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HOUSE OF ASSEMBLY

Tuesday, 21st September, 1948.

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

Present:

His Honour Mr. J. E. T. BRANCKER, (*Deputy Speaker*), Mr. L. E. SMITH, (*Chairman of Committees*), Dr. H. G. CUMMINS, Messrs. K. N. R. HUSBANDS, M. E. COX, D. A. FOSTER, R. G. MAPP, A. E. S. LEWIS, C. E. TALMA, H. D. BLACKMAN, J. A. HAYNES, B.A., and J. H. WILKINSON, O.B.E.

Prayers are read.

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

MINUTES.

The Minutes of the meeting which was held on the 14th September, 1948, having been circulated are taken as read and confirmed.

DOCUMENT.

Mr. DEPUTY SPEAKER: I have the honour to inform the House that I have received from the Colonial Treasurer his Financial Report for the month ended 31st August, 1948.

Mr. MOTTLEY enters the House and takes his seat.

PAPERS LAID.

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

Fiscal Survey of Barbados—Second Interim Report on the form of the Budget Estimates of the Government of Barbados by Professor C. G. Beasley.

Report on the working of the Barbados General Hospital for the year 1946—47.

Report of the Public Works Department for the year ended 31st December, 1947.

Statement showing Gross Customs and Excise Receipts for four months ended 31st July, 1948.

Report of the Public Librarian for the year ended on the 31st of March, 1948, to the Board of Trustees.

NOTICES.

Government Notices are given as follows:—

Mr. BLACKMAN: Resolution for £300 to supplement the provision in the Estimates of Expenditure for the year 1948—49 under Head VI, Customs, Item 11, Temporary Clerical Assistance.

Dr. CUMMINS: Resolution for £7,700 to supplement Resolution No. 17 of the 13th April, 1948, to meet expenses in connection with the present emergency.

Dr. CUMMINS: Resolution for £800 to supplement resolution No. 18 of the 13th April, 1948, to provide the necessary staff and to meet incidental expenses in connection with the carrying on of an organisation for banking the compulsory savings of Barbadian workers employed in the U.S.A.

Dr. CUMMINS: Resolution for £500 to supplement the provision in the Estimates of Expenditure for the year 1948—49 under Head XXIX, Miscellaneous services, Item 22, Entertainment of Petty Officers and other ratings of ships visiting Barbados.

Dr. CUMMINS: Bill to change the title of the "Barbados Volunteer Force" to the "Barbados Regiment."

Dr. WILSON enters the House and takes his seat.

Dr. CUMMINS: Of my intention to move the House into Committee of Supply at the next meeting to consider the money Resolutions, with the exception of the Resolution for £300, of which I have just given notice.

Mr. BLACKMAN: Of my intention to move the suspension of Rules 88 and 89 later in the day to deal with the Resolution for £300 of which I gave notice earlier.

QUESTIONS.

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

1. Whether Government is aware that two Writ-Servers only are now attached to District "F" Police Station and that they are required to do the work of three Writ-Servers without additional remuneration?

2. If the answer to the above query is "Yes", will Government take immediate steps to remedy the above?

Dr. WILSON (On behalf of Mr. GARNER): To enquire of the senior member of the Executive Committee present at the next meeting of this House:—

1. Is Government aware of the registration under the Companies Act of this Island of a concern known as the Trinidad Housing & Loan Co., Ltd?

2. Is it a fact that the abovementioned concern has been bought over by another concern known as the Barbados and British Guiana Housing Co., Ltd?

3. Is it a fact that the companies mentioned in paragraphs one and two (above) have, between them, collected over four thousand pounds sterling from the poor people of this colony, not one of whom has received more than a paper bond for his money from the company or companies in question?

4. Whether the C.I.D. of the local Police Force has made investigations into the activities of these two companies, and particularly about the personnel of their Directors, and the criminal records, if any, of each Director?

5. Can Government state the present address of the Directors of the abovementioned companies?

6. Is Government contemplating the institution of any proceeding of a criminal nature against these Directors, or any of them?

7. What steps, if any, does Government propose to take in order to ensure the restitution of the monies to the poor persons who have subscribed locally to the abovementioned companies whose schemes were widely advertised in the local press?

BILL READ A FIRST TIME

On the motion of Dr. CUMMINS, seconded by Mr. BLACKMAN, a Bill to change the title of the "Barbados Volunteer Force" to the "Barbados Regiment" is read a first time.

MESSAGE FROM THE GOVERNOR

Dr. CUMMINS asks for and is granted leave to lay on the table of the House a Message from His Excellency the Governor as follows:—

MESSAGE NO. 25/1948

*His Excellency the Governor.
To
The Honourable The House of Assembly*

His Excellency the Governor has the honour to refer to the Report of the Prison Conference which was laid on the table of the Honourable House on Tuesday, the 14th of September.

2. The Governor-in-Executive Committee has had under consideration the recommendations recorded in the third column of the Schedule which accompanied the Report, and agrees that effect should be given thereto. Appropriate steps are being taken.

HILARY BLOOD,
Governor.

Government House,
Bridgetown,
21st September, 1948.

Mr. LEWIS: Mr. Deputy Speaker,—I should like to state that the Report to which His Excellency the Governor refers in his Message has not been circulated among honourable members, and I think it should have been.

Mr. DEPUTY SPEAKER: I am grateful to the honourable member for drawing attention to the matter and I trust that steps will be taken forthwith to have the Report circulated among honourable members.

LEAVE OF ABSENCE FOR MR. SPEAKER

Mr. WILKINSON asks for and obtains leave of absence for Mr. Speaker from this House to the end of the session.

LEAVE OF ABSENCE FOR MR. ADAMS

Mr. SMITH asks for and obtains leave of absence for Mr. ADAMS for two months from to-day.

MR. DEPUTY SPEAKER COMMENTS ON THE DELAY IN SUBMITTING (ONE WAY) TRAFFIC REGULATIONS FOR THE APPROVAL OF THE HOUSE

Mr. DEPUTY SPEAKER: Before the business is proceeded with I would like to inform the House that my attention has been drawn to Regulations entitled the Bridgetown (One-Way Traffic) Regulations, 1948, made by the Director of Highways and Transport on the 12th day of February, 1948, and approved and sanctioned by His Excellency the Governor on the 10th day of April, 1948, under the provision of section 7 of the Motor Vehicles and Road Traffic Act, 1937 (1937-16), as amended by sections 41 and 42 of the Department of Highways and Transport Act, 1945 (1945-12), which were laid on the table of this House on the 7th September, 1948, and it has since that last date been brought to my notice that these Regulations were approved and sanctioned by His Excellency the Governor on the 10th April, 1948. I conceive it my duty, in the position which I occupy in this House, to point out that in the Motor Vehicles and Road Traffic Act, 1937—the Act under which these Regulations are purported to be made—section 7, sub-section 2 enacts that all such Regulations shall forthwith be reported to the Governor for his approval and sanction and shall as soon as possible thereafter be submitted for the approval of both Houses of the Legislature. I am calling the attention of the House particularly to the phrase *as soon as possible thereafter*. It has been laid down in a leading case by Lord Justice Bramwell that to do a thing as soon as possible means to do it within a reasonable time with an undertaking to do it in the shortest practicable time. There have been eighteen meetings of this House between 10th April 1948 and 7th September 1948. In the absence of any explanation as to why these Regulations made so long ago were not laid on the table of this House before the 7th of this month, I feel it incumbent upon me to point out the matter to this House, for nothing should be permitted to happen which might even appear, through any act or default of a Government Department, to derogate from the dignity and sovereignty of Parliament. It has been laid down by the Right Honourable the late Earl of Halsbury that delegated authority must be exercised strictly in accordance with the powers creating it and in the spirit of the enabling statute. Rules and by-laws must, unless a contrary intention appears, be made in conformity with the directions of the Act under which they are made,—at the prescribed time, and in the prescribed manner, and in the prescribed form, if any. Unless the conditions precedent imposed by the Statute are complied with, the rule or by-law, however reasonable, is invalid. I may add, however, that nothing I have just said is intended to reflect upon the honourable introducer of the Resolution in this House, inasmuch as I am satisfied that he introduced it at the first meeting of this House after same was handed to him to lay on the Table.

Mr. BLACKMAN: Mr. Deputy Speaker,—I do not know whether you want me to give an explanation or not but I can only say that I laid the Regulations when they were given to me.

Mr. DEPUTY SPEAKER: As I have already said, I am satisfied about that. The tardiness was not on the part of the honourable member who introduced the Resolution.

SUSPENSION OF RULES '88 AND 89.

Mr. BLACKMAN: In accordance with the Notice I gave earlier in the day I beg to move the suspension of Rules 88 and 89.

Mr. TALMA: I beg to second that.

The question that Rules 88 and 89 be suspended is put and resolved in the affirmative without division.

MONEY RESOLUTIONS TO BE TAKEN IN COMMITTEE OF SUPPLY

On the motion of Dr. CUMMINS, seconded by Mr. BLACKMAN, the House decides that it be an instruction to the Committee of Supply when the House is in Committee of Supply to deal with all or any of the money Resolutions on the Order Paper.

PUBLIC HEALTH BILL

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

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

Clauses 98 to 100, renumbered 96 to 98, inclusive are agreed to.

Clause 101, renumbered 99. A Sanitary Authority may, by order, declare any expenses apportioned upon any owner of any premises comprised in any final apportionment to be payable by annual instalments within such period not exceeding five years, as they may in each case think fit, with interest at a rate not exceeding five per centum per annum, computed as aforesaid until the whole amount be paid.

Dr. CUMMINS: I beg to move the deletion of the word "five" in line 4 in order to substitute the word "ten" therefor, and the deletion of the words "with interest at a rate not exceeding five per centum per annum" in lines 5 and 6.

Mr. BLACKMAN: I beg to second those amendments.

Mr. TALMA: I would just like a little information in connection with this clause. What are the "expenses" referred to in line 2?

Dr. CUMMINS: The expenses incurred in repairing a street, not being a street repairable by a Highway Authority. I beg, Sir, to move that clause 101, renumbered 99, as amended, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

The question that these amendments be agreed to is put and resolved in the affirmative without division.

The question that clause 101, renumbered 99, as amended, stand part of the Bill is put and resolved in the affirmative without division.

Clause 102, renumbered 100. A Sanitary Authority, if they think fit, may at any time, either before commencing any works which they are authorized to execute under section one hundred of this Act or after the completion of such works, resolve to con-

tribute a portion not exceeding one-half of the expenses of any such works, or resolve upon motion carried by not less than two-thirds of the whole number of members of the Sanitary Authority, to contribute any greater portion or the whole of such expenses out of the rates.

Dr. CUMMINS: I beg to move that the words "and if the Governor-in-Executive Committee approves" be inserted after the word "fit" in line 1 of this clause.

Mr. BLACKMAN: I beg to second that.

Mr. S. A. WALCOTT: I do not agree with this clause. In the first place I think that the decision of a two-thirds majority of a Sanitary Authority for this purpose is too steep and in the second place I do not agree with any portion or the whole of the expenses being contributed out of the rates. We have been led to understand that any abnormal expenditure is to be met with Government funds. I certainly think that the repairing of a street would be abnormal expenditure and if persons are not able to repair the road leading to and from their premises, the Government should provide the funds for so doing and not the Vestry of the particular parish in which those persons live. The repairing of streets is not ordinary expenditure and, therefore, I move that the words "out of the rates" in the last line of this clause be deleted.

Mr. MOTTLEY: I rise to second the motion of the senior member for St. James. It must be obvious to the honourable introducer of the Bill that those words should be deleted and in my opinion, they are still included through an oversight. I agree with the proposal that there should be a decision of a two-thirds majority of the whole number of members of a Sanitary Authority, and not of a mere quorum, for the purpose of contributing any greater portion than half or the whole of the expenses. I am in agreement with the entire clause, with the exception of the words proposed to be deleted by the senior member for St. James, because there may be instances in which persons living in certain areas cannot contribute anything towards the expenses to be incurred in repairing roads for the purposes of sanitation and there should be some authority to say how the expenditure is to be met. The point raised by the senior member for St. James in regard to the expenditure not being met out of the rates is correct. If you are accepting the principle that the roads should eventually come under the control of the Central Authority, you will be destroying that principle if you allow this clause to remain as it is, that is to say, that the expenses incurred in repairing roads in villages for sanitary purposes should be borne out of the rates and "rates" can only mean the taxation levied by the Vestry. I repeat that if the Vestry must appoint a Sanitary Authority and rates must be vested in a Sanitary Authority, then according to this clause it follows, as night follows day, that these expenses would have to be paid by the local government and this Committee has already agreed, and the Government has accepted the proposal, that a portion of the extraordinary expenses for sanitary purposes—and you will agree that expenses incurred in repairing roads in villages would not be normal expenditure for sanitary purposes—should be borne by the Central Government. This clause is taken from the English Act but it must be appreciated that our local set-up is not the same as the set-up in England where local authorities have control of certain rates and areas and even levy taxation in some respects. If we allow this clause to remain as it is, we would be negating

what we did in connection with clauses 21 and 22, as far as the payment of abnormal expenditure is concerned.

Dr. CUMMINS: I am sorry that I cannot agree with the two honourable members who have moved and seconded the amendment. The clause says that a Sanitary Authority, if they think fit, may contribute a portion not exceeding one-half of the expenses of any such works—it is not absolute—or they may by a two-thirds majority resolve to contribute any greater portion or the whole of such expenses out of the rates—again not absolute.

Mr. MOTTLEY: I appreciate that the Governor-in-Executive will be the stop-gap against a Sanitary Authority as far as the payment of the expenses is concerned and I agree that that should be obligatory but that is not the point at issue here. Even though the Governor-in-Executive Committee is the stop-gap, and you leave this clause in the Bill as it is it can only mean that the portion of the expenses to be paid by a Sanitary Authority will have to be paid out of the rates, while we have already decided that any abnormal expenditure must be borne by the Central Government. I appeal to the senior member for St. Thomas to see that if the words "out of the rates" are left in this clause, it can only mean that the expenses incurred in repairing a street for sanitary purposes must be paid out of the rates and "the rates" mean the taxation which is levied by the Vestry of the particular parish. If honourable members really want the Government to contribute any portion of the expenses, they will delete those words from this clause but if they do not want the Government to contribute towards the expenses, they will leave the clause as it is.

Mr. TALMA: I must say that the point raised by the senior member for St. James and the senior member for the City strikes at the crux of this whole clause. I must say that it is due to faulty draughtsmanship that the principle which underlies this clause—and indeed the whole Bill—has not been clearly stated in it and I would suggest to the introducer of the Bill that a further amendment to this clause is necessary if the aim of the entire Bill is to be achieved. As this clause is worded, it would seem that the expenses are to be paid out of the rates and that, as far as I know, is not intended. The clause, in my view, is badly worded. The whole object of this Bill is to improve public health. It is not a parochial affair; it is an island wide matter and the Central Government should foot the bill. The expenses should not be paid out of the rates and I suggest that this clause be further amended by deleting the words "out of the rates" and inserting the words "out of the general revenue" in order to make it perfectly clear.

The CHAIRMAN: I have to draw to the attention of the senior member for Christ Church that his suggestion, if it is accepted, would be out of order.

Mr. TALMA: It would not be out of order because that is the principle right through the Bill.

THE CHAIRMAN: You cannot make a motion that would result in creating a charge on the Treasury.

Mr. CRAWFORD enters the House and takes his seat.

Dr. CUMMINS: Mr. Chairman,—Clause 22 of the Bill has been amended by the insertion of a Sub-Clause numbered 4 (b) which states:—"Whenever in any parish expenditure is incurred by the Sanitary Authority as a result of the unexpected appearance of

any dangerous epidemic or of undertaking any special works which such Sanitary Authority is required to undertake by the Director, a grant may be made from the Government Contribution of the whole or any part of such expenditure as the Governor-in-Executive Committee shall determine." In view of that amendment I feel that I am justified in accepting the amendment of the senior member for St. James, namely, that the words "out of the rates" be deleted. I now move that Clause 102, renumbered 100, as amended, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

The question that Clause 102, renumbered 100, as amended, stand part of the Bill is put and resolved in the affirmative without division.

Clause 103, renumbered 101, is agreed to.

Clause 104. The Sanitary Authority, in any estimate of the expenses of works under section ninety seven of this Act, may include a commission not exceeding five per centum on the estimated actual cost.

Dr. CUMMINS: This clause, after further consideration, has been deemed not necessary. I, therefore, beg to move that it be deleted.

Mr. BLACKMAN: I beg to second that.

The question that Clause 104, renumbered 102, be deleted is put and resolved in the affirmative without division.

Mr. F. L. WALCOTT enters the House and takes his seat.

Clauses 105 and 106, renumbered 103 and 104, respectively are agreed to.

Clause 107. The Sanitary Authority, if they think fit, may (in addition and without prejudice to any other remedy) recover as a simple contract debt in any court of competent jurisdiction from the owner for the time being of any premises in respect of which any sum is due and on which such sum is charged for the expenses of any works executed under section one hundred of this Act, the whole or any portion of such sum, including any interest chargeable on such sum under this Act."

Dr. CUMMINS: I beg to move that the words "including any interest chargeable on such sum under this Act" in the penultimate and last lines of this clause be deleted.

Mr. BLACKMAN: I beg to second that.

The question that this clause be amended by deleting the words "including any interest chargeable on such sum under this Act" is put and resolved in the affirmative without division.

The question that clause 107, renumbered 104, as amended, stand part of the Bill is put and resolved in the affirmative without division.

Clause 108. The owner or possessor of land let in tenantry shall maintain and keep the roads or streets and the gutters, trenches and drains and the system of water supply and the sanitary arrangements in good order to the satisfaction of the Sanitary Authority of the parish in which that land is situate. It shall be the duty of the Sanitary Authority of the parish to make or cause to be made a periodical inspection of all lands let in tenantry for the purpose of ascertaining whether the provisions aforesaid are being complied with. In case of non-compliance, neglect or default at any time on the part of any owner or possessor, the Sanitary Authority shall serve a written notice upon him requiring him to comply with the law within one month of the service of the notice; and if such owner or possessor fails within the said period so to comply to the satisfaction of the Sanitary Authority, they shall have power by themselves or by persons authorised by them to enter

on the lands with such assistance as may be necessary and execute such works as may in their judgment be necessary for due compliance with the law; and they may recover by summary proceedings before a Police Magistrate any expenses incurred in the execution of such work; and such expenses shall also be a charge on the lands aforesaid. Where the system of water supply is by means of piping for a supply from the Waterworks Department, the owner or possessor shall maintain such system in good order by the agency of the said Department.

Dr. CUMMINS: This clause is more or less incorporated in clause 97 and in consequence of the amendments to clause 97, this clause is no longer necessary. I ask that clause 108, renumbered 105, be deleted.

This clause is deleted.

Dr. CUMMINS: I beg to move that clause 135, renumbered 131, be re-committed.

Mr. BLACKMAN: I beg to second that.

The question that clause 135, renumbered 131, be recommitted is put and resolved in the affirmative without decision.

Clause 135. (1) A Sanitary Authority may provide nurses for attendance on patients suffering from any infectious disease in their Parish who, owing to want of accommodation at the hospital, or danger of infection, cannot be removed to the hospital, or in cases where removal to the hospital is likely to endanger the patient's life.

(2) The Sanitary Authority may charge such reasonable sums for the services of nurses provided by them as they think fit.

Dr. CUMMINS: I beg to move that the word "isolation" be inserted before the word "hospital" wherever it occurs in this clause.

Mr. BLACKMAN: I beg to second that.

The question that the word "isolation" be inserted before the word "hospital" where it occurs in this clause is put and resolved in the affirmative without division.

The question that clause 135, renumbered 131, as amended, stand part of the Bill is put and resolved in the affirmative without division.

Clause 186, renumbered 182. The Governor-in-Executive Committee may make regulations applicable to any part of the island—

(a) requiring that the discharge from a water closet unless passed into a sewer shall be treated efficiently in a septic tank before being passed into the earth, or a cesspool or pit or being otherwise disposed of;

(b) giving the maximum depth of any cesspool or privy pit which is not provided with impervious steening; and such regulations when approved by the Legislature shall have full force and effect.

Dr. CUMMINS: Honourable members will remember that the further consideration of this clause was postponed for two reasons. It seemed strange, at the time when it was first considered, that the Governor-in-Executive Committee should make the regulations under this particular clause when in other cases under other clauses, the Director is to make them. But after further consideration it is still considered necessary that the Governor-in-Executive Committee should make the regulations under this clause because this is a very serious matter dealing with septic tanks and sewers which may come into contact with the island's water supply. In this connection, it may be necessary for the Governor-in-Executive Committee to seek the advice

of other persons such as the hydraulic engineer, when one is appointed, and the Director of Medical Services when he is appointed; therefore it is thought fit not to leave the matter of making these regulations in the hands of the Director. Secondly, the Committee did not know what the word "steening" means, although steening has been going on in Barbados from time immemorial. It means the stone or brick lining of a well.

I beg to move that clause 186, renumbered 182 stand part of this Bill.

Mr. MOTTLEY: I beg to second that. What impresses me most about this clause is the impervious steening of these cesspools or privy pits so as to prevent the contamination of our water supply. This is absolutely essential in this country. A person may dig a well for the purpose of putting a water-closet into his place; that well may be next door, so to speak, to a well from which water is obtained for drinking purposes and that person should be made to provide his well with impervious steening if necessary, so as to remove any possibility of the drinking water being contaminated. I have much pleasure in seconding the motion for the passing of this clause although at first I was opposed to it.

The question that clause 186, renumbered 182, stand part of the Bill is put and resolved in the affirmative without division.

Clause 204, renumbered 200. (1) Where any Sanitary Authority have incurred expenses, for the payment whereof the owner of the premises for or in respect of which the same are incurred is made liable under this Act or by any agreement with the Sanitary Authority, such expenses may be recovered, together with interest at a rate not exceeding five per centum per annum from the date of service of a demand for the same till payment thereof, from any person who is the owner of such premises when the works are completed for which such expenses have been incurred, and, until recovery of such expenses and interest, the same shall be a charge on the premises in respect of which they were incurred. Such charge shall be deemed to be prior and preferential to all existing or future charges or encumbrances thereon, save and except charges for debts due to the Crown and charges thereon in respect of other rates, charges, or sums of money due to the Vestry of any parish.

(2) Where expenses are recoverable by a Sanitary Authority under and by virtue of any provision of this Act which contains provisions other than or different from those contained in subsection (1) of this section, the provisions of the said subsection (1) shall be read and construed subject to any modification expressed in such provision.

Dr. CUMMINS: I ask leave to insert the words "the Sugar Industry Agricultural Bank" after the word "Crown" in line 16 of this clause. The reason for that is this: When this clause was first considered, the senior member for the City raised the point as to whether the Sugar Industry Agricultural Bank should not be given priority in respect of debts owed to it by estate properties in the same way as the Crown and the Vestries are given priority in respect of charges and debts due to them and in order to safeguard the Bank these words are inserted. I beg to move that clause 204, renumbered 200, as amended, stand part of the Bill.

Mr. MOTTLEY: I beg to second that.

The question that clause 204, renumbered 200, as amended, stand part of the Bill is put and resolved in the affirmative without division.

Clause 70, renumbered 68. (1) 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.

(2) A notice under this section shall either require the owner to execute the necessary works, or require that the Sanitary Authority themselves shall be allowed to execute them, and shall state the effect of subsection (3) of this section.

(3) Where under subsection (2) of this section a Sanitary Authority require that they shall be allowed to execute the works, they shall be entitled to recover from the owner one-half of the expenses reasonably incurred by them in the execution of the works, and where they require the owner to execute the works, the owner shall be entitled to recover from them one half of the expenses reasonably incurred by him in the execution thereof.

(4) 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.

(5) A Sanitary Authority may permit such number of water-closets as they may think proper to discharge into one septic tank.

(6) The provisions of section one hundred and ninety five of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under this section 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.

Dr. CUMMINS: This clause provides that in case anyone has a sufficient water supply on his premises, a Sanitary Authority may step in and call on him to replace his closet with a water-closet. Honourable members felt — and rightly so — that this would create a hardship on a poor person who would be unable to make this replacement. I appreciate the zeal of those honourable members to protect the poor section of this community but I should like to point out to them that, after all, the object of this Bill is to improve sanitation generally, to improve the standard of living of our people and the poor man has the same self-respect and the willingness to improve his standard of living as anybody else. We also have to take into consideration the potential sources of infectious diseases, especially typhoid, which exist at present on account of our system of sewerage disposal and we should do everything possible to erase those sources. Sub-clause 3 of this clause says this:—“Where under subsection (2) of this section a Sanitary Authority require that they shall be allowed to execute the works, they shall be entitled to recover from the owner one-half of the expenses reasonably incurred by them in the execution of the works, and where they require the owner to execute the works, the owner shall be entitled to recover from them one-half of the expenses reasonably incurred by him in the execution thereof.” I think that on this sub-clause hangs the contention of honourable members and I feel that one or two amendments to it will satisfy them. I

propose, therefore, to insert the words “a part not exceeding” after the word “owner” in line 4 and after the word “them” in the penultimate line of this sub-clause. My reason for these amendments is this. The sub-Clause states plainly that a Sanitary Authority can recover one-half, not less, of the expenses. If the words “a part not exceeding” are inserted, it will mean that a Sanitary Authority can recover a quarter or one-eighth or one-sixteenth of the expenses. Again, I want to make a further amendment to this sub-clause by adding the following words:—“A Sanitary Authority may, if they think fit, by order declare any expenses apportioned upon any owner of any premises under this subsection payable by annual instalments within a period of three years.” In case a Sanitary Authority feels that a person who is called upon to execute the works is not able to pay the amount apportioned to him, whether it be half, or a quarter or one-eighth or one-sixteenth, at once, it may fix a period of three years in which the money shall be paid. I hope these amendments will satisfy honourable members. I, therefore, beg to move that Clause 70, renumbered 68, as amended, stand part of the Bill.

Mr. BLACKMAN: I beg to second that.

Mr. SYMONDS enters the House and takes his seat.

Mr. MOTTLEY: On the last occasion when I spoke on this Clause I thought I made myself quite clear in the matter. To begin with, this is a Clause which is taken from the English Public Health Act and even if it is passed as amended by the senior member for St. Thomas it is to be remembered that it has to be applied to local conditions. What does Sub-Clause 1 say? It 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;” and the Clause goes further and states in Sub-Clause 6 that “the provisions of section one hundred and ninety five of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under this section requiring a person either to execute works or to allow works to be executed subject however to the modifications that no appeal shall be on the ground that the works are unnecessary.....” In other words, section 195 gives every person the right of appeal in respect of notices issued by a Sanitary Authority under other Clauses of this Act but in this particular instance, a person to whom a notice is given to replace his closet by a water-closet, if he has a sufficient supply of water available, has no right of appeal against that notice. That, in itself, destroys the effect of the amendments which the senior member for St. Thomas has suggested. Let us forget the amendments. I appreciate that the honourable member is seeking that harmonious compromise. The honourable member said that it is a Public Health Bill to improve conditions and so on; with that I agree. He told us that typhoid is one of those diseases resulting from our system of sewerage disposal but he knows as well as I do that in the absence of a sewerage system, typhoid will continue and that even with a water-borne system there is still the possibility of the water supply being contaminated if the cesspools and privy pits are not provided with impervious steening. I say to the honourable member that far from this Clause being a

guarantee against typhoid, it has the same tendency to spread typhoid. The honourable member must agree with that statement. Why? Because the typhoid germ is taken through the mouth and it has been proved by several authorities that one of the easiest means of spreading typhoid is by drinking water that is polluted. I suggest that if a start is to be made to get rid of earth pits and establish the water-borne system it should be made in respect of places which are used for commercial purposes. Now, what is a sufficient water supply? A sufficient water supply must necessarily mean the turning into his yard by A, let us say, of Government water for which he pays 3/6 a quarter for domestic purposes, and, according to this Clause, as soon as A has this supply of water for domestic purposes, a Sanitary Authority can require him to replace his closet by a water-closet, notwithstanding that his earth pit is not a nuisance and, further, he has no right of appeal against that notice. I am saying that that is not in keeping with British justice even if the Sanitary Authority would be paying all the expenses. I am inclined to agree that portions of this Clause should remain in the Bill. The senior member for St. Thomas knows as well as I do that even in Great Britain where there is a sewerage system, there are still parts with the earthpit system. We must improve our health conditions but you cannot take an English Act and clamp its provisions down upon us overnight. We have to take local conditions into consideration. There are some people who think that we are mere natives and, as such, need to be taught culture but some of those people who think that way cannot even begin to teach us sanitation, much more culture. I suggest to honourable members so-to-so to modify this provision, that it may apply to places which are used for commercial purposes, especially in Bridgetown. Let us make a beginning in this respect in the City of Bridgetown. Do not let us put on the Statute Book of this island legislation which we know is not workable. The sub-Clause of this Clause which worries me most is sub-Clause 4. It says:—"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." In other words, if I decide to put a water-closet in my house although I have not been served with a notice by the Sanitary Authority to do so, is it fair that the Sanitary Authority should pay part of the expenses? If the senior member for St. Andrew is building a bay-house, is it fair that the Sanitary Authority of the parish in which the bay-house is being built should pay part of the expenses which he incurs in putting a water-closet in that building? I am going to move the deletion of sub-Clause 4 because I do not see the wisdom in it; it is not practical. The putting of water-closets in houses in some parts of this island is a very expensive undertaking and I do not see why a Sanitary Authority should bear part of the expenses, especially when it is borne in mind that they have not served the owner with a notice to put them in. I am going to be told that it is not compulsory but so sure as the word "may" is in the Act, it is going to be construed by some as "shall" and you may get the majority of a Sanitary Authority carrying out this provision of the Act. Again, this is copied from the English Act and it cannot work here and honourable members know that too. As far as Sub-Section 6 of this Clause is concerned, are we going to give such plenipotentiary powers to Sanitary Authorities? Are we going to give such powers to any body of untrained men? What is the use of having a democracy if such a thing is to be allowed? Up to now, no honourable member of this House has shown any opposition to the passing of this Bill because it is realized that in this twentieth century legislation of this nature is essential but I appeal to honourable members to see the encroachment on a person's liberty if sub-Clause 6 of this Clause is passed.

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

NO QUORUM — THE ADJOURNMENT

On re-assembling,

Mr. DEPUTY SPEAKER: It now being after the hour to which this House was adjourned and there not being twelve honourable members present, this House stands adjourned until this day week at twelve o'clock noon.