senior member for St. Joseph was at pains to point out to me that this clause applies merely to the expenditure on existing buildings. Now let me say this to him: A Sanitary Authority says to A "You have a water supply; your earth-closet is not a nuisance but you must replace it by a water-closet." Next week B comes along and makes application to the said Sanitary Authority with his plan for permission to erect a building. He tells the Sanitary Authority that he has made application to the Waterworks to put in a tap for domestic purposes and that he would be using an earth-closet. Is that Sanitary Authority going to require a man who has turned in water to replace his earth-closet by a water-closet and allow another man to go next door and build a house with an earth-closet although he has a water supply? That is not workable. What you are saying is that from the day this Act is passed every house in Barbados that has a supply of water from the Waterworks, no matter what is the size of the house, must have a water-borne system: if it does not mean that then it means nothing. I would like to see the sewerage system in this country but do you know what it will cost a man to-day to instal a water-borne system? It is all right to say that the

Sanitary Authority must pay half of the expenses but do you know that it will cost to-day about \$200 to \$300 to dig a well for the purpose of installing a water-borne system? I repeat that this clause will not work. There are many people who have put taps in their yards to save them the trouble of having to pay others for fetching water for them; tell me what percentage of these persons could afford to change their earth-closets to water-closets, even though the Sanitary Authorities would pay half of the expenses? Not one member of this House can deny that argument. God forbid that I should do any thing to hold up the passing of any measure that would tend to improve the health of the community but the fact that this is taken word for word from the English Act does not necessarily make it applicable to conditions in Barbados. I do not mind the Sanitary Authorities paying half of the expenses to be incurred. What I am worried about is that people who have earth-closets which are not a nuisance may be called upon to replace them by water-closets and to pay half of the expenses which they cannot afford to pay. I appeal to honourable members not to vote for this Clause as it is. If there is one Clause of this Bill which needs to be carefully considered it is this.

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: 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. Cox seconded the motion which was agreed to.

Mr. SPEAKER: On the adjournment for lunch the House was in Committee on the Bill to consolidate and amend the Acts of this island relating to Public Health.

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 in Committee on this Bill before we adjourned for lunch Clause 70, re-numbered 68 was under consideration and the question before the Committee was the postponement of this Clause.

Mr. WILKINSON: I have listened carefully to the arguments of honourable members and I have seen the points which have been made on both sides. I do not think it is right that there should not be any appeal against the decision of the Sanitary Authority and I therefore move that in Sub-Clause (1) from the words "notwithstanding that" in line 6 to the end of the Sub-clause be deleted. I also move that in Sub-clause (6) from the words "subject however" in line 6 to the end of the Sub-clause be deleted.

Mr. ADAMS: I will second the motion if the honourable member agrees that we must have in the Sub-clause the last two lines relative to one-half of the expenses reasonably incurred because we have already referred to the payment of one-half of the expenses. I suggest that instead of deleting all the words from the words "subject however" to the end of Sub-clause (6) we delete from the words "no appeal" in line 7 to the words "and that" in line

8. A person would have the right of appeal as regards expenses reasonably incurred. If the Sanitary Authority did anything at an exorbitant price, a person would have the right of appeal against his paying one-half of the expenses on the ground that the work was done too elaborately by the Sanitary Authority.

Mr. MOTTLEY: After having argued against the particular portions of this Clause which, to my mind, take away certain rights from the individual, and after having heard the suggested amendments by those whom I would term elder statesmen, I am inclined to agree to the amendments. Although it is true that you cannot enact any sort of legislation for bringing a country up to date without effecting a hardship on somebody, yet I am wondering if the proposed amendments will solve the situation. The amendments will improve the situation, so to speak, but still much is left to be desired in this particular Clause. The amendments give the right of appeal to the individual as to whether the work which is required to be done is necessary or not relative to supplying a waterborne system in place of an earth pit. That is all well and good but there is still another amendment which must be made. We may as well face the facts as they are in Barbados. If you call upon the owner of a small cottage to change from an earth pit to a water-borne system, you will still pay only one-half of the expenses. It has been drawn to my notice that you might have a person buying a chattel house and land; he might have had, say, £150 in cash and he is left without any funds. With the sole idea of improving the sanitary conditions obtaining, he has had to install the water-borne system because he has the Government water supply, which is a sufficient water supply. I am not casting any reflection on the Sanitary Authorities; I am wondering in cases where closets would become a nuisance or prejudicial to health and where the economic condition would not afford people to pay one-half of the expenses, whether a further amendment should not be made whereby the Sanitary Authorities are given the latitude to pay all the expenses. As the position stands now, whatever you pay you must effect some hardship on people but you must give the Authority in power the right to alleviate the situation. That will show the honourable senior member for St. Joseph that I am not casting any reflection on the Sanitary Authorities. I will not press for the postponement of the Clause. (A MEMBER: I think we will have to postpone it). Well, I am inclined to agree with the proposed amendment but I appeal to the introducer of the Bill to see the necessity for postponing this Clause not merely for the purpose of deleting those two parts of it to which attention has been called, but to consider whether, in cases where closets become a nuisance or prejudicial to health, the Sanitary Authorities should not be allowed to pay all the expenses where the economic position of the people does not afford them to pay one-half of the expenses. I therefore appeal to honourable members to support the motion for the postponement of the Clause so that the honourable senior member for St. Joseph and the honourable senior member for St. Thomas can get together with the Government Draughtsman and give expression to the point of view of members of this House.

Dr. CUMMINS: I ask leave to postpone the consideration of this Clause.

There being no objection, the honourable member was granted leave to postpone the further consideration of the Clause.

Clauses 71, renumbered 69, 72, renumbered 70 and 73, renumbered 71, were passed.

Clause 74, renumbered 72:—

72. (1) Where there is on any premises a drain or sewer communicating with a parish sewer or a cesspool, but that system of drainage, though sufficient for the effectual drainage of the premises, is not adapted to the general sewerage system of the Parish in which such premises are situated, or is in the opinion of the Sanitary Authority for such parish otherwise objectionable, such Sanitary Authority may at their own expense and on condition that they first provide in a position equally convenient to the owner of such premises a drain or sewer equally effective for the drainage thereof and communicating with a parish sewer, close the existing drain or sewer, and do any work necessary for that purpose.

(2) A Sanitary Authority who propose to execute any work under Sub-section (1) of this Section shall give notice of their proposals to the owner of the premises in question, and, if such owner is aggrieved thereby, as regards either the position or the sufficiency of the drain or sewer proposed to be provided for the drainage of the premises, he may appeal to the Assistant Court of Appeal or a Judge thereof whose decision shall be final.

Dr. CUMMINS: I beg to move that Clause 74, renumbered 72, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: This is the only Clause which says that the decision of the Assistant Court of Appeal shall be final; that is not stated in any other part of the Bill. If you appeal to the Assistant Court of Appeal in its appellate jurisdiction, how can you say that the decision of this Court shall be final? Suppose a point of law arises?

Mr. ADAMS: The Sanitary Authority is paying for having this work done; no point of law arises there.

Mr. MOTTLEY: We have already agreed that wherever the words "Assistant Court of Appeal" occur in this Bill, the words "sitting in its appellate jurisdiction" be inserted after them. How then can we say that the decision of the Court shall be final in this case?

Mr. ADAMS: Unlike the other Clauses, the only thing from which a person is appealing in this case is as regards either the position or the sufficiency of the drain or sewer which the Sanitary Authority are putting in place of the one which the person has. The Clause says that where a person's drain or sewer does not fit into the general sewerage system, the Sanitary Authority will put a drain or sewer at their own expense, but they will give the person an alternative while that work is being done. The only thing from which the person can appeal is whether the new drain or sewer is sufficient for the drainage of the premises or whether it has been put in its right position or not. That is a matter which you can entrust to the Judges of the Assistant Court of Appeal. The point of appeal is only to ensure that the two Judges should sit. No point of law arises here and that is the only reason why a distinction is made. We might just as well allow the Court of Appeal to decide the matter and be finished there.

The question that Clause 74, renumbered 72, stand part of the Bill was put and resolved in the affirmative without division.

Clause 75, renumbered 73, was passed.

Clause 76, renumbered 74:—

74. (1) No person shall construct or extend any house, or cause any house to be constructed or ex-

tended unless there shall be provided in respect of such house a means of access (additional to the principal means of access) from such house to a street for the purpose of the removal thereby from such house of refuse and faecal matter.

(2) No person may close or obstruct the means of access by which refuse or faecal matter is removed from any house except with the consent of the Sanitary Authority and subject to compliance with such conditions, if any, as such Sanitary Authority may impose with respect to the improvement of any alternative means of access, or the substitution of other means of access.

(3) If any person fails to comply with any provision of subsection (1) or subsection (2) of this section, he shall be guilty of an offence against this Act and shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding two pounds for each day on which the offence continues after conviction therefor.

(4) Where the Sanitary Authority to whom any application is made for the purposes of subsection (2) of this section have determined to withhold consent or to make their consent conditional upon compliance with certain requirements they shall within thirty days after the receipt by them of such application give to the person making the same notice of disapproval or dissatisfaction as the case may be; and any notice of dissatisfaction shall specify the requirements upon compliance with which consent will be granted.

Dr. CUMMINS: I beg to move that Clause 76, renumbered 74, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. SYMMONDS: I would like an explanation as regards Sub-clause (2). It says: "No person may close or obstruct the means of access by which refuse or faecal matter is removed from any house. . . ." I would like to know if that means that you must not close your house if you want to go out.

Mr. ADAMS: It means that you must not nail up your door.

Mr. MOTTLEY: The honourable junior member for St. George may not be as familiar with terms as other honourable members are. I suppose what is meant is that the means of access must not be permanently closed, but it must be shut off at times.

Mr. DOWDING: I am wondering why both the words "close" and "obstruct" are used. If it means that the means of access must not be permanently closed why do we not delete the word "close"?

Dr. CUMMINS: It certainly means that the means of access must not be permanently closed; and further on the Sub-clause says: "Except with the consent of the Sanitary Authority and subject to compliance with such conditions, if any, as such Sanitary Authority may impose with respect to the improvement of any alternative means of access or the substitution of other means of access."

Mr. SYMMONDS: Then you have to go to the Sanitary Authority and ask them if you have to close your back gate if you want to go out.

Mr. ADAMS: It is a maxim of law that the Legislature must be deemed to have intended commonsense in the wording of a Bill. When a judge is construing this Clause he must construe it to mean that the means of access must not be permanently closed, although he might find it difficult after reading the debates in this House to come to the conclusion that the Legislature was being reasonable. There is no doubt that what is meant here is that the means of access must not be permanently closed;

there is nothing in this Clause which should give anybody a moment's worry.

Mr. MOTTLEY: As regards Sub-clause (4) I beg to move that the words "thirty days" in line 5 be deleted and the words "twenty one days" be inserted in place thereof.

Dr. CUMMINS: I beg to accept that amendment.

The question that Clause 76, renumbered 74 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clause 77, renumbered 75:—

75. (1) Subject to the provisions of section two hundred and fifteen of this Act, every Sanitary Authority may, and if required by the Director shall, make bye-laws for regulating all or any of the following matters:—

(a) as regards building—

- (i) the lighting and ventilation of buildings, and the dimensions of rooms intended for human habitation;
- (ii) the height of buildings, the height of chimneys, not being separate buildings, above the roof of the building of which they form part;

(b) as regards works and fittings—

- (i) sanitary conveniences in connection with buildings; the drainage of buildings, including the means for conveying refuse water and water from roofs and from yards appurtenant to buildings; cesspools and other means for the reception or disposal of foul matter in connection with buildings;
- (ii) ashpits in connection with buildings;
- (iii) wells, tanks and cisterns for the supply of water for human consumption in connection with buildings;
- (iv) stoves and other fittings in buildings (not being electric stoves or fittings), in so far as bye-laws with respect to such matters are required for the purposes of health;
- (v) sewers; communications between drains and sewers and between sewers.

(2) Bye-laws made under this section may include provisions as to—

- (a) the giving of notices and the deposit of plans, sections, specifications and written particulars; and
- (b) the inspection of work; and the testing of drains and sewers.

Dr. CUMMINS: I beg to move that Clause 77, renumbered 75 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. HAYNES: I consider that there are one or two sub-paragraphs in this Clause which do not apply to tropical countries. I therefore beg to move that sub-paragraphs (ii) and (iv) of paragraph (b) of Sub-clause (1) be deleted.

Mr. MOTTLEY: I beg to second that. When you read this Clause as to every Sanitary Authority making bye-laws as regards the lighting and ventilation of buildings and the dimensions of rooms intended for human habitation, etc., you will think

that such things would not apply here. But they must apply here. Clause 215 of this Bill says this:—

"All bye-laws made by a Sanitary Authority under this Act shall be submitted as soon as possible to the Director and to the Governor-in-Executive Committee for approval and on being so approved shall immediately have the force and effect of law, and shall be published in the *Official Gazette*."

Let us take the Sanitary Authority in St. Michael; if they start to make Regulations, obviously they would make one set of Regulations for buildings which are immediately in the City area and another set of Regulations for those which are outside the City area. I feel that the Sanitary Authority should have power to make such Regulations. You cannot erect a building within the City area with a chimney discharging matter over the roof of somebody else's building and endangering the health of the people in the district. As regards the motion made by the honourable senior member for St. Andrew, Sub-paragraphs (ii) and (iv) of paragraph (b) of Sub-clause (1) do not apply here, but the other sub-paragraphs dealing with wells, tanks and so forth should remain in the Sub-clause. Obviously, you have to save people from themselves. In connection with the sub-paragraph dealing with stoves and other fittings in buildings, I am more convinced now that this Bill has been taken from the textbook, so to speak, because we do not burn any stoves here so as to keep ourselves warm. I do not think that the honourable senior member for St. Joseph would agree that this sub-paragraph should remain in this Clause; I feel that a lot of harm will be done thereby.

Mr. ADAMS: This is a matter entirely for the honourable senior member for St. Thomas. This Bill is taken from the English Act and in that Act mention is made of the making of bye-laws for the prevention of fire. We have cut out that because no Sanitary Authority has any authority in this island to make a bye-law which is aimed at preventing fire. It is quite conceivable that with the spread of natural gas people might have stove fittings in their houses and it is quite all right to leave in sub-paragraph (iv) of paragraph (b) of Sub-clause (1) so as to cover that possibility. A thing might appear to be superfluous now but it might have to be worked upon within six months' time. I do not think any harm can be done by allowing the sub-paragraph to remain in the Clause; it is preferable to have it remaining there instead of having to come back and amend the Clause. There is no fear where kerosene oil is concerned; people prefer gas to electricity and this is a question of stove fittings for the supply of gas. As long as we are beginning to distribute natural gas it is quite conceivable that people will use this type of stove and I think that we should allow this sub-paragraph to remain in the Clause.

Dr. CUMMINS: I share the opinion of the honourable senior member for St. Joseph who is looking towards the future and what he has said is not an impossibility. However I think I will go over to my friends on the left and accept the amendment for the deletion of the two sub-paragraphs.

Mr. MOTTLEY: As regards Sub-clause (2) (a) what we are doing now is extending the existing Regulations in St. Michael to the whole island with certain amendments and modifications. This idea of giving notices is all right, but in so far as the deposit of plans, sections, specifications and written particulars is concerned, I have heard it argued that somebody who is erecting a house (18 x 10) ft. must get the necessary specifications and plans from Messrs. Law & Connell or from a surveyor. Let us look at this

Bill from every possible angle. If you must have the existing Regulations are you really serious when you say that a person cannot erect a house unless he deposits plans, sections, specifications and written particulars? If you pass this Sub-clause you are really saying that you do not want anybody to erect any house. It might be all right in the case of the honourable senior member for St. Andrew who might be erecting a factory. I can tell honourable members that I am serving on what will correspond to the Sanitary Authority and I have heard it argued in some cases that sections, specifications and so forth have not been sent in. If there is one Sub-clause which we cannot pass today, it is this one; otherwise all that will happen is that nobody will be able to build a small house. Under this Sub-clause, if you are building a house in Boscobelle you must produce a plan to the Sanitary Authority in Speightstown. I imagine that this plan has not been drawn by a surveyor and therefore it is not a plan. How many people can draw a plan and show specifications? I quite agree with the giving of notices so that the Sanitary Authority can know what houses are being erected in a parish but not with the deposit of plans and so forth. I am never willing to chuck out anything for the sake of chucking it out; I am always willing to effect a compromise. This Sub-clause is certainly not workable; I would like to hear honourable members say whether we should enact legislation whereby a person cannot erect a house before he provides plans and specifications. We are enacting this legislation for people who are erecting small houses. A Sanitary Authority in St. Peter might receive an application from some persons who might be erecting a factory, and it would be obvious that they would require plans so as to protect people. I should like to see some elasticity and greater facilities offered in respect of the majority of the applications which the Sanitary Authority will receive. One in every 50 applications to the Sanitary Authority will be made by people who can have plans and specifications prepared. I repeat that we cannot pass this Clause as it is. I hope that now I have expressed the view which I take for granted is going to be the view of this Committee, suitable amendments will be made to this Clause. I beg to move that the further consideration of this Clause be postponed.

Mr. S. A. WALCOTT: I beg to second that. I should like to point out that in the old Act there is a Regulation as to the space in respect of the erection of buildings but that is not in this Bill. If this Clause is postponed I hope that when it is being reconsidered that Regulation will be put in. That is a necessary Regulation for Barbados; that is left out, while a lot of Regulations which do not apply to Barbados are put in!

Mr. F. L. WALCOTT: So far as this question of preparing plans, specifications, and so forth is concerned, we must agree that some sort of plans of buildings must be submitted because we cannot have buildings being erected without some Authority being responsible for them. Honourable members have only to look a few feet away and they will see a chimney which sends smoke in this Assembly every Tuesday. (Mr. MOTTLEY: We are not now dealing with chimneys). I am only saying that you must have plans in respect of buildings although on sentimental grounds it might be hard for a man to send in a plan in respect of a house (18x10) ft. I cannot subscribe to the view that there is no carpenter in this island with a modicum of intelligence who could not submit a plan for a house (18x10) ft. I feel that we would be putting the intelligence of the people in Barbados

at a low ebb if we are saying that they are so dense that they cannot submit a plan for a small building. But I cannot foresee any Sanitary Authority asking people to send in plans for houses (18x10) ft. in size; I do not see that any useful purpose would be served thereby. This Sub-Clause does not bind people, and the honourable senior member for the City must realise that the Sub-clause would have to be worded as it has been worded. I cannot foresee any Sanitary Authority, however reactionary they might be, asking people to send in plans in respect of these small buildings; because you would have to get somebody to sit and receive these plans. I do not see that there is any difficulty as regards this Sub-clause.

Dr. CUMMINS: I think that honourable members are jumping the hurdle before they get to it. This Clause says that the Sanitary Authority, if required by the Director, shall make certain Regulations, and each Sanitary Authority may make Regulations to suit their particular area. I really cannot see that any hardship can be created under this Clause and I am asking honourable members not to postpone it but let us pass it and go on with the Bill.

Mr. SYMMONDS: I do not see any great difficulty where this Clause is concerned so long as we say, when we get to the Clause dealing with the making of bye-laws, that these bye-laws shall come before this Assembly for ratification. I think that will meet the situation.

Mr. MOTTLEY: Clause 215 of this Bill says this:—

"All bye-laws made by a Sanitary Authority under this Act shall be submitted as soon as possible to the Director and to the Governor-in-Executive Committee for approval and on being so approved shall immediately have the force and effect of law, and shall be published in the *Official Gazette*."

MEMBERS: We can amend that.

Mr. MOTTLEY: If that is the case, then I will withdraw my motion; but I do not know that you can amend that Clause so easily.

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

Mr. MOTTLEY: I beg to move that in Sub-clause (2) (a) in line 1 the word "or" be inserted after the word "and".

Dr. CUMMINS: I accept that amendment.

Mr. S. A. WALCOTT: The present Public Health Bill sets out the area on which houses must be erected but that provision has been entirely left out in this Bill which is now before us. The Sanitary Authority can make bye-laws for regulating any of the matters mentioned in the Clause but the matter as to the space on which houses should be erected has been omitted.

Dr. CUMMINS: The Housing and Town Planning Bill is coming before us and in that Bill provision will be made in respect of the matter which the honourable member has mentioned.

The question that Clause 77, re-numbered 75 as amended stand part of the Bill was put and resolved in the affirmative without division.

Dr. CUMMINS: We have just amended Clause 75 and consequent upon those amendments I ask leave to delete the symbols (ii) in line (i) of Sub-clause (1) of Clause 76.

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

Clause 76 as amended was passed.

Clause 79, renumbered 77 was passed.

Clause 80, renumbered 78—

78. (1) If—

- (a) any work to which bye-laws under section seventy five of this Act relate contravenes or fails to comply with any provision of such bye-laws, or
- (b) any work, being work which is prohibited under section sixty one, or under section sixty five or under section seventy three or under section seventy four of this Act unless certain provision is made or certain conditions are created to the satisfaction of the Sanitary Authority, is begun or completed without the making of provision or the creation of conditions to the satisfaction of the Sanitary Authority;

the Sanitary Authority, without prejudice to their right to take proceedings for a fine in respect of the contravention or failure to comply, may by notice require the owner either to pull down or remove the work, or, if he so elects, to effect such alterations therein as may be necessary to make it comply with such bye-laws, or, as the case may be, to comply with such requirements as will result in the making of provision or the creation of conditions to the satisfaction of the Sanitary Authority.

(2) For the purposes of this section the words "the making of provision or the creation of conditions to the satisfaction of the Sanitary Authority" shall be deemed to include any modifications in the requirements of the Sanitary Authority made on appeal by the Assistant Court of Appeal or a Judge thereof.

(3) If a person to whom a notice has been given under subsection (1) of this section fails to comply with the notice before the expiration of twenty-eight days after service thereof, or such longer period as the Assistant Court of Appeal or a Judge thereof may on his application allow, the Sanitary Authority may pull down or remove the work in question, or effect such alterations therein as they may deem necessary, and may recover from him the expenses reasonably incurred by them in so doing.

(4) No such notice as is mentioned in subsection (1) of this section shall be given after the expiration of twelve months from the date of the completion of the work in question and it shall not be open to the Sanitary Authority to give such a notice in any case where being required by any provision of this Act to give a notice of disapproval or of dissatisfaction with the making of any provision or the creation of any conditions within the period prescribed by any such provision, they have failed to give such last mentioned notice within such prescribed period.

(5) Nothing in this section shall affect the right of any Sanitary Authority, or of the Attorney General, or any other person, to apply for an injunction for the removal or alteration of any work on the ground that it contravenes or fails to comply with any provision of this Act or any bye-law made thereunder, but if the work is one in respect of which the Sanitary Authority failed to give within the period prescribed by any provision of this Act in respect of such work any notice of disapproval or dissatisfaction, the court on granting an injunction shall have power to order the Sanitary Authority to pay to the owner of the work such compensation as the court thinks just, but before making any such order the court shall in accordance with rules of court cause the Sanitary Authority, if not a party to the proceedings, to be joined as a party thereto.

Dr. CUMMINS: I beg to move that Clause 80 re-numbered 78, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: Sub-clause (3) says this:

"If a person to whom a notice has been given under Subsection (1) of this section fails to comply with the notice before the expiration of twenty-eight days after service thereof or such longer period....." I think that twenty-eight days is too short a period. As a matter of fact a person is only given twenty-eight days to do what he has been told to do. If he appeals the Judge can give him a longer time but if a person has no intention of appealing and he realises that it is quite satisfactory to do what the Sanitary Authority have told him to do, he might be unable to carry out the work within twenty-eight days. I beg to move that the words "twenty eight" be deleted and the words "forty five" be inserted in place thereof.

Dr. CUMMINS: I accept that amendment.

Mr. ADAMS: A person has twenty-eight days in which to do what he has been told to do by the Sanitary Authority and the Judge can give him an extension of that period. If the person sees that the work will take longer than twenty-eight days, it is his fault to allow that period to pass without applying to the Judge for an extension of the period. But should a person be given forty-five days in which to do any work and then he can apply to the Judge for a longer period?

Mr. MOTTLEY: As regards Sub-clause (4) it says: "No such notice as is mentioned in subsection (1) of this section shall be given after the expiration of twelve months from the date of the completion of the work in question....." I think that this period should be reduced to six months. As the position is here, if an applicant went ahead and did certain things, the Sanitary Authority can wait for twelve months and then require him to pull down the work. If honourable members would read the Clause they will see the strength of my argument. I think that a period of six months is reasonable for the purpose. I beg to move therefore that the word "twelve" occurring in line 3 of this Sub-clause be deleted and the word "six" be inserted in place thereof. Honourable members can see the wisdom in not allowing work to be pulled down twelve months after people have gone ahead and done it.

Mr. WILKINSON: I beg to second that.

Mr. ADAMS: We are very grateful to the honourable senior member for the City for doing the work which the Select Committee should have done; but do not let us be unreasonable. The honourable member is only looking at the work having to be pulled down but other things are mentioned in the Clause. Suppose a defective drain is found by the Sanitary Authority; (Mr. MOTTLEY: Read Sub-clause 5). Sub-clause (5) says that nobody is prevented from bringing an injunction for the removal or alteration of any work; but I should like the honourable member to realise that other things are mentioned in Sub-clause (1) besides pulling down or removing the work.

Dr. CUMMINS: I accept that amendment.

Mr. ADAMS: The words "or a Judge thereof" should remain in Sub-clause (3). A person would not have to apply to both Judges for an extension of the period; it would be sufficient for him to apply to one Judge. I beg to move, therefore, that these words remain in this Clause in addition to the general amendment relating to the Assistant Court of Appeal.

Dr. CUMMINS: I accept that amendment.

The question that Clause 80, renumbered 78 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clause 81, renumbered 79:—

79. (1) A Sanitary Authority may, and shall when and as the Director may direct, undertake the efficient execution of the following services within

their Parish, or any specified part of their Parish, namely,—

- (a) the removal of house refuse and other rubbish from any premises;
- (b) the supply or sale of disinfectants for use in privies or in any specified class or description of privy;
- (c) the cleansing and disinfection of buildings or parts thereof, the cleansing and disinfection of privies, dustbins, ashpits, cess-pools, sewers, septic tanks and drains, and the collection, removal and disposal of night soil, upon such charges as the Sanitary Authority may from time to time fix;
- (d) the sweeping, cleansing and watering of streets;
- (e) the provision and maintenance in sanitary condition of suitable places, buildings and appliances for the deposit or destruction of refuse, rubbish and night soil.

(2) A Sanitary Authority who have under this section resolved to undertake the performance of any service shall not, if their resolution was passed in compliance with a requirement of the Director, rescind it without his consent.

(3) Every person who in any way obstructs or hinders the Sanitary Authority or their contractors in the execution of any services under this section shall be liable to a fine not exceeding five pounds.

Dr. CUMMINS: I beg to move that Clause 81, renumbered 79, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. SYMMONDS: With regard to sub-paragraph (d) of Sub-clause (1) of this Clause. I think that the watering of streets is a bit wide and unnecessary. As regards the country districts (Mr. ADAMS: There are no streets in the country; there are only roads). The English language is funny; of course, I will not waste the time of the House with that. The question is that the Sanitary Authority have to obey the directions of the Director and if he says that they must do anything there is no alternative. As far as Bridgetown is concerned, it is all right to have a regulation for watering the streets but I do not think so as regards the country districts. I beg to move that the words "and watering" occurring in this sub-paragraph be deleted.

Mr. HAYNES: I beg to second that.

Mr. MOTTLEY: If you delete those words you will not be able to water the streets of Bridgetown. The Sanitary Authority have to do things when the Director says that they must do them. You cannot assume that every Director will be sensible; you cannot always assume that every member of this House is sensible. If a Director says, for instance, that the streets to St. George's Church must be watered, would there not be the right of appeal? What I am pointing out is this: if you delete those words the Director cannot make the Sanitary Authority of St. Michael water the streets within the City. I do not think that those words should be deleted.

Dr. CUMMINS: The honourable senior member for the City has fully answered the question. I would only repeat what the honourable member says that there is the right of appeal to the Governor-in-Executive Committee; and I cannot imagine a Director of Medical Services being such a lunatic as to ask the Sanitary Authorities in the country districts to water their streets.

Mr. LEWIS: I appeal to the honourable junior member for St. George to see that if those words are deleted you cannot compel the Sanitary Authority to water the streets of Bridgetown.

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

Clause 81, renumbered 79 was passed.

Clause 82, renumbered 80:—

80. In every case where a Sanitary Authority have themselves undertaken or contracted for the execution of any of the services referred to in paragraphs (a) and (c) of subsection (1) of section seventy-nine of this Act, the following provisions shall apply,—

- (a) the service shall be executed promptly, efficiently, and at regular intervals fixed by the Sanitary Authority to the satisfaction of the Director;
- (b) if, in respect of any premises, default is made in executing any such service efficiently, or at the fixed intervals, and by reason thereof refuse, rubbish, or night soil has accumulated, or any privy, dustbin, ashpit, cesspool, sewer, septic tank or drain is offensive or is not cleansed, the occupier of the house or the Director may serve notice thereof on the Sanitary Authority;
- (c) if the notice is served as aforesaid, the Sanitary Authority shall forthwith inform the contractor (if any);
- (d) if such notice is served on the Sanitary Authority, then, unless within forty eight hours after the notice has been served the requisite service is done and the cause of the complaint is removed, the person in default shall be liable to a fine of one pound for each day thereafter until the requisite service is efficiently done and the cause of complaint is removed: Provided that for the purposes of this paragraph, the person in default means the contractor if the service is being executed by contract, or the officer in charge of the service if it is being executed by the Sanitary Authority.

Dr. CUMMINS: I beg to move that Clause 82, renumbered 80, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: As regards sub-paragraph (b) that applies to the very primitive parts of England, but surely we do not want to make such a Regulation here. I do not agree with this paragraph; I do not think that this is a matter for the Sanitary Authority. With regard to paragraph (d) I think that a period of forty-eight hours is too long. If you leave night soil, refuse and so on unremoved for forty-eight hours it becomes a nuisance and I think that this Regulation should be carried out within twenty four hours. I beg to move therefore that the words "forty eight" occurring in line 2 of paragraph (d) of this Clause be deleted and the words "twenty four" be inserted in place thereof. Referring again to sub-paragraph (b) the only existing Regulations which we have here as regards night soil is in respect of its removal.

Mr. ADAMS: When this Bill is passed, the Public Health Acts under which the sanitary inspectors now work will be abolished; therefore the Regulations will be out of date. It will be the duty of the Sanitary Authorities to keep their areas clean and that duty is placed on the Sanitary Authorities as defined by the Act. The Sanitary Authorities may do the work departmentally or they may make a Contract with people to do it. If in respect of any premises they do not see after the disposal of night soil and it accumulates then the Director may serve notice on them. I cannot see that night

soil should be cut out of paragraph (b). What the honourable member is saying is that it is impossible for night soil to accumulate in Barbados; but why should we have other things in the paragraph and not night soil?

Dr. CUMMINS: I accept the amendment in respect of paragraph (d).

The question that Clause 82 renumbered 80 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clause 83, renumbered 81 was passed.

Clause 84, renumbered 82:—

82. Subject to the provisions of section two hundred and fifteen of this Act a Sanitary Authority may, and shall if required by the Director, make bye-laws for the whole or any part of their Parish as to all or any of the following matters, that is to say,—

- (a) preventing the accumulation of dust, filth, ashes and refuse on premises, and the duties of owners or occupiers with regard thereto;
- (b) for prescribing the size, material, and make of dustbins or movable receptacles for refuse to be provided by owners or occupiers of premises, and the places where, and the times at which, such dustbins or receptacles shall be deposited for facilitating the removal of their contents by the Sanitary Authorities;
- (c) the duties of owners or occupiers in connection with house refuse, so as to facilitate the removal of it by the scavengers;
- (d) regulating the keeping of swine in rural districts;
- (e) regulating or preventing the keeping of live or dead animals where the keeping of them (although not prohibited by law) is or is likely to be a nuisance or injurious to health;
- (f) regulating the situation, construction, drainage, and use of stables, and disposal of manure;
- (g) for prescribing the times for the removal or carriage through the streets of any faecal or offensive matter or liquid, whether such matter or liquid shall be in course of removal or carriage from within or without or through their Parish;
- (h) for providing that the vessel, receptacle, cart, or carriage used therefor shall be properly constructed and covered so as to prevent the escape of any such matter or liquid;
- (i) for compelling the cleansing of any place whereon such matter or liquid shall have been dropped or spilt in such removal or carriage;
- (j) for prescribing that no person shall engage in the business of carrying or removing faecal or offensive matter or liquid except with a permit from the Sanitary Authority;
- (k) for prescribing that the owner or occupier of any premises from which faecal or offensive matter or liquid is at any time carried or removed by a person who has not a permit from the Sanitary Authority shall be guilty of an offence.

Dr. CUMMINS: I beg to move that Clause 84, renumbered 82, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. S. A. WALCOTT: I ask that this Clause be read.

The Clause was read.

Mr. HAYNES: In this Clause the word "faecal" in respect of human excreta appears in more than one paragraph and I think that we should make matters more explicit by using the word "human"; because it would be hard for anyone to have to apply to the Sanitary Authority for a permit if he wants to clean a goat's pen. I beg to move therefore that wherever the word "faecal" appears, the word "human" be inserted before it.

Mr. SYMMONDS: I beg to second that.

Mr. S. A. WALCOTT: In respect of paragraph (j) we would have to put the exact time when people have to remove manure. I should like to say that this provision does not suit an agricultural community; this is more in respect of towns. Manure is manure whether it comes from a human being or from a sparrow. This Bill has been taken from the English Act and I repeat that this provision does not suit an agricultural community. Faecal matter is manure and it has to be removed by a certain time; furthermore, it must be covered when it is being removed and if any of it drops on the road the Sanitary Authority can call upon the person removing it to clean up the spot.

Dr. CUMMINS: We refer to human excreta as faecal matter and to that from animals as manure. Paragraph (f) refers to the disposal of manure and that is distinct from the disposal of human excreta.

Mr. MOTTLEY: Paragraph (f) is separate and distinct from paragraph (g). Paragraph (g) can only apply where a water-borne system has been filled up and it must be cleaned. You must have Regulations in that respect and the removal should not be done during the day. If we did not have paragraph (f) which deals with the disposal of manure, I would have come to the conclusion that offensive matter meant manure and therefore it could not be carried through the streets at any time.

Mr. S. A. WALCOTT: Any lawyer or doctor will tell you that what drops from a cow is faecal matter. I am surprised at members of this Chamber saying that a cow drops manure and not faeces.

Mr. HAYNES: If the honourable senior member for St. Thomas would accept my amendment we would save all this debate and we would get on with the Bill.

Mr. SYMMONDS: I think that the insertion of the word "human" would save a lot of time.

Mr. CHAIRMAN: The question is—

Mr. MOTTLEY: Let us make the amendment and get on with the Bill.

Mr. ADAMS: If we put the word "human" before "faecal" we might just as well put the word "human" before "man". In spite of what the honourable senior member for St. James says, the word "faecal" specifically refers to human excreta.

Dr. CUMMINS: The insertion of the word "human" is redundant but if that will help us to get on with the Bill I will accept the amendment.

The question that Clause 84, renumbered 82 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clause 85, re-numbered 83, was passed.

Clause 86, re-numbered 84.

84. (1) Every person who

- (a) throws or places any offensive matter or allows any offensive matter to flow or fall on any street or other public place, or in any river, drain or watercourse, or
- (b) throws or places any dead animal, offal, garbage or putrid flesh or fish into any closet

or cesspool, shall be liable to a fine not exceeding one pound.

- (2) in this section "offensive matter" shall include dead animals, offal, swill, brine, drainings from salt fish and garbage.

Dr. CUMMINS: I beg to move that Clause 86, re-numbered 84, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: Under sub-paragraph (b) of Sub-clause (I) of this Clause, if a person throws or places any dead animal, offal and so on into any closet or cesspool he is liable to a fine not exceeding one pound. I think that the fine should be made not exceeding five pounds because every day complaints are made in this respect and the only way in which you can get people to co-operate in putting an end to offences of this kind is to increase the fine. If we make the fine not exceeding five pounds, the magistrate can use his discretion in the matter. I beg to move that the words "one pound" in this sub-paragraph be deleted and the word "five pounds" be inserted in place thereof.

Dr. CUMMINS: I accept that amendment.

Mr. COX: There might be a case in which a small chicken is accidentally thrown into a street—

Dr. CUMMINS: The honourable member is out of order; I have already accepted the amendment.

The question that Clause 86, renumbered 84, stand part of the Bill was put and resolved in the affirmative without division.

Clause 87, re-numbered 85.

85. (1) It shall be the duty of the Director of Education whenever necessary to erect sanitary conveniences for all public elementary schools and to maintain, repair and alter the same.

(2) The cost of the duties required to be performed by the Director of Education under subsection (1) of this section shall be provided for out of funds to be provided by the Legislature from time to time as may be necessary.

Dr. CUMMINS: I beg to move that Clause 87, renumbered 85, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. F. L. WALCOTT: In connection with Sub-clause (I) I do not see why the words "whenever necessary" should be used in relation to the erection of sanitary conveniences for public elementary schools. I think that all public elementary schools should have sanitary conveniences. If you use the words "whenever necessary", that will give the impression that there are occasions when it is unnecessary for these schools to have sanitary conveniences.

Dr. CUMMINS: Many elementary schools have these sanitary conveniences already and in those cases the provision of these conveniences would not be necessary.

Mr. F. L. WALCOTT: I do not think it necessary to have the words "whenever necessary" in this Clause.

Mr. MOTTLEY: I beg to move that the consideration of this Clause be postponed. As the honourable senior member for St. Joseph said earlier Regulations have to be made in respect of workshops factories, and so on, and I am suggesting that schools be included.

Dr. CUMMINS: I agree with the motion for the postponement of this Clause and I ask leave to postpone it.

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

Clause 88, renumbered 86:—

86. It shall be the duty of a Sanitary Authority to make adequate provision for the cleansing and disinfecting of all sanitary conveniences of the sev-

eral public elementary schools within their parish and for the removal therefrom, whenever necessary, of all dirt and filth. The Teacher in charge of each public elementary school is hereby required under a penalty not exceeding two shillings for each offence to have all sanitary conveniences under his charge kept in a clean inoffensive and sanitary condition. In cases where there is installed at any such school a sanitary convenience on the water-borne system the cost of the water used in connection with the same shall be borne by the said Sanitary Authority.

Dr. CUMMINS: I beg to move that Clause 88, renumbered 86 stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. MOTTLEY: This Clause hinges on Clause 85 and I beg to move that it be also postponed so that the necessary amendments can be made.

Dr. CUMMINS: I also agree with the motion for the postponement of this Clause. I ask leave to postpone it.

There being no objection, leave was granted the honourable member,

MOTION FOR REPORTING PROGRESS.

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

Mr. SYMMONDS: I beg to second that.

Dr. CUMMINS: Before you put the question, Mr. Chairman, I should like to say that it was agreed on former Tuesdays that we would go on with this Bill until 5 o'clock. It is now twelve minutes to five and we can get through with a few more sections of the Bill within that time.

Mr. BRANCKER: This is the first time that I have heard about the arrangement to go on until 5 o'clock. These are long sections, the Order Paper has to be fixed in any event and that will take us up to 5 o'clock.

The question that the CHAIRMAN do now report progress with leave for the Committee to sit again was put and resolved in the negative.

A division was taken as follows:—

Ay s: Messrs. HAYNES, SYMMONDS, BRANCKER, CRAWFORD, S. A. WALCOTT and MOTTLEY—6.

Noes: Messrs. F. L. WALCOTT, HUSBANDS, COX, FOSTER, MAPP, LEWIS, TALMA, ADAMS, BLACKMAN, WILKINSON, Dr. CUMMINS and Mr. SPEAKER—12.

Clause 89 renumbered 87:—

87. (1) Where it appears to a Sanitary Authority upon a certificate of a Health Officer or a sanitary inspector that any premises used for human habitation—

- (a) are in such a filthy or unwholesome condition as to be prejudicial to health; or

- (b) are verminous,

the Sanitary Authority shall give notice to the owner or occupier of the premises requiring him to take such steps to remedy the condition of the premises by cleansing, disinfecting and whitewashing them, as may be specified in the notice and in the case of verminous premises the notice may require, among other things, the removal of any covering on the walls, and the taking of such other steps as may be necessary for the purpose of destroying or removing vermin.

(2) If a person on whom a notice under this section is served fails to comply with the requirements thereof the Sanitary Authority may themselves carry out the requirements and recover from him the expenses reasonably incurred by them in so doing, and, without prejudice to the right of the Sanitary Authority to exercise that power, he shall be liable

to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor;

Provided that in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the Sanitary Authority's requirements or of their decision to address their notice to him and not to the occupier, or, as the case may be the owner of the premises.

(3) Where a Sanitary Authority take action under paragraph (b) of subsection (1) of this section, their notice may require that they shall be allowed to employ gas for the purpose of destroying vermin on the premises, but in that case the notice shall be served both on the owner and on the occupier of the premises, and the Sanitary Authority shall bear the cost of their operations and may provide temporary shelter or house accommodation for any person compelled to leave the premises by reason of their operations.

Dr. CUMMINS: I beg to move that Clause 89 renumbered 87 stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. BRANCKER: I ask that this Clause be read.

The Clause was read.

Mr. MOTTLEY: In Sub-clause (3) of this Clause it is mentioned that the Sanitary Authority shall be allowed to employ gas for the purpose of destroying vermin on the premises. I should like to know what gas the Sanitary Authority will be given to use. They might be given the authority to use gas in a house and it might kill the people next door. I have had experience in cases of owners of chattel houses where the Sanitary Authorities have had to carry out Regulations. People live under insanitary conditions in the great majority of cases because they are poor and in Sub-clause (2) of this Clause it is set out that if a person fails to comply with the requirements of a notice, the Sanitary Authority may themselves carry out the requirements and recover from him the expenses reasonably incurred by them in so doing. I repeat that people live under insanitary conditions on account of the economic position and they cannot do any better; they do not live under insanitary conditions because they love to do so. The Sub-clause goes on to say that the person who fails to comply with the requirements shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor. I beg to move that the word "forty" be deleted and the word "twenty" be inserted in place thereof.

Dr. CUMMINS: I accept that amendment.

Mr. MOTTLEY: I do not like the use of the word "gas" in Sub-clause (3); I think that we should use the term which is used locally.

Mr. LEWIS: I would like to draw this point to the attention of the Committee. Sub-clause (1) says that where it appears to a Sanitary Authority upon a certificate of a Health Officer or a sanitary inspector that any premises used for human habitation are in such a filthy or unwholesome condition as to be prejudicial to health; or are verminous, the Sanitary Authority shall give notice to the owner or occupier of the premises requiring him to do certain things. It seems to me that the premises used for human habitation could not become verminous or in an unwholesome condition overnight, and therefore not only the people who occupy these premises but the sanitary inspector who is supposed to make a regular inspection of the premises should be blamed. I feel that these fines are unduly high for an offence

of this nature but the premises should not be allowed to get in such a condition. I can only say that it ought to be impossible for any premises used for human habitation to get in such a condition without the negligence of people who should be inspecting the premises from time to time and also the negligence of the people who inhabit them. If you went in a parish and found a place in such a condition as to be prejudicial to health is there not some neglect on the part of the Sanitary Authority? It looks to me as if the Sanitary Authority stand to be convicted as well as the owner or occupier of the premises.

Mr. MOTTLEY: From experience I can tell the honourable member that very often a sanitary inspector reports month by month on some place where an old person is living as being definitely unfit for human habitation. You will find in Barbados, as in many other places, that people live in a house and they are affected by some highly contagious disease but it is not compulsory to have them isolated. They have no aid except poor relief they refuse to go into the Almshouse and you cannot force them out of their premises; but the Sanitary Authority, the Health Officer and the sanitary inspector know that the premises are unfit for human habitation. It is not therefore that the Sanitary Authority allow the premises to get in such and such a condition and they should be blamed for it. The only reason why I have moved that the fine be reduced is this; sometimes you might call upon people to give up what they consider to be their only earthly belongings although they are unfit for human habitation, and they grimly hold on and say that they prefer to remain in their premises. It would therefore be hard to impose a fine of forty shillings on such persons.

Dr. CUMMINS: As far as this gas is concerned, I do not now remember the term which is used in relation to it, but I think it is used in aeroplanes. When it is released it is harmless to human beings but it is destructive to vermin.

Mr. LEWIS: I ask honourable members to reflect that in the removal of certain refuse, rubbish and so on we have said that the premises should be cleaned if they are in a filthy condition; and if they are not cleaned notice is served on the Sanitary Authority by the occupier of the premises or the Director. We changed the period within which the service should be done, after the notice has been served from forty eight hours to twenty four hours; if it is not done an offence is created and the person in default is liable to a fine. Now we are saying that if these places remain in an uninhabitable condition the people who inhabit them are liable to be fined.

Mr. MOTTLEY: What I want to point out is that the Sanitary Authority might be using something which might destroy these people's beds. (Mr. ADAMS: For ages they have been doing it in England). Some old person might be living in an old building, the Sanitary Authority might be fumigating it and they might destroy that old person's bed. I think that some provision should be made to pay her for that.

CHAIRMAN REPORTS PROGRESS.

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

Mr. BRANCKER seconded the motion which was agreed to.

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

THE ADJOURNMENT.

Mr. ADAMS: The Order Paper remains as it is. I beg to move that this House do now adjourn until Thursday. I ask honourable members to come and let us try and finish the remaining sections of the Public Health Bill. If it is the general feeling among honourable members that they would like to attend the House later than twelve o'clock, I believe Your Honour will give the necessary direction. I think, however, that it would be better for me to make the usual motion for adjournment and leave it to any honourable member to make an amendment. I beg to move that this House do now adjourn to Thursday, the 1st day of July, 1948, at twelve o'clock noon.

Mr. COX: I beg to second that.

Mr. HAYNES: If the honourable member will give the assurance that no business other than the Public Health Bill will be done, I will support the motion.

Mr. ADAMS: I give that assurance.

Mr. SPEAKER: The question is that this House do now adjourn to Thursday, the 1st day of July, 1948, at twelve o'clock noon. Honourable members in favour of that will please say "Aye", those against will please say "No." I think the "Ayes" have it.

A division was taken as follows:—

Ayes: Messrs. SMITH, HAYNES, SYMMONDS, BRANCKER, F. L. WALCOTT, HUSBANDS, COX, FOSTER, MAPPE, LEWIS, TALMA, ADAMS, BLACKMAN, CRAWFORD, and Dr. CUMMINS—15.

Noes: Messrs. MOTTLEY, S. A. WALCOTT and WILKINSON—3.

Mr. SPEAKER: The question has been decided in the affirmative, fifteen honourable members voting "Aye", and three honourable members voting "No." This House now stands adjourned.