

THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1950—51

HOUSE OF ASSEMBLY

Tuesday, 30th January, 1951.

Pursuant to adjournment, the House of Assembly met at 3 o'clock p.m. to-day.

Present:

His Honour Mr. K. N. R. HUSBANDS (*Speaker*),
 His Honour Mr. A. E. S. LEWIS (*Deputy Speaker*),
 Mr. L. E. SMITH (*Chairman of Committees*), Dr. H. G.
 H. CUMMINS, M.D., C.M., Messrs. D. A. FOSTER, F. E.
 MILLER, R. G. MAPP, T. O. BRYAN, M. E. COX, F. L.
 WALCOTT, G. H. ADAMS, B.A. J. H. WILKINSON, O.B.E.,
 L. E. R. GILL and F. C. GODDARD.

Prayers were read.

MINUTES

The Minutes of the meetings which were held on the 9th and 16th January, 1951, having been circulated were taken as read and confirmed.

Messrs. MOTTLEY and ALLDER entered the House and took their seats.

LEAVE OF ABSENCE TO THE CLERK

Mr. ADAMS: Mr. Speaker,—I beg to move that the Clerk of the House who is temporarily ill, be granted leave of absence from his duties to-day.

Mr. F. L. WALCOTT seconded the motion which was agreed to.

Mr. ADAMS: I beg to move, Mr. Speaker, that the Deputy Clerk act as Clerk of the House and that Mr. D. A. Banfield, Solicitor, act as Deputy Clerk for to-day.

Mr. F. L. WALCOTT seconded the motion which was agreed to.

NOTICES

Government Notices were given as follows:—

Mr. ADAMS: A Bill intituled an Act to amend the Commissions of Enquiry Act, 1908 (1908—3).

Dr. CUMMINS: A Bill intituled an Act to amend the Immigration of Paupers (Prevention) Act, 1909.

Mr. F. L. WALCOTT: A Bill intituled an Act to amend the Western Union Telegraph Company's Act 1920.

QUESTIONS

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

1. Is it a fact that Government has given notice to several occupiers of Government Flats and Houses in the Garrison to determine their tenancy?

2. If the reply is in the affirmative, what is the reason?

3. Have rents been increased during the last three (3) years?

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

1. Will Government consider the advisability of direct importation of all material to be used for the erection or repairs of houses as envisaged under the Housing Board's scheme?

2. If in the opinion of the Government this would entail the setting up of a separate department which would adversely affect the island's economic position, will Government then resort to the purchasing of such material from the Manufacturer's Representative instead of in the open market?

BILLS READ A FIRST TIME

On the motion of Mr. ADAMS, seconded by Dr. CUMMINS, a Bill intituled an Act to amend the Commissions of Enquiry Act 1908 (1908—3) was read a first time.

On the motion of Dr. CUMMINS, seconded by Mr. F. L. WALCOTT, a Bill intituled an Act to amend the Immigration of Paupers (Prevention) Act 1909 was read a first time.

On the motion of Mr. F. L. WALCOTT, seconded by Mr. Cox, a Bill intituled an Act to amend the Western Union Telegraph Company's Act 1920 was read a first time.

THE PUBLIC UTILITIES BILL 1951

Mr. SPEAKER: The first Order of the Day is to resume Committee on the Bill to provide for the regulation of Public Utilities.

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

Mr. CHAIRMAN: When the House was last in Committee on this Bill, all the Clauses were passed

with the exception of Clauses 6, 27, 36 and Part VIII of the Bill.

Mr. ADAMS: Mr. Chairman,—Inasmuch as the Committee has passed Clause II, I suggest that we pass Clause 6 now. Relative to Clause II, the point made by those who differed from the Majority Report was that the expenses of the Board should not be borne by the several utility companies. I wish to make it clear that in Clause II the expenses of the Board include the salaries of the members of the Board, and I am asking leave to re-commit this Clause. In some of these Canadian Acts it is expressly set out that the expenses of the Board include the salaries of the members of the Board. It has been brought to my attention that "expenses" might only mean the lodging of cases and holding enquiries and therefore I think we should make the position clear. It has been argued that if the Board is paid from money which comes out of the public utility companies, it might be felt that the Board would be inclined to favour these companies and that charges would be increased. I repeat that the Executive Committee have accepted the principle which is in the latest Canadian legislation; the Alberta Act is from 1923 and the Newfoundland Act is from 1949, and with 26 years' experience the Legislature of Newfoundland nevertheless felt justified in making the expenses of the Board, including the wages of the Commissioners, as they are called in Newfoundland, payable by the public utility companies and not out of the Public Treasury. I ask leave to re-commit Clause 11 in order that I may insert some words to make it abundantly clear that the expenses of the Board include the salaries of the members of the Board.

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

Mr. ADAMS: I ask leave to insert the words "including the remuneration of the members thereof" after the word "year" occurring in line 2 of Sub-clause 1. As honourable members will see, if those words are not inserted, "expenses" might appear as if it only refers to the holding of enquiries and so on.

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

Mr. BETHELL came into the Committee and took his seat.

Mr. ADAMS: I beg to move that Clause II as amended stand part of the Bill.

Mr. F. L. WALCOTT: I beg to second that.

Mr. LEWIS: I take it that this Board is a corporate Body, that it can hold money and it can sue and be sued. I think it should be made abundantly clear that the money assessed on these public utilities should be paid into the Treasury; in that case everybody would see that this money is to be paid there and nowhere else. I am giving the honourable senior member for St. Joseph the last opportunity to decide whether it is necessary to set out that the money is to be paid into the Treasury or not. I feel that since money is to be advanced from the Treasury to meet the expenses of this Board, it naturally follows that the money should go back into the Treasury.

Mr. MOTTLEY: This Clause was fully discussed last Tuesday and I am still convinced that the Government is wrong. I do not propose to go over the argument which was adduced on this side of the House, but it was pointed out that in the Alberta Act of 1923 the expenses of the Board were to be borne by the Treasury, whereas in the Newfoundland Act, which only came into being in 1949, a change was made whereby the expenses of the Board were to be borne by the several utility companies. There is the

experience of over 20 years as against the experience of one year in respect of the working of these two Acts. We do not know if the Newfoundland Act has been amended and I am still of the opinion that we should follow the Alberta Act, and not only that Act but also other legislation in the United States and Canada. As regards Sub-clause (3), I distinctly made a suggestion to the honourable senior member for St. Joseph in respect of the money assessed on a public utility being paid into the Treasury. I do not only look at the matter of the Board being a corporate Body; I look at the matter from the layman's point of view. When you pass a law, it is not what the legal luminaries or even judges think about it; it is what the man in the street thinks about it. I agree with the honourable junior member for the City that it should be made abundantly clear exactly where the money assessed on public utilities should be paid. I hope that the honourable senior member for St. Joseph will convince us that it is not necessary to set out in this Clause that this money is to be paid into the Treasury.

On this question of the remuneration and expenses of the Board, the honourable member says that the public utility companies have to pay them out of their profits. And where do the companies get their profits from?—The consumers; if the companies have additional expenses to meet and those expenses are met from the profits, they must come out of the consumers. I would like to see the proprietor of any business in any part of the world, who is going to say that additional expenses are going to be borne by him and he is not passing them on to his consumers. That is the only reason why I have suggested that this Clause be worded like the Alberta Act and unlike the Newfoundland Act. If the Newfoundland Act did not set out that the expenses of the Board were to be borne by the utility companies, we would have followed other places in Canada and the United States. I see that consumers will be at a great disadvantage when this Clause is put into effect, but I suppose that in due course, whether in my time or in some other honourable member's time, this Clause will have to be amended. Mr. Chairman, when the Government appointed inspectors to go around and supervise the weighing of canes at the sugar factories, did they decide that the salaries of these inspectors should be paid by the sugar factories? (A MEMBER: Yes). Do you pay them out of the sugar factories? (A MEMBER: No). Therefore experience has shown that you have started wrong and you should take that as a warning. The honourable senior member for St. Joseph has made it clear that the remuneration of the members of the Board must be paid out of the public utilities, and there is no point in my further trying to convince the majority of honourable members otherwise, when they have already made up their minds; but I am still satisfying myself that I have done my duty in expressing my views on this matter and that I have tried to convince honourable members as to the necessity of having the expenses of the Board borne out of the Treasury. I content myself in asking the honourable senior member for St. Joseph if there is any opportunity of making an amendment to carry out the suggestion which my colleague and I have made as to setting out clearly that the money assessed on a public utility shall be paid into the Treasury.

Messrs. DOWDING and CRAWFORD came into the Committee and took their seats while Mr. MOTTLEY was speaking.

Mr. ADAMS: I am not going to repeat what I said before as to the general principle; it is sufficiently fresh in honourable members' minds and there is nothing that I can add to what I have already said.

As regards setting out that the money assessed on a public utility shall be paid into the Treasury that is not only unnecessary, but it might also be irksome in its working. At the present moment, every cent received in rents by the Housing Board has to go into the Treasury and if the Housing Board wants anything back, it has to come out of the Treasury. The Public Utilities Board must have stationery and other things. One can easily see that Regulations have to be made by the Board and submitted to both Houses of the Legislature; one can easily see a Regulation being made empowering the Board to keep \$50 or so rather than having to come back to the Legislature with a Resolution for \$50 for the purchase of stationery. It is awkward to set out that everything would have to be paid into the Treasury and then the Board has to come back to the Legislature for money. That matter can be covered in a Regulation over which the House will have control, and I am therefore asking the Committee to pass this Clause as amended.

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

Mr. REECE came into the Committee and took his seat.

Mr. ADAMS: I suggest that Clause II having been passed, Clause 6 automatically follows as it is. I beg to move that Clause 6 stand part of the Bill.

Dr. CUMMINS: I beg to second that.

Mr. WILKINSON: Although the hon. senior member for St. Joseph says that the Estimates will have to come before the Legislature, and naturally so is it not necessary to insert in this Clause the words "with the approval of the Legislature." This Clause says: "The members of the Board shall receive such remuneration as the Governor-in-Executive Committee shall determine." Can the hon. member tell me what harm there is in inserting the words I have just mentioned? After all, we do not want to give up all our powers: recently we have been giving up all our authority to the Governor-in-Executive Committee. I beg to move that the words "with the approval of the Legislature" be added at the end of this Clause.

Mr. MOTTLEY: I beg to second that. Clause II makes it absolutely clear that the remuneration of the members of the Board must be paid by the public utilities. Personally, I feel that in order to protect the consumers and to control the salaries which the members of the Board might draw, and which might be out of all proportion to the work which they do, the words proposed by the hon. junior member for St. James should be added to this Clause. I really cannot see anything wrong with that: the amount must be put down in the Estimates, but I argue that if you set out in the Estimates an amount of £5,000 for the working of this Board, we will vote that amount. I contend that the members of this House should be able to see what is going to be the remuneration of the members of the Board, otherwise you will have to say in reply to your constituents: "I really do not know what he is going to draw." I really cannot see any harm in amending this Clause to read: "The members of the Board shall receive such remuneration as the Governor-in-Executive Committee shall determine with the approval of the Legislature." I am going to say this: It might be said that the Governor-in-Executive Committee is not going to pay remuneration such as would harm the members of the Board, but surely, nobody is going to say that you are going to have the same Board for ever and ever. The hon. senior member for St. Joseph has said that there will not be any burden placed on the consumers because the remuneration of the members of the Board comes out of the public utilities. Says

the hon. member, if a rate of £5 or £10 per month or whatever it might be, is laid on the public utilities, that comes out of the profits. Of course the matter has to be brought before the Legislature if you want to get the money in advance out of the Treasury; but on this question of the remuneration of the members of the Board, if the matter is left in the hands of the Executive Committee, no one would argue that the decision of the Legislature will be the same as that of the Executive Committee. You might have the same political complexion, but you might not have the same integrity. I think that that is going as far as I might go in connection with this matter: I repeat that every hon. member should have the right to be able to say, when he is asked, what the remuneration of the members of this Board is going to be. I therefore have much pleasure in seconding the amendment of the hon. junior member for St. James.

Mr. LEWIS: I must say that I differ from that view. If in the future any constituent were to ask a member of this House what is the remuneration of members of this Board, he could very well reply: "The money does not come out of your taxes, and I do not see that it is any concern of yours; however, I will try and get the information for you." If the remuneration of the Board has to come out of the profits of the public utility companies or money which is put aside for the extension of the services, I say that the House should try its best not to have anything to do with this matter. I think that this House should avoid being blamed in any way for fixing the remuneration of the members of this Board; if the members of this House have nothing at all to do with this matter, they cannot be blamed in connection with it. These three public utility companies can be sued for the amount assessed upon them by this Board; let them go into the Court and tell the Judge that they could not pay the money because the expense is too much. I do not think that the members of this House should let anybody blame them for fixing the remuneration of the members of the Board too high or too low; the Executive Committee has a hard job to do and therefore let them decide this matter. I counsel this House that they should not have anything to do with the fixing of the salaries of the members of this Board merely because, technically, the money will be coming out of the Treasury. I repeat that the remuneration of the members of the Board is not going to be levied on the taxpayers.

Mr. CRAWFORD: Sir, the fact that the remuneration for the members of the Board does not come out of the taxpayer's pockets directly can hardly be advanced as a reason for stating that he should not be interested in the matter, for the simple reason that the money will come directly out of his pocket in the rates which he has to pay for the services of the public utilities. I think that the apprehension which the hon. junior member for the City has is that some unreasonable Executive Committee or some Executive Committee with a special axe to grind in one way or the other, might possibly make the remuneration of the members of the Board so high that the rates for the services of the public utilities might be made unduly high so as to defray the expenses of the Board. It seems to me that there cannot be any valid objection to ensuring that the remuneration to be paid to the members of the Board is as reasonable as possible, and we, in the Assembly, are the best persons to ensure that that is so; because three or four or five members of the Executive Committee may decide to put the remuneration of the members of the Board so high that the actual cost of the operations of the Board might so increase the charges to the consumers that they might wish to Heaven that

we never had a Public Utilities Board. In view of the fact that the present constitutional position of the colony is what is, it seems to me that there can be no argument at all against the addition of the phrase which will give the members of this Assembly the power to review the rates fixed for the remuneration of the members of the Board.

Mr. REECE: Mr. Chairman,—In my humble opinion, as this Clause now reads, as soon as the Executive Committee exercise the power to determine the amount of remuneration for the members of this Board, the matter is at an end. No one, not even the Legislature, has any say whatever in the matter, and certainly there will not be any need for the Executive Committee to put the figures in the Estimates except as a matter of courtesy. Once the amount has been assessed by the Executive Committee, it is suable in a Court of Law: there is no need for the approval of anybody. As soon as the Executive Committee have discharged their duty and fixed the amount, that is an end of the matter. The public utilities will have to pay the amount assessed on them: there will not be any question of the assessment being too high, they will simply have to pay. Further there is no question of appeal because, so far, this Act only provides for an appeal on a point of law.

One of the reasons why the Legislature must approve of this matter is that from year to year the debates of the House might undo what has been done by the Executive Committee. If the Executive Committee is given power to fix the remuneration of the members of the Board and the figures are submitted to the House, then, of course, a debate will take place, and the House may agree or disagree with those figures. That is a strong argument against leaving this Clause as it is, but the argument which has been advanced on this side of the Table is that inasmuch as the consumers are taxpayers, the Legislature should have a voice in the fixing of the amount which the public utility companies should pay and which the taxpayers might be called upon to pay indirectly. Surely the Legislature is the custodian of the taxpayers' money in the widest sense and therefore the Legislature should also have a voice in this matter. I am voting with the hon. member who has moved an amendment to this Clause because I feel that although the Executive Committee have the power to fix and determine matters of this sort, yet, inasmuch as the consumers are also taxpayers, the Legislature should have the power to review these matters. I am not one of those persons who think that the Executive Committee are going to fix an exorbitant remuneration for members of the Board nor do I think that the Executive Committee will fix the remuneration at too low a figure; but I do think that in matters of this sort it would be better from the consumer's point of view if the figure fixed by the Executive Committee meets with the approval of the Legislature. That is the only reason why I am supporting the amendment. I can quite see the argument advanced from the other side; the hon. junior member for the City says that we should allow the dirty work to be done by the Executive Committee. I think that that argument has a great deal of force in it, but from the taxpayers' point of view, I feel that the remuneration of the members of this Board should be fixed by the Governor-in-Executive Committee with the approval of the Legislature.

Mr. ADAMS: What surprises me is that hon. members do not pursue their argument. If we are to revise the salaries fixed by the Governor-in-Executive Committee because there is a danger that they would not come out of the profits but out of the rates, why do we not revise the rates so as to make sure that the salaries would not come out of the rates?

I would claim the right to review everything that the Executive Committee does. The hon. junior member for the City made what you might call a commonsense and personal appeal to hon. members that they should let the blame rest where it should rest, and that is on the Executive Committee. That is a sound argument. After all, the position here is somewhat analogous to C. D. & W. grants: C. D. & W. give grants for the Livestock Station and they say that the Livestock Officer should get £500 per annum; do we urge that the guardians of the taxpayers' money should have the right to question what C. D. & W. are paying their Livestock Officer? If the remuneration of the Public Utilities Board was in any respect coming out of the taxpayers' pockets, then we should have some say as to what should be paid. I am going to put the matter at a low level, and I do not mean to be offensive to the hon. senior member for the City: one can foresee the possibility of the companies' friends in this Chamber trying to keep down the remuneration of the members of this Board and making it very difficult for the Governor-in-Executive to find anybody to work on the Board for the salary proposed, thereby making it difficult to get the Act working. One can well foresee acrimonious debates taking place on the floor of this House as to what the remuneration of the members of the Board should be. You must give credit to the Governor-in-Executive Committee for acting in the best interest of the people, and sanction still remains with the House because it is obvious that if the Governor-in-Executive Committee acted so recklessly that members of the House passed a vote of "no confidence" in them, they would have to resign. I say that over and over again because that is the attitude I intend to pursue as long as I have the honour of being a member of the Executive Committee. If this Government goes recklessly against the interest of the community, I would put my resignation in the hands of the Head of the Executive just as I would expect the Head of the Executive to intimate to the members of the Executive Committee that it is their duty to resign. I repeat that what is set out in this Clause is the normal way in which a matter of this sort is dealt with; there is not the slightest suggestion that the taxpayers as such are interested in this matter. I am going to add this; subject to the ruling of the Chair, although any hon. member may criticize the Estimates which are put before the House, strictly speaking, I hope that the Chair will always rule out of order any attempt to reduce the amount which is fixed for the remuneration of the Board. Just as it would be wholly irregular for us to move a reduction of a C. D. & W. vote, say to the Livestock Officer, of £500 a year, we would have no right to move any reduction in respect of the remuneration of the members of this Board. If things are so conducted that the taxpayers will suffer, then that is a different matter.

As long as it is a question of the remuneration of a Public Utilities Board, the money is coming out of the public utility companies: there is no question of the taxpayers ever having to pay. A part of the functions of a Public Utilities Board is to control your profits, to see that those profits do not exceed "X" per cent., so that those who think that the running of this Board is going to be done in such a way that the companies will get away with murder, have got it all wrong. The power to control the members of the Board exists in the Act: of course the Board will be a quasi-judicial Body and the Government will endeavour to obtain the highest integrity, the highest skill and judicial outlook of and towards Members of the Board and I think I have said enough as regards that matter. I am appealing to hon. mem-

bers to see that a Public Utilities Board is a particular kind of Board and that the consideration which might apply to matters affecting the Treasury or the taxpayers at large does not apply to the functions of the Board. I therefore appeal to hon. members not to approve of the amendment which has been proposed. The hon. junior member for Christ Church has said that when the Governor-in-Executive has acted in this matter, it will not be necessary for anything to come before the House; he spoke rashly as he sometimes does on political matters. Every item—whether it eventually comes out of the taxpayers or not—in connection with which money finds its way out of the Treasury, must appear in the Estimates. If money is advanced or loaned from the Treasury, it must appear in the Estimates. Money from C. D. & W. is not our money; it is the British taxpayers' money put in the Treasury and it must appear in the Estimates.

Mr. REECE: I must take the hon. member up on that point; he has spoken rashly. In fact, if he says that the money relative to the remuneration of the members of this Board must appear in the Estimates that is more than speaking rashly. This money is to be assessed and paid to the Board.

Mr. ADAMS: I am sorry to interrupt the hon. member. I have said that that money goes into the Treasury. It comes out of the Treasury by way of an advance first.

Mr. REECE: I am willing to accept the hon. member's explanation as to the first year's working, but after the first year's working none of the money goes into the Treasury at all. It is all paid to the Board, and there is no necessity for it to appear in the Estimates. As regards money from C. D. & W., that is money which is granted by the Crown; that money is paid into the Treasury and it has to be paid out on a warrant. But here we have an entirely different matter: this money is remuneration which is assessed by the Board, and after the assessment, it is collected by the Board which is not called upon to pay it into the Treasury. If in the course of time the Executive Committee is called upon to make an advance from the Treasury, then that money comes out of the Treasury and it will have to appear in the Estimates. Nevertheless the proposed amendment seeks to give the House of Assembly, as the custodians of public funds, as guardians of the taxpayers' money, a voice in the fixing of the remuneration of the members of this Board. I quite see the force of the argument advanced by the hon. junior member for the City; as soon as the matter comes before the House, you are going to have acrimonious debate and all sorts of statements made on one side or the other. However, all we on this side of the Table are saying is; "Yes, let the Governor-in-Executive Committee fix this remuneration, but let us have a voice in the matter."

Mr. CRAWFORD: There is just one point I want to make. From what the hon. senior member for St. Joseph has said, one would almost think that this Board would be accounting its own money. One really wonders whether it is a question of preventing the companies from getting away with murder or preventing the Board from getting away with murder. As I understand the matter, one never knows what type of persons the Executive Committee may appoint as members of the Board; never can one tell what the Board might do or might not do, and therefore no harm can be done if we reserve the right finally to review the remuneration fixed by the Executive Committee for the members of the Board. I do not think that any worse example could have been quoted than that of C.D. & W.; we all

know that the greater portion of every individual grant given under the auspices of C. D. & W. is paid in salaries. Salaries eat up one-third of these particular grants, and if we had to pay these salaries out of our Treasury, the colony would become bankrupt in no time. If we were to take over the services rendered under the auspices of C. D. & W., we would have to review the remuneration fixed for the various officials under the various schemes. I am supporting the proposed amendment and I counsel hon. members to vote for it.

The question that the words proposed to be inserted stand part of the Bill was put and resolved in the negative, the Committee dividing as follows:—

Ayes: Messrs. CRAWFORD, BETHELL, MOTTLEY, DOWDING, GILL, GODDARD, WILKINSON and REECE—8.

Noes: Messrs. FOSTER, ALLDER, MILLER, MAPP, LEWIS, BRYAN, COX, F. L. WALCOTT, ADAMS and Dr. CUMMINS—10.

The question that Clause 6 stand part of the Bill was put and resolved in the affirmative on the following division:—

Ayes: Messrs. FOSTER, ALLDER, MILLER, MAPP, LEWIS, BRYAN, COX, F. L. WALCOTT, ADAMS and Dr. CUMMINS—10.

Noes: Messrs. CRAWFORD, BETHELL, MOTTLEY, DOWDING, GILL, GODDARD, WILKINSON, and REECE—8.

Mr. ADAMS: The next Clause to be considered, Mr. Chairman, is Clause 27 which reads as follows:—

27. (1) No public utility shall issue any stocks or shares or any debentures or other evidence of indebtedness, payable in more than one year from the date thereof, unless it has first obtained the approval of the Board to the proposed issue.
- (2) The Board may grant its approval of the proposed issue in the amount applied for or in any lesser amount, and subject to such conditions as it may deem reasonable and necessary to impose.

In respect of this Clause, the Minority Report says: "We are in doubt as to whether a Public Utility Company incorporated outside this Island which establishes a place of business within this Island would have to comply with the provisions of this Clause and therefore suggest that this Clause be so amended as to make it abundantly clear what would be the position of such companies."

As I pointed out to the Select Committee, you must give the Public Utilities Board credit for some intelligence, we hope, much intelligence. The point was raised that the Electric Company is registered in Great Britain, and before the Company could raise money to extend its business outside the United Kingdom, it would have to get the approval of the Capital Issues Committee. I am informed that the Capital Issues Committee refused to allow a loan to be raised in respect of the Queen's Park Hotel of Port-of-Spain; it might be that the Capital Issues Committee is so careful and exacting in its scrutiny that whatever the Public Utilities Board might do here, is just as well covered already. The Government is putting in an amendment to cover the point which has been raised, and I am asking leave to insert the following proviso which will cover it.

"Provided that in the case of a Company registered in the United Kingdom the approval of the Board for the proposed issue shall not be required where the prior permission of any Body recognised by the Board for such purposes has been obtained."

That proviso will apply not merely in respect of the Capital Issues Committee but also in respect of the possibility of anything arising later. Instead

of using the Capital Issues Committee as a specific Body, it is better to put the proviso in that way, because there might be another Body controlling the issue of shares.

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

Mr. ADAMS: I beg to move that Clause 27 as amended stand part of the Bill.

Mr. WILKINSON: I have very much pleasure in supporting that amendment. These are days of permits and I think, after all, the Select Committee has been of some good. All of us sitting around this Table want to do all we can to encourage capital to be brought into Barbados: we do not wish to put any hindrance in the way of getting capital in this island for the development of any public utility company. I know that the hon. senior member for St. Joseph is also of that opinion. There are in these days two very strict Committees which have to be passed where any company is endeavouring to raise money. The first of these Committees is the Capital Issues Committee and that is not just a Committee in name; it is a strong Committee which investigates very carefully whether the money is required for purposes in England or whether it is required for purposes out of England. When the money is required for purposes out of England I imagine that this Committee is much stricter than if it is required for purposes in England. As the hon. member has said, this Committee has recently refused to allow money to go out of England to extend the Queen's Park Hotel. I can confirm that. I do not know the reason for it and I do not think the hon. member knows; but I rather imagine that this Committee felt that Trinidad was wealthy enough to improve Queen's Park Hotel without any capital going out of England. There is another Committee known as the Stock Exchange Committee. That Committee also scrutinizes very carefully any application made for the raising of money. I know that the hon. senior member for St. Joseph wholeheartedly agrees with me that we want to do all we can to bring money into this colony. I am very glad that after consideration the honourable member has brought forward a proviso which meets our objection.

Mr. CRAWFORD: While I agree that we have to attract capital from outside, yet I feel that when people come here and set up new enterprises and make profits which are going to be sent out of the colony, we certainly have to see that every possible step is taken to see that they do not further exploit the situation. This proposed amendment means that any company which is registered in England can do as it likes; it might be that while the operations of the Telephone and Gas Companies in respect of the issue of stocks or shares would be regulated by the Board, the Electric Company is free to do whatever it likes. As a matter of fact, the Board might not put any expenses at all in so far as the Electric Company is concerned. If we are going to leave a company registered in England to do as it likes, it is obvious that such action might well affect the rates for any particular year. Furthermore, it is not fair; if one public utility must have its issue of stocks or shares controlled by the Board, then all public utilities should have their issue of stocks or shares controlled by the Board. In this particular case, it is all the more necessary for the issue of stocks or shares would be regulated by the Board because the profits of the public utility are going out of the island. In the case of a foreign company, every cent of the profits is going out of the colony (A MEMBER: No.) and I do not think it is fair either to the company or the other registered

companies for its issue of stocks or shares not to be controlled by the Board.

Mr. ADAMS: I do not think that the hon. member who has just got up to speak (Mr. MOTTLEY) is going to continue that argument; he is probably raising another point, but I would like to reply very briefly to the hon. member who has just spoken. Why has he so insulted the intelligence of the Committee as to read into this Clause something which does not exist? We are not exempting the Electric Company from the provisions of this Clause, we are not even saying that the decision of the Capital Issues Committee will be approved by the Board; but if it turns out that the Capital Issues Committee is going to investigate the solvency of the Electric Company in the same way as the local Board would do it, then it would be unnecessary for the local Board to do it. In short, if the investigation is actually done in Great Britain, it would not be necessary to do it here.

Mr. MOTTLEY: Mr. Chairman,—This Clause to which the hon. senior member for St. Joseph has added a proviso, has actually been the most controversial Clause in the Bill with which the Select Committee has had to deal. I think that the hon. Leader of the House has omitted to say that in Select Committee we actually reached a stage when we had to seek the assistance of the Crown Law Officer because we were in doubt as to our position as compared with the Capital Issues Committee in Great Britain. It has been pointed out to us—and I do not pretend to know everything like some hon. members—that where companies are governed by such legislation as has been enacted in Great Britain, we have to go cautiously in this matter. Of course, to a small mind it might appear that the Government actually gave in to the Minority Report, but in truth and in fact that is not so because this proviso does not cover all the arguments which were brought forward by the Minority before the Select Committee. However, the insertion of this proviso does point to the fact that the Government has appreciated some of the arguments which were used and has met us half way in getting a Clause in the Bill that must be workable. As a matter of fact, legislation of this sort must eventually get the consent of the Secretary of State for the Colonies, but it must be obvious that this Clause as it stood would be ambiguous. No such difficulty arises in Canada as to companies being registered outside unless it was a question of American companies being registered in Canada. There is a feeling by some people in this colony that this Clause should be deleted, but I am not one of those who feel so. As I said before the Select Committee and I say here again, if this Clause were deleted that would be, so to speak, destroying the entire Bill as it should apply to Barbados. I am not making any apology to anybody for saying that. I have read this Bill over and over, and I say that the object of this Bill is not merely to have a Board to sit down and say what you should charge and where you should run your poles. This proviso has been inserted as an amendment to this Clause and while that has been done, I will still want to see these public utilities being run in Barbados and owned by Barbadians. I am definitely opposed to nationalisation; I am 100% in seeing that these companies are owned by people in Barbados.

Sub-clause (2) of this Clause says: "The Board may grant its approval of the proposed issue in the amount applied for or in any lesser amount, and subject to such conditions as it may deem reasonable and necessary to impose." These conditions should be such as to make it possible, if you want to issue shares, for a reasonable and appreciable percentage to be offered in Barbados. I

am not so foolish as to contend that shares should never be offered in Barbados because if you want to establish a public utility of any sort, you must go outside of Barbados. I would like to see some amendment to this Clause which would give the right to the Board to offer an appreciable amount of shares in Barbados. It is not a matter of what can be done; it is a matter of what should be done. These shares should be at such a figure that people in all walks of life can buy them; the day has gone when only one section of the community can own shares in these public utilities, or when only one section of the community should control these public utilities. I realise that the day is here when people like myself should have a controlling voice in respect of these public utilities, and, I repeat, it will be much better for companies of this sort to have their shares owned and taken up by local people. This amendment which the honourable senior member for St. Joseph has offered shows that the days which we spent in Select Committee discussing this Bill have not really been lost. I have heard of and seen this proviso for the first time to-day and there might be some honourable members who have had the opportunity of studying it. I have not had that opportunity, but it strikes me that while this proviso only applies to companies registered outside the island, it still leaves power in the hands of the Board to grant its approval of the issue of shares; it does not take all the power out of the hands of the Board. It strikes me that by this proviso the Capital Issues Committee would be a Body which is recognised by the Board and that this Body, knowing that this Act exists in Barbados, would not rush to take any action without consulting the Board in Barbados. I would like the honourable senior member for St. Joseph to tell me if, with this proviso in force, the Board would still have the right to say that no shares must be offered in Barbados before approval for so doing is given.

Mr. REECE: I would like to join issue with the honourable member. Where the question of purchasing shares in a public utility company is concerned, the shares can be purchased by anybody. In England, whether you are a Labourite or Capitalist, provided you have the money, you can go and buy shares. I want to say that a company which is registered in the United Kingdom must operate under the laws of the United Kingdom, and the laws say that before you can get any money to expand your business you must get the approval of the Capital Issues Committee and the Stock Exchange Committee. Well, as the honourable junior member for St. James has already said, those Committees are two strong Committees and no company can just make an application to raise money and expect that by virtue of the application it will be granted. The company has to show good reason for making the application. As regards shares in public utilities in England, all classes of persons who have the money can buy them. The law in the United Kingdom is framed to protect persons big and small, who invest their money. As a matter of fact, Mr. Chairman, any person in any colony in any part of the world can buy shares in a public company; any person who has the money, can acquire shares in a public company. What the hon. member really has in mind is what has been put to him by the hon. senior member for St. Peter, that is, that the Government should acquire these utilities, and we on this side of the Table are against nationalisation. Where companies are registered in England, they have to operate under the laws of England; and when they want to raise money to do things, they have to get the permission of the Authorities in England. Therefore in this proviso, it is a question

of a Body recognized by the laws of the United Kingdom, not by the Board. The Electric and Telephone Companies are not registered in Barbados; they have established branches of business in Barbados. The honourable senior member for St. Joseph has offered this amendment and he has made it quite clear that he is out at some time or other to nationalise all these public utilities. When a person tells you that he will endeavour to put his view into law, you must respect that person's opinion just as we on this side of the House have said that we are against nationalisation. In this proviso, what is the value of the words "recognised by the Board?" These companies have not got to satisfy the Board; they have to satisfy the laws of England. One sees quite recently that several companies registered in the United Kingdom have gone to the Dominions and registered because they want to get away from the high rate of taxation, regulations and other difficulties which to-day impede companies in their development. But I repeat that where companies are registered in England they have to satisfy the laws of England.

Mr. MOTTLEY: I do not agree with the argument of the honourable junior member for Christ Church, that anybody in Barbados can buy shares in the Electric Company in England. The honourable member cannot fool me with that argument; it is absolute nonsense. In truth and in fact it could never happen. You can sit down and reason with me, but you cannot fool me; I am talking about issuing shares having regard to the man in the street who puts his money in the Savings Bank and gets only 3% interest. I am not mincing any matters about this, I have heard the late honourable senior member for St. Andrew telling people that they can buy shares in the Electric Company in England; you can buy them if you can pay £200. That is designed to keep certain people out. The honourable junior member for Christ Church can lead me but not when it comes to business. What I want to see is an amendment that if shares are being issued, a percentage of them must be offered locally; we do not want just to say what the laws of England are and that anybody in England can buy shares. Anybody in England cannot even buy them. The Board should be in a position to say that if shares are being issued, a percentage of them must be offered in Barbados. Some honourable member has said that you can buy shares in England to-day, subject to the English income tax. The Electric and Telephone Companies are here to stay and I am only saying what representatives of these Companies came before the Committee and said: "We would be glad to issue these shares locally, but we cannot do it." We want an amendment whereby these shares can be issued locally.

Mr. REECE: These Companies are registered under the Act in the United Kingdom and shares are issued on the London market. If the honourable member does not understand the position, that is not our fault. To tell me that you can introduce an amendment to this Act which would amend the United Kingdom law is sheer, undiluted nonsense.

Mr. WILKINSON: At this stage, Mr. Chairman, I beg to move that you do now report progress and ask for leave for the Committee to sit again.

Dr. CUMMINS seconded the motion which was agreed to.

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

Mr. ADAMS: Mr. Speaker—I beg to move that this House do now adjourn for half an hour.

Dr. CUMMINS seconded the motion which was agreed to, and Mr. SPEAKER adjourned the House accordingly.

REPLIES LAID

On re-assembling,

Mr. F. L. WALCOTT: Mr. Speaker,—I beg to lay the Replies to Questions No. 57 standing in the name of the honourable senior member for the City, relative to dissatisfaction on the part of Butchers carrying on trade in the Public Market in respect of storing meat in the Cold Storage Plant; and the Replies to Questions No. 49, standing in the name of the honourable junior member for St. Andrew, relative to unemployment among employees of the Highways Department in St. Andrew owing to the labourers being laid off weekly.

THE PUBLIC UTILITIES BILL, 1951

Mr. SPEAKER: On the adjournment, the House was in Committee on the Bill to provide for the regulation of Public Utilities.

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 the adjournment, Clause 27 was under consideration.

Mr. MOTTLEY: I asked the honourable senior member for St. Joseph about the issuing of shares locally and so on, and I think that the honourable member will be anxious to answer me before the question is put. The honourable member will recall the arguments which I used in Select Committee and which I partly used again to-day. Sub-clause (2) of this Clause says: "The Board may grant its approval of the proposed issue in the amount applied for or in any lesser amount, and subject to such conditions as it may deem reasonable and necessary to impose." I want to know whether that would regulate the issue of shares locally. The honourable junior member for Christ Church joined issue with me, but I disagree very much with him. When it is a question of law the honourable member will be able to guide me, but when it is a question of commonsense, I will stand up against anybody. I say that nobody could buy shares in the Electric Company in London except he is going to pay £100 or £200 for a share.

Mr. ADAMS: Even at the risk of speaking in a way as if I am still making a second reading speech, I will just remind honourable members that the object of giving powers to a Public Utilities Board, apart from controlling rates and prices, is to ensure efficiency by the public utilities, continuity of service and that the public, including the shareholders, get justice done. It is therefore essential that a company should not be free to mess about with capital issues; a company's issuing of shares should be so regulated that the public does not suffer, and especially the shareholders. If honourable members bear that in mind, they will agree, as I think everyone who has spoken on this Clause agrees, that this Clause is necessary. I do not think that in this Committee anyone went as far as to suggest that this Clause should be eliminated, but I lay some emphasis on what I am saying because the Government knows that there is a move on foot in some quarters to prevent this extremely salutary Clause from surviving. I do not like to say things which seem to be threats, but I will just give a little reminder; when this Committee representing the elected representatives of this colony determines a policy, and when the Government and the Opposition alike approve of the principle of a Bill, it is not anybody's business to seek to destroy any Clause of that Bill. This Clause has got to remain in this Bill, but if there are snags as suggested in the Minority Report, the Government should consider whether it should

not, by means of an amendment, meet the reasonable opposition of persons of different points of view. In so far as the Canadian legislation goes, I again refer to Newfoundland which has the most recent legislation; coming a quarter century after the Alberta legislation; and it is reasonable to suppose that the Assembly of Newfoundland profited by the experience of the Public Utilities Acts which have gone before. The corresponding Clause in the Newfoundland legislation is an extremely long Clause; it sets out actually some of the things which we have to set out under conditions and it has thirteen Sub-clauses. It not only says what we have here, but it is significant that in this particular Act they set out what percentage of shares in the capital already existing should be issued, and that is what I hope the Board will bear in mind when it is constituted. The particular Sub-clause of the Newfoundland Act says:

"An issue of shares which does not exceed five per centum in number of the shares of the capital stock previously issued, may be made in any calendar year by any public utility, without first or at all offering the shares of such an issue to the shareholder if such shares are issued for any of the following purposes:—

- (a) to acquire property which the public utility is authorised to acquire and hold.
- (b) to provide shares to be sold for cash to employees.
- (c) to provide shares to be sold for cash to or for an Employees' Benefit Fund."

I am told that there are some companies in this colony which have employees' shares. That is a condition which the Board may attach and it may attach a condition where practicable, that shares should be issued locally. I am sorry that the honourable junior member for Christ Church is not now in his place, because I may have to refer to his remarks in non-flattering terms. Nobody purports to tell a company registered in England to do something which may be against the English law; a company can be registered anywhere, but as far as its activities in Barbados are concerned, we can control them. I hope it will be necessary for the Electric Company to have a locally-registered company with a mixture of local and other directors, because that will be so much the better for Barbados. If it should so happen that the Company is forced to do that, so much the better it will be for this colony. Even the Gulf Oil Corporation with its two million dollar capital is registered as a Barbados Company, and if it so happens that it becomes impossible or impracticable for any public utility company to function unless it has a locally registered company, the better it will be for us. In reply to the honourable senior member for the City, I see no reason why the Board should not grant approval to the issuing of stocks or shares on the condition, where it is workable, that some of them be offered to the local public first. I do not wish honourable members to be under any misapprehension, and, at the risk of repeating what I said earlier, I wish to say that you have to make a law of general application. If it so happens that the same evils which we are guarding against have already been guarded against by English legislation—if it is that sufficient protection exists by the law of England for the issuing of capital—then it will not be necessary to get the protection of the local Board because there is legislation which provides against the very ills which we are providing against. The honourable junior member for Christ Church was harsh when he said that this proviso is not worth while; the honourable member has been called to the Bar and the public will feel that a legal pronouncement is worthy of the utmost

attention. I hate to think that the Government has met objections made in the Minority Report by asking those who submitted it to accept something which is worthless and valueless. With that proviso, this Clause is as valid as it ever was; and if it should so turn out that the duties of the Capital Issues Committee or any Stock Exchange rules cover our point, we will not do again what has been done in Great Britain. I hope that honourable members will see that if some company comes along, just as the Telephone and Trust Company of Great Britain came along, and took over the issue of the locally-registered company, so the Electric Company may feel that as far as Barbados is concerned, it should have a locally-registered company in which case this Clause of the Bill as originally drafted would apply.

The question that Clause 27 as amended stand part of the Bill was put and resolved in the affirmative without division.

Mr. ADAMS: The next Clause which was postponed, Mr. Chairman, is Clause 36.

Clause 36 was read as follows:—

36. Where a public utility has failed to comply with any order made by the Board, if the Board is of the opinion that no effectual means exist of compelling the company to comply with the order, the Board in its discretion may transmit to the Colonial Secretary a certificate signed by the Chairman and the Secretary, setting forth the nature of the order and the default of the company in respect thereof and upon publication in the *Official Gazette* of a public notice of the receipt of the certificate by the Colonial Secretary, the default of the company so established by the certificate of the Board shall be ground for proceedings to dissolve the public utility.

Mr. ADAMS: I accept the amendment suggested by the Minority Report, that after the words "Official Gazette" appearing in line 8, the words "and a daily and at least one weekly or tri-weekly newspaper" be inserted. I ask leave to insert those words.

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

Mr. ADAMS: I beg to move that Clause 36 as amended stand part of the Bill.

Mr. F. L. WALCOTT: I beg to second that.

Mr. MAPP: The honourable senior member for St. Joseph has taken me by surprise by accepting this amendment. I really did not hear the reasons given in Select Committee for opposing the amendment, but I really cannot agree with it. My objection to the insertion of these words is that I do not like the throwing of the responsibility on the Board to decide in which weekly newspaper to publish this notice. I realise that there is only one daily newspaper, but there are three weekly newspapers in this island, and I do not see why we should unnecessarily increase the expenses of the Board in this matter. I do not think we should put it on the Board to discriminate between these weekly newspapers and to say in which of them this notice is to be published; in my opinion, that is putting the Board in an embarrassing position. The object of those who submitted the Minority Report was to get this notice published in the daily newspaper, but I am objecting to its being published either in the daily newspaper or in any weekly newspaper. The public will not necessarily be interested in this matter and therefore it is unnecessary to insert this notice in the newspapers.

Mr. MOTTLEY: Any statute which we pass here must affect the public. The right is given to individuals in any part of the island to bring grievances before the Board, but it does not set out how many persons must do that; and it is not only the consumer

who has the right to bring any matter before the Board. If something is going on and you only advertise in the "Official Gazette", everybody cannot buy an *Official Gazette*, but everybody can buy a weekly newspaper. It may not be necessary to use this provision in 50 years, but on the other hand, it may be necessary to use it. A man who lives in Hillaby may have some business going with the Public Utilities Board and he may not see an *Official Gazette*; he may have to borrow the honourable member's copy, so that you cannot say that it is not a matter which affects the public. As soon as you pass this Clause, it gives the right to the individual to act upon anything which affects him. I cannot see any harm in having the notice inserted in a daily and one weekly newspaper.

Mr. MAPP: I repeat that my objection to the amendment is this: Why should we put on the Board the responsibility of deciding in which of the three weekly newspapers this notice is to be published?

The question that Clause 36 as amended stand part of the Bill was put and resolved in the affirmative without division.

Mr. ADAMS: Part VIII of the Bill, which comprises Clauses 42 to 46, was also postponed.

Clause 42 was read and passed.

Clause 43 was read as follows:—

43. (1) An appeal shall lie to the Court of Error from any decision or order of the Board upon any question of law.

(2) The appellant shall give notice of appeal to the Board and to the adverse party interested and the Board shall be entitled to be heard by counsel upon the hearing of the appeal.

Mr. ADAMS: I beg to move that Clause 43 stand part of the Bill.

Mr. COX: I beg to second that.

Mr. MOTTLEY: In connection with this part of the Bill which deals with the question of review and appeal, we, who submitted the Minority Report, pointed out that we do not agree with this part of the Bill as it does not give all parties the right of appeal on questions of law as well as fact. In our opinion the right of appeal from any decision of the Board whether on questions of law and/or fact to the Court of Error of this Island with the further right of appeal therefrom to such higher judicial authority as the party appealing shall think fit, should be given to all parties, and we therefore recommend that the Bill be amended accordingly. We argued this matter from every possible angle; we were at a disadvantage in not having anyone to advise us legally; but we were at the advantage of having the honourable senior member for St. Joseph with us and with his legal knowledge, he is of the opinion that we would be enacting something which would be contrary to the custom and practice in this colony if we give the right of appeal on questions both of law and fact to the Court of Error. We feel that whether it be a Public Utility Company or an individual who is affected, the same right should be given to the Company as is given to any individual to appeal from one Court to another. We feel that not only should there be given the right to appeal to the Court of Error on questions of law but also on questions of fact. I am not in a position to reply to the argument of the honourable senior member for St. Joseph; I leave that to the honourable junior member for Christ Church. However, as laymen, we should like to see the same right given to an individual under this Bill as is given to him under the laws of this country. We do feel that nobody should be debarred from going to the highest tribunal in the British Empire if he so desires; we feel that in this Bill you should not have a Clause giving the right merely to appeal to the

Court of Error, but that the right should be given to appeal to the highest Court in the British Empire. The honourable senior member for St. Joseph argued that it would be contrary to custom and practice in this colony to give the right of appeal to the Court of Error on questions of law and fact; however we have been informed by other legal luminaries that that is not strictly in accordance with the local practice, and at a later stage we will suggest certain amendments which will give the right not only to a public utility company but to an individual who might have to take a matter before the Court, and who might feel that the Board has not given a square deal. One of the principles obtaining in the British Empire is to allow an individual the right and freedom to have his case dealt with by the highest authority, and to confine him to the Court of Error in Barbados, as this Clause does, is not giving him the right to go before the highest authority. The honourable member argued that there is a Statute which deals with confirming or upsetting the parochial rates in which the highest authority is the Court of Error. Honourable members who are acquainted with the parochial set-up in this colony must appreciate the reason why that is so; it is because of the fact that if one were allowed to go on appealing in a matter of this sort, you would never get your rates laid in any one year, and the particular parish could not be run. I firmly believe that that was borne in mind at the time when such legislation was enacted; if the decision of the Court of Error is not taken, and you are allowed to appeal from Court to Court, that would hamper the work of the parish. I do not want to tire honourable members, but if they read from Clause 42 to Clause 48 of this Bill which part deals with the question of review and repeal they must come to the conclusion that this part of the Bill restricts the right of appeal, not only of a public utility company, but of anybody who has business with the Board. Some individual in a particular area may say, for instance, that an electric light should be put in a particular place; the matter goes before the Board and those individuals may say that the decision of the Board was not founded on fact and they want to appeal. Under this Bill, however much those individuals may disagree with the findings of the Board, they cannot appeal to the Court of Error. We are not passing laws for the interpretation of lawyers; we are passing them for the benefit of the general population. If people feel that an injustice has been done because a case has not been adjudicated on the facts as presented, I contend that they should have the right of appeal. I quite appreciate the arguments of the honourable senior member for St. Joseph that the right of appeal to the Court of Error is given only on questions of law, but in some cases appeals are made to the Court of Error both on questions of law and fact. I contend that we should make it easy for all sections of the community to be satisfied that their cases have been fully adjudicated and justice will be done to all concerned. There is a feeling that appeals could be made to the Governor-in-Executive Committee, and there is also a feeling that rather than the Court of Error there could be appointed under this Bill a Board of which a Judge should be the President. Several opinions have been expressed in connection with this matter, but we feel that the right of appeal to the Court of Error should be granted both on questions of law and fact: that people should not be confined to the Court of Error in every case, but should have the right to go before the highest Authority in the British Empire.

Mr. WILKINSON: I think that this question of giving the right of appeal to the Court of Error on questions of law and fact was the biggest argument which we had in the Select Committee. This is not a Party question at all; this is a question of principle as to whether the right of appeal should be given on questions of law as well as fact. As the honourable senior member for the City has said, we feel it is only British justice that that right should be given. We all want to see the law working fairly and justly; under Clause 35 of this Bill the Public Utilities Board is given extraordinary powers and we do feel most strongly that it is only common justice that the right of appeal should be given on questions of law as well as fact. I am not a lawyer, but I think that all we would have to do to give that right is to delete a few words occurring at the end of Sub-clause (1) of this Clause 43, those words being "upon any question of law". If we delete similar words in Clause 48, it will mean that we agree to the principle of giving the right of appeal both on questions of law and of fact. We have to come to some decision and I am hoping that the honourable senior member for St. Joseph will agree to give the right of appeal both on questions of law and of fact. I have been speaking to members of the community, people who are interested in the progress of Barbados; some of them are in favour of this Bill and others are not in favour of it, but every one of them is of the opinion that the right of appeal should be given both on questions of law and of fact. I hope that the members of this Committee will agree that this is not a Party question, but it is a question of trying to get the best results from a new experiment. If we are going to have a new experiment, let us have it on fairplay.

Mr. ADAMS: Perhaps before any other honourable member speaks I may speak and succeed in this Committee where I did not succeed in Select Committee. The honourable junior member for Christ Church will tell his colleagues that there are going to be more disadvantages if you give the right of appeal to the Court of Error on questions of fact than there are going to be advantages. As a matter of practice, in all English Appeal Courts, the Judge does not interfere with a finding of fact even though if he himself had been the original Judge he might have found differently, provided that there was sufficient evidence before the trial Judge on which to reach that particular decision. In the last case in the Court of Error, the learned Chief Justice actually said that if he had been trying the case in the first place, he might have found both parties guilty of negligence. There was sufficient evidence before the trial Judge in which he came down against one party especially as he saw the witnesses. The Appeal Court reviews evidence and sometimes a man's demeanour in Court goes to show that everything he says is untrue. If you appeal on questions of fact to the Court of Error, the Judge is going to uphold all the facts found below, unless the Board acted so unreasonably that no reasonable Court could have reached that decision. Nothing is going to be gained by giving the right of appeal to the Court of Error on questions of fact. Evidence is not given all over again; the engineers whom you bring before the Board to prove, for instance, that the voltage is right and the decision goes in one way or the other, are not seen by the Appeal Court. If the Board says: "I believe this witness who says that he has to ring a dozen times before he hears anybody", no Court of Error Judge will say that he disbelieves that witness, because he does not see him. That is the futility of giving the right of appeal to the Court of Error on questions of fact.

The grave disadvantage is this; when you talk about going beyond the Court of Error, a company with its wealth is far more likely to appeal and appeal than an unfortunate claimant who will have to pay costs. There is a famous case which started in the Police Magistrate's Court here and the complainant won. The Police Magistrate was Mr. Justice Ward and everybody agreed that the decision was a sound one. The defendant appealed and the Court of Appeal confirmed the decision; the defendant was not satisfied and appealed to the Court of Error and the Chief Justice also confirmed the decision. The defendant was not yet satisfied and he appealed to the West Indian Court of Appeal which reversed the decisions of the three Courts below. That complainant who had the support of three Barbados Courts, had to pay costs because he eventually lost. How many claimants will go before the Court and be pulled before the West Indian Court of Appeal, even on a question of fact? Many a miscarriage is done just because somebody's purse is longer than the other's and he can retain a better lawyer than the other. I am suggesting that neither from the point of view of usefulness nor from the point of view of aiding persons who may have claims to bring against these utility companies, will we be doing right to give the right of appeal to the Court of Error on questions of fact. The Judge will confirm the decision on facts unless the Board goes wild in making its decision.

The honourable senior member for the City has mentioned the possibility of an appeal to the Governor-in-Executive Committee: that is in the Canadian legislation and on the question of fact you appeal to the Lieutenant-General-in-Council. If it is the wish of members of the Party supporting the Government that there should be given the right of appeal to the Governor-in-Executive Committee on the question of fact and an amendment is made to that effect, the members of the Government will accept that. That will not cost a claimant anything and he will have the right to have his case reviewed on the facts; but I appeal to honourable members to allow this Clause to be passed as it is. The particular Clause in the Alberta Act even goes so far as to prevent fruitless appeals. I shall refrain from making any further comment at this stage because other arguments may be adduced and I shall have to reply to them; but I emphasize most strongly that we should not make provision for an appeal which, in reality, is not going to be any appeal. It will not be any appeal except the Board just goes wild in making its decision, and, I repeat no Judge is going to upset a finding of fact. If you give the right of appeal to the Privy Council that will scare off people: unless the persons complaining are like the honourable junior member for St. James or the honourable junior member for St. John, with deep pockets, they are not going to appeal to the Privy Council.

Mr. REECE: The honourable member who has just sat down has stated the law accurately. When it comes to the question of appeal on facts, Courts of Appeal are very reluctant to upset the decisions of trial Judges, unless there is a clear indication that the trial Judges are wrong on the question of fact. If there are any facts on which the judgment is based, it is very seldom that a Court of Appeal will upset the decision of the trial Judge; but where the evidence is so strong that the Appeal Court can hold that the verdict is against the weight of the evidence, then Appeal Courts have not hesitated to reverse the verdict of the Court below. In such cases, the evidence must be clearly in favour of the appellants, so that the Court can hold that there is good ground for

the appeal. It is in that case that we want to have this right of appeal—not in the case where the evidence on both sides simply raises an issue, but does not bring down the scales with any force in favour of one party or the other. It is not the case in which a trial Judge may be right and the Appeal Court does not see any reason to upset his decision, because the verdict could have gone in one way or the other; it is the case in which the evidence is so overwhelmingly in favour of the appellant that the Court of Appeal can say; "Well, the verdict is against the weight of the evidence." That is the case in which we feel that there should be given the right of appeal on the question of fact. It is not always the case of the rich company which may feel itself in a position to pay; it is also the case of the poor man who may have to put up such a strong case that the Court of Appeal may find that the verdict is against the weight of evidence and decide in favour of the poor person as against the company. It is not the case where the Appeal Court says: "The trial Judge having heard everything, has given this decision and we do not think we would be justified in upsetting it"; we are submitting for the consideration of this Committee whether an appeal should not be allowed on the other aspect of the matter—the case in which the verdict is against the weight of evidence. As the honourable member has said, the trial Judge had the opportunity of seeing the witnesses and observing their demeanour, whereas the Judge in the Court of Appeal just looks at the evidence as it appears on paper, so that no one can say that the trial Judge was wrong; but, I repeat, there is the other case where the weight of evidence is against the verdict. Not only the company but the poor person should be entitled to go, on the question of fact, to the highest tribunal to have it decided as to whether he has not produced such strong evidence that the Board was wrong in its decision because the weight of evidence is in favour of the claimant. In the ordinary case, an appeal on the question of law or fact makes no difference; where the evidence is in the balance, the appeal is on a point of law. But where the trial Judge or Board goes wrong on the facts in that he or it has given a verdict against the weight of evidence, that, in my humble view, is the case where the appellant should have the right of a review of his case. I know it is difficult to differentiate between the two types of cases. As the honourable member knows, it is only when you go to the Appeal Court that you really know whether the verdict is against the weight of evidence or not; you may think that the case is strong on the facts, but the Court of Appeal may take the view that the trial Judge was wrong on the facts; however there were reasonable grounds on which he came to his decision and therefore the Appeal Court does not upset the decision, but there is also the other case in which the appellant would succeed, the verdict being against the evidence. In the Court of Error as it stands today you really have two different appeals—one from the Magisterial and Petty Debt Courts, which can only be on a point of law, and the other from the Original Jurisdiction of the Assistant Court of Appeal, which may be on a point of fact as well as on a point of law. In this Clause the appeal is from the Board to the Court of Error and there is no intermediate appeal. The Board is given quasi-judicial powers, and I take it that the Board will do its utmost to decide all issues which come before it in a manner as if it were the highest tribunal under the Act; nevertheless, I do not know what the composition of the Board will be, but I take it that this Board will not be an entirely judicial Body; so that it would appear to me that one may be zealous in having an appeal given on the question of fact because it may be held that the decision of the

Board was against the weight of evidence which was produced for its consideration.

The honourable member has stated the other case clearly and fairly; there will be very few cases in which a claimant will succeed because the decision is against the weight of evidence. In my experience, it is only in a case where the Appeal Court has been able to say that there is no evidence at all in support of the findings of the original Court that the decision has not been upheld. In the ordinary case, there is no good in appealing. If I am allowed to say this, in Clause 48 (1) it is stated: "The Board may, upon the application of any party or may of its own motion, state a case in writing for the opinion of the Court of Error upon any question which in the opinion of the Board is a question of law." That is asking the Board to do a difficult thing; it is difficult to see how the Board will be able to decide whether the particular issue is one of law. If you will permit me, Mr. Chairman, to refer briefly to Clause 26, Sub-clause (1) of that Clause says: "The Board, or any person or company having an interest in the subject matter, or any public utility concerned, may complain in writing, setting forth any act or thing done or omitted to be done by any public utility in breach, or alleged breach, of any law which the Board has jurisdiction to administer, or of any regulation or order of the Board." Under that Clause, the Board may itself be complaining; the Board may bring up any matter, and it seems to me that, where the Board is bringing a matter before itself, there should be some appeal in case any decision which the Board makes is one of law. A Board which has the right to enquire into matters, to call upon parties to give evidence, should be able to come to a proper decision; but when you come to Clause 48 where the Board may state a case in writing for the opinion of the Court of Error upon any question which, in the opinion of the Board, is a question of law and nothing more, it will be very difficult for the Board to operate to the satisfaction of the public. It is not that the Board will wilfully abuse its power; I am of the opinion that if a person has a public duty to discharge, he will endeavour to discharge it properly. If the Board finds itself in a difficult position to bring a matter before itself, if it has to decide whether or not the decision which it has given in any matter involves a question of law, then I say that the Board is being called upon to do something which it may not be competent to do. That depends upon the composition of the Board.

The honourable senior member for St. Joseph knows that it is well to have matters fully ventilated and where parties are not satisfied in their own minds as to a decision which is given, it is for that reason that we have Courts of Appeal. If you have the decision of a Police Magistrate and there is no right of appeal, there will be dissatisfaction in the minds of people; but as soon as a party who thinks he is right can go to the Appeal Court and have the matter put before it—as soon as you have that state of affairs existing you create a sense of satisfaction in the minds of people, and that is all we are asking for in this Clause. The big companies as well as the small people who may be complainants should have the right to go to the highest Court on the question of fact in order to test the decision of the Board. I do not agree with an appeal to every possible Court particularly in the working of a Board of this sort; as the honourable senior member for the City has said, a person who is dissatisfied over any question of rates in a parish, has the right to appeal to the Court of Common Pleas; the decision of the Court is final, but the person can appeal on matters

involving both law and fact. There is much in what the honourable senior member for St. Joseph has said about appeals from Court to Court, but where the line should be drawn is a matter for the Committee. I feel that the appeal in this case should be to the Court of Error and the decision of the Court should be binding; but I differ from the honourable member in that I feel that the appeal should be on the question of fact as well as law. When one considers that this Board may be skilled in matters relating to gas, electricity and telephone but not otherwise, I feel that the right of appeal to the Court of Error should be given to cover particular cases which may arise—cases in which it may be held that the decision of the Board is against the weight of evidence which has been given.

Mr. ADAMS: When I saw the honourable member rise to his feet, I really thought that he would lend his weight to the Government, because he knows, as he has said, the utter futility of talking about appeals on questions of fact in English Courts. The argument which I might have used at first I will use now in anticipation of any other speech which may be made against this proposed Clause. The onus is on those who say that the right of appeal to the Court of Error should be given on questions of fact, to show that where you have an administrative Board there is given the right of appeal to a law Court. I admit that where matters of law arise, the right of appeal to a Law Court should be given; but when you come to the question of appeal on fact in respect of an administrative Board, the onus is on members on my left to show why they have never insisted that there should be given the right of appeal from a Board like the Highways Board, for instance, to the Court of Error. When there is any question about concessionaires giving bad service, and any action is taken, is there any appeal made to the Court of Error? Is there any appeal from the Education Board to the Court of Error? When the Hospital Board dismisses a nurse or anything like that she appeals to the Governor-in-Executive Committee, and when a headteacher is dealt with for being too fresh, he appeals to the Governor-in-Executive Committee. What is the justification for giving the right of appeal to the Court of Error on a question of fact when the Court is going to follow the generally established principle that it is not interfering with the Court below on the question of fact? When an appeal is made to the Governor-in-Executive Committee we can go into the facts, but the Court of Error cannot do that; an appeal on the question of fact would have to be dealt with by the Governor-in-Executive Committee and that is the normal practice. I hope that honourable members will answer my argument as to why they have never insisted that there should be given the right of appeal from any of these Statutory Boards to a law Court; the onus is on them, if they are enacting something new, to show that the appellate tribunal should be a law Court and not the Governor-in-Executive Committee. I hope that honourable members will listen carefully to see whether any argument can be adduced to show that an appeal from a Statutory Board on a question of fact is made to a law Court. There should not be any departure from the normal practice than an appeal from a Statutory Board is to the Governor-in-Executive Committee. (Mr. MOTTLEY: What does the Newfoundland Act say?) The Newfoundland Act does not give the right of appeal on fact at all, it is the old Statutes which give the right of appeal to the Lieutenant-General-in-Council.

Mr. CRAWFORD: The original argument was that the Appeal Court would not allow an appeal on a question of fact unless the weight of evidence was

against the decision. Whether that is so or not, it seems to me that giving the right of appeal is fundamental. Both the honourable and learned members—the hon. senior member for St. Joseph and the hon. junior member for Christ Church—are said to be good lawyers, but I do not think that this Committee should allow itself to be abused by their interpretation of what is politic and legal. The only Act which I have seen setting up a Public Utilities Board is the Puerto Rico Act, and that allows an appeal to the Supreme Court both on questions of fact and law. I cannot follow the argument adduced by the honourable senior member for St. Joseph that because scales of evidence in the matter of an appeal are balanced in favour of the wealthy, we should not permit an appeal in this instance. In fact, he argued that because a wealthy company has more money than a poor claimant, it can appeal *ad infinitum* and the poor claimant who may not be so financially capable, will find himself at a disadvantage. The same argument might also apply to the Workmen's Compensation Act; an injured worker employed by any Public Utility Company cannot sue his employers and appeal because he has not got the money to do so, but his wealthy employers can continually appeal. We do not say that the injured worker does not have the right to appeal wherever he likes. The Workmen's Compensation Act has given rise to a completely new series of Law Reports, and in that Act you do not say that the injured workman, because he has less money than his employer, cannot appeal wherever he wants to appeal. Although a consumer may have less fortune than a Public Utility Company, I do not think that we are protecting him when we deny him or the Company the right of appeal in any given matter. I said in my Minority Report that I agree with this particular recommendation that this matter of review and repeal should be allowed, and therefore I am going to support any amendment which would allow an appeal to a Court of Law either on fact or law; because I believe that the Public Utilities Board cannot be infallible, and in the ordinary course of events, it is the elementary right of any litigant to have the right of appeal against any decision with which he disagrees. If it is futile to permit an appeal to a Court of Law purely on questions of fact, we have done it in other instances, and the most that can be argued against it is that it is filling up the Statute Books of the colony with legislation. In my opinion there could not be any serious objection to allowing an appeal under this Clause both on fact and law, all circumstances being considered.

Mr. MOTTLEY: I said that after hearing honourable members on this question of appeal, in view of the Minority Report which we have signed, I would offer an amendment to this Clause. I think that honourable members have spoken enough on this matter and I am now offering the amendment. I beg to move that the words "upon any question of law" occurring at the end of Sub-Clause (I) be deleted.

Mr. WILKINSON: I beg to second that. We have heard a lot of interesting argument on this question and I do not know that anybody has been convinced in one way or the other by it. However, we on this side feel very strongly on the matter, and I hope that honourable members on the other side will feel that there should be given the right of appeal on questions of law and of fact. The honourable senior member for St. Joseph has put very clearly before us the advantages and disadvantages of giving the right of appeal on questions of fact. However, I have much pleasure in seconding the motion of the honourable senior member for the City.

Mr. ADAMS: It is hardly for me to put the amendment right, but it does not make any sense. The amendment is really not an amendment; if you want to give the right of appeal both on questions of law and of fact, you have to say that. You cannot just leave it blank.

Mr. MOTTLEY: I have been advised that the amendment is perfectly in order. The Court of Appeal Act is drafted like that.

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

A division was taken as follows:—

Ayes: Mr. SPEAKER, Messrs. FOSTER, ALLDER, MILLER, MAPP, LEWIS, BRYAN, COX, F. L. WALCOTT, ADAMS and Dr. CUMMINS—II.

Noes: Messrs. CRAWFORD, BETHELL, MOTTLEY, DOWDING, GILL, GODDARD, WILKINSON and REECE—8.

The question that Clause 43 stand part of the Bill was put and resolved in the affirmative, the following division being taken:—

Ayes: Mr. SPEAKER, Messrs. FOSTER, ALLDER, MILLER, MAPP, LEWIS, BRYAN, COX, F. L. WALCOTT, ADAMS and Dr. CUMMINS—11.

Noes: Messrs. CRAWFORD, BETHELL, MOTTLEY, DOWDING, GILL, GODDARD, WILKINSON and REECE—8.

Clauses 44 to 47 inclusive were read and passed.

Clauses 48 was read as follows:—

48. (1) The Board may, upon the application of any party or may of its own motion, state a case in writing for the opinion of the Court of Error upon any question which in the opinion of the Board is a question of law.

(2) The Court of Error shall hear and determine all questions of law arising in any case stated for its opinion by the Board and shall remit the matter to the Board with the opinion of the Court of Error thereon, which opinion shall be binding on the Board and on all parties.

Mr. ADAMS: I beg to move that Clause 48 stand part of the Bill.

Dr. CUMMINS: I beg to second that.

Mr. REECE: Perhaps the honourable member can enlighten us in connection with Sub-clause (1) of this Clause as to whether the Newfoundland Act uses the word "may" or the word "shall."

Mr. ADAMS: The Newfoundland Act uses the word "may." The point in this Clause is that the Board can go straight to the Court of Error and ask for an opinion and that has the same effect as if there had been a complaint, an investigation and then an appeal.

The question that Clause 48 stand part of the Bill was put and resolved in the affirmative without division.

Mr. MAPP: I have a motion to make and it is that we insert an additional Clause dealing with the matter of an appeal on questions of fact. We have listened to the arguments on all sides of the Committee and the basis of the argument of the Opposition is that there should be given the right of appeal to the Court of Error on questions of law and also on questions of fact. We, on this side, feel that there should be given some right of appeal from the decision of the Board on questions of fact, and I am going to move that an additional Clause be added, giving this right of appeal to the Governor-in-Executive Committee. That involves no costs to the appellant or the other party and it would provide an opportunity for carrying a case to a higher Authority than the Board. I feel the majority of the members of this Committee will agree with the additional Clause which I am proposing. I beg to move that the

following additional Clause to be numbered 49, stand part of the Bill:—

49. An appeal shall also be from the Board to the Governor-in-Executive Committee upon any question of fact, but no appeal shall be brought after twenty-eight days from the making of any decision or order of the Board appealed from. The person appealing shall give notice of his intention to appeal to the Governor-in-Executive Committee by serving a copy on the Colonial Secretary. He shall also serve a copy on the Board. The Governor-in-Executive Committee may determine the procedure to be followed in any appeal and may determine what persons are to be notified of the appeal and all persons notified shall be entitled to be heard. On the hearing of an appeal, the Governor-in-Executive Committee may confirm the decision or order appealed from or may reverse, alter, or vary the same, or make such order as to him seems just.

Mr. LEWIS: I have much pleasure in seconding that motion; I think that this right of appeal should be given. If it is the feeling that the Court of error will not upset a decision which is based on fact in that it did not have the privilege of seeing the witnesses, I think that we should give some right of appeal on questions of fact. This Clause will serve the purpose of satisfying the ends of justice and doing that in a very inexpensive way.

Mr. REECE: As the law stands, the time limit for an appeal to the Court of Error is 14 days but in this suggested amendment the time limit is 28 days. I suggest it is better to have a time limit of 14 days as is the case in respect of an appeal to the Court of Error.

Mr. MAPP: I accept that suggestion.

Mr. GODDARD: After such strong argument that we should not at all give the right of appeal

Mr. ADAMS: I said that there should not be given the right of appeal on fact to a Court of Law.

Mr. GODDARD: It has been claimed that the expense which would be entailed in going to the Court of Error is the reason for not giving the right of appeal on questions of fact to that Court; but when it comes to the question of expense, any expense which is incurred by the Public Utilities Board will be borne by the public utility companies, whether it is a question of legal expense or otherwise. I do not foresee any individual making the appeal; I foresee the Board making a complaint and then appealing. The public utility companies will eventually bear the expense and on that ground there is hardly any reason for avoiding going to the Court of Error because of the expense.

The question that the proposed Clause 49 as amended stand part of the Bill was put and resolved in the affirmative, the following division being taken:—

Ayes: Mr. SPEAKER, Messrs ALLDER, MAPP, LEWIS, BRYAN, COX, ADAMS and Dr. CUMMINS—8.

Noes: Messrs MOTTLEY, BETHELL, GODDARD and REECE—4.

Mr. ADAMS: I beg to move that the remaining Clauses of the Bill be re-numbered accordingly.

Dr. CUMMINS seconded the motion which was agreed to.

On the motion of Mr. ADAMS, seconded by Dr. CUMMINS, the CHAIRMAN reported the passing of the Bill in Committee with amendments.

Mr. SPEAKER resumed the Chair and reported accordingly.

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

Mr. ADAMS: I beg to move that this House do now adjourn for three quarters of an hour.

Dr. CUMMINS seconded the motion which was agreed to, and Mr. SPEAKER adjourned the House accordingly.

RESOLUTIONS RE LEASE OF LAND TO VESTRIES

On resumption,

Dr. CUMMINS: Mr. Speaker, I am asking leave to deal with Orders Nos. 12, 13, 14, 15 and 16 standing in my name as the next Orders of the Day respectively.

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

LEASE OF LAND TO THE VESTRY OF ST. GEORGE

Mr. SPEAKER: The next Order of the Day stands in the name of the honourable senior member for St. Thomas:—To move the passing of the following Resolution:—Resolution making it lawful for the Vestry of St. George to lease a parcel of land situated at Ellerton and containing by admeasurement not more than six acres from the Governor-in-Executive Committee for a period not exceeding twenty-one years at a peppercorn rent for the purpose of a Playing Field.

Dr. CUMMINS: Mr. Speaker,—These Orders are Resolutions which are more or less all the same. They seek to give the Government authority to lease land to the Vestries mentioned on a long-term basis. There are five of these Resolutions and with the exception of one, they are the same. It will be remembered that in 1948 an Act was passed amending the Vestries Act which gave the Vestries authority to lease land for the purpose of playing fields, and by an Act amending the Executive Committee Act, the Government was given authority to lease land on a long-term basis. That Act is now followed by these Resolutions which are now before us. I hear somebody ask: "What about Christ Church?" I reply: when Christ Church puts up a scheme to lease land, it will be dealt with and so in the case of the other parishes. I beg to move that this Resolution giving the Vestry of St. George authority to lease a parcel of land from the Governor-in-Executive Committee for a period not exceeding 21 years do now pass.

Mr. F. L. WALCOTT: I beg to second that.

Mr. MILLER: I would like to say a few words on this question. I am pleased to know that this offer has been passed on to the Vestry of St. George, but at the same time I am sorry that it was handled by some other authority. Looking back at the fate of the Princess Alice Playing Field, I am sorry to say that this land at Ellerton suffers the same fate. There is a Club up there known as the Ellerton Social Club and it appears that the pavilion used by this Club will have to be removed. It is true to say that a pavilion will be erected from Government funds and that is going to entail some correspondence from the Vestry to the parties who will be inclined to use this pavilion. I do not know if honourable members would have any sympathy with an appeal which is sent out to reach the hearts of the Vestrymen of St. George in relation to allowing this Club to remain on these grounds. There is no inducement for the Club to carry on; most of us will agree that it is almost impossible for us to expect that any group of men who got together and formed a club, would write to the Vestry every week at least for permission to make use of the Playing Field. Most of the people up there will believe that this piece of land was leased to them

by the previous owner, but I do not know that that will be of any effect. I am hoping that the suggestion which I have made will bear fruit and that the Vestry of St. George will decide in favour of permitting this Club to continue so that it will serve the people in this particular district.

Mr. MAPP: My colleague has said—I think I am quoting him correctly—that when any other Vestry puts up a scheme for leasing land, the Government would take steps to lease that land. I hope I am in order in asking him: “What about the Vestry of St. Thomas?” There are a number of Vestries, including the Vestry of the parish which I have the honour to represent, which are not included here and I would like to know if they have put up any schemes and what the position is. The people up there are very anxious about this matter.

Mr. ALLDER: When the question of establishing Playing Fields came up some time ago, it was my opinion that the particular Committee had not been properly appointed; I always felt that the representatives of the parishes in which the Playing Fields are to be established, should have been asked to give their advice. I have not been able to hear any report from the parish of St. George and it is a marked fact that there is generally a reluctance on the part of planters who are members of the Committee, to expedite the negotiations as to the acquisition of land for the establishment of Playing Fields. The reason is that these people always think hard to cut up agricultural lands for the purpose of establishing Playing Fields. I feel Mr. Speaker, that in some parishes the matter is being allowed to stay over for a long time, and the functions which the Committee was appointed to carry out are not being carried out. I feel Sir, that there should be stipulated some time limit to which these duties are to be carried out, and the Committee forced to put the projects into operation within a reasonable period of time.

There is another point. These Playing Fields are to be paid for out of the allocation to the Labour Welfare Fund, and I notice that remarks have been made to the effect that the allocation from this Fund, is based on a percentage per ton of sugar produced by the parishes. I have observed that of all the parishes the parish of St. John returns the greatest amount of sugar and St. Michael contributes the least amount to the industry. I am following the statistics which I have been able to see, and when it comes to the question of giving the parish of St. Michael permission to get six Playing Fields, as against the parishes of St. John and St. Philip and St. George which produce the greatest amount of sugar, you can see the disadvantage from which these parishes suffer. As regards this Fund, I have always felt that the percentage which a particular parish contributes to it should be spent on that parish; you should not ask the workers of one parish to deny themselves a certain percentage of their wages so that it can be spent on some other parish which does not contribute so great a percentage. Besides that, in the parish of St. Michael there are several social clubs which have many playing fields; you have the Garrison Savannah, Queen's Park and several open spaces not including the beaches. I do not feel, therefore, that permission should be given to the Vestry of St. Michael to establish six Playing Fields. However, Mr. Speaker, those are my points.

Mr. SPEAKER: I must draw to the honourable member's attention that this Order No. 12 is in respect of the lease of a parcel of land to the Vestry of St. George for the establishment of a Playing Field, and it does not refer to any parcel of land which is

likely to be leased in St. Michael. There is another Order in respect of leasing land in St. Michael and the honourable member will be afforded the opportunity to deal with the matter of the lease of land in this parish.

Mr. ALLDER: Yes, Mr. Speaker. Relative to the point made by the honourable senior member for St. George as regards the pavilion at Ellerton, I do not agree with him that the Committee should permit the present Social Club to remain on the grounds for the simple reason that they expect the Committee to set up a proper pavilion which will offer greater accommodation to the people of the parish. There is another matter which I would like to stress and that is the management of the Playing Fields; I think that the Government should stipulate what Committees they have and consider all applications for the use of these Playing Fields, made by the various bodies of people who might make application for their use. There is also another matter. It seems to me that certain pavilions are limited to being used by specialized people and I do not want any discrimination to be practised when applications are made for the use of these Playing Fields in any parish or for the use of the pavilions whenever they are erected. I must say that in case there is any revision of the regulations which affect these Playing Field Committees, consideration should be given to the possibility of appointing representatives of the various parishes in the House of Assembly on such Committees. That is something desirable because when there might be a tendency on the part of members who, by virtue of their interest in the parish, do not wish to expedite a programme, you are likely to have a failure in that which is desired by the House in respect of these Playing Fields. I hope that that question will be considered in regard to any future revision of the regulations affecting these Playing Fields, because it is a very important question.

Mr. LEWIS: I really did not intend to speak because I do not know how much sugar is produced in the City, and I believe a playing field is to be established in the City. This is a question of the Labour Welfare Fund; it is something to do with sugar which is shipped from Bridgetown. There are more people living in the parish of St. Michael than are living in other parishes and the honourable member is entirely out of order. What he needs to do is to get the view of the Vestry of the parish of St. John, and go through the parish and tell the people that the Vestry is not worth voting for. Mr. Speaker, there is a point about the pavilion on the site of the Ellerton Playing Field; I happen to know about this pavilion and I feel that some consideration should be given to the question of its remaining on that site, because it has some sentimental value to the people. We have Queen's Park with the Police pavilion and the Spartan pavilion and if the people at Ellerton have a Club there, I think some regard should be paid to it. Nobody is blaming the honourable senior member for St. John because the parish of St. John is not mentioned in these Resolutions; the honourable member should see to it that the people of St. John know why that parish is not mentioned in these Resolutions.

Dr. CUMMINS: I think that the honourable junior member for the City has already answered the honourable senior member for St. John. I do not know that these Playing Fields were intended for sugar to be played on them; they were intended for people to play on them. The question of the density of population is something to do with the matter, and, as was stated by the honourable junior member for the City, the greatest number of people live in the parish of St. Michael. A Playing Field Committee has been set up in each parish and until the Playing

Field Committee of St. John puts forward some scheme the Government cannot do anything about the matter; the Government cannot force the Committee's hands. In 1948 the Government amended the Vestries Act so as to give authority to the Vestries to acquire land and manage Playing Fields and the Vestry of St. John has not seen fit to put forward any scheme as yet. As far as my colleague is concerned, of course he knows, but I want to remind him that I am as much interested in the establishment of a Playing Field in the parish of St. Thomas as he is. What has happened in St. Thomas is that they have put up a top-heavy financial scheme. A big price has been asked for agricultural land; we hesitated, first of all to acquire agricultural land for the purpose of a Playing Field and secondly, the price asked for such land was a very big price and we could not get through with the proposal. The scheme in respect of St. Thomas was the most costly of all the schemes and we may have to resort to compulsory powers so as to purchase land in St. Thomas for the purpose of establishing a Playing Field.

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

LEASE OF LAND TO THE VESTRY OF ST. ANDREW

Mr. SPEAKER: The next Order also stands in the name of the honourable senior member for St. Thomas:—To move the passing of the following Resolution:—Resolution making it lawful for the Vestry of St. Andrew to lease a parcel of land situated at Belleplaine, St. Andrew, and containing by admeasurement not more than eight acres from the Governor-in-Executive Committee for a period not exceeding twenty-one years.

Dr. CUMMINS: Mr. Speaker,—The same argument applies to St. Andrew as applies to St. George. I beg to move that this Resolution do now pass.

Mr. MOTTLEY: I beg to second that.

Mr. FOSTER: Mr. Speaker,—I am glad that the Vestry of St. Andrew cannot be accused of being dilatory as in the case of the parish of St. Thomas. We have had our Playing Field going for a year. We are not in a position of the parish of St. Michael to have six Playing Fields; we have only one, but we hope to come back in the near future for two more.

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

LEASE OF LAND TO THE VESTRY OF ST. MICHAEL

Mr. SPEAKER: The next Order also stands in the name of the honourable senior member for St. Thomas:—To move the passing of the following Resolution: Resolution making it lawful for the Vestry of St. Michael to lease any parcel of land from the Governor-in-Executive Committee situated within its administrative boundary and required for the purposes of a Playing Field for any period not exceeding twenty-one years.

Dr. CUMMINS: Mr. Speaker,—Here again we have a Resolution similar to those which have just been dealt with. I beg to move that this Resolution do now pass.

Mr. COX: I beg to second that.

Mr. BRYAN: Mr. Speaker,—I would like to make a few comments in connection with the passing of this Resolution; and those comments will be directed specially to two instances affecting the Playing Fields in St. Michael. In the first place, I would like to make reference to the Playing Field site at Hothersal Turning; I have been informed that the Playing Field Committee selected and recommended

a spot formerly owned by Friendship Plantation and the recommendation was submitted to the Governor-in-Executive Committee for their consideration. The price asked for the spot in the first instance was 12 cents per square foot and that figure was subsequently reduced to 10 cents per square foot. When one takes into consideration the fact that the subsequent figure of 10 cents per square foot was lower than the price fixed by the Government, when one takes into consideration the density of the population in this area—there is Hothersal Turning, Jackmans and the area adjoining St. George—when one takes into consideration the fact that the Barbados Cricket League has done good work in the realm of cricket both intercolonially and internationally, the fact that the Barbados Cricket League has approached the Governor-in-Executive Committee asking that a decision be made in favour of a Playing Field at Hothersal Turning—when one considers all those facts, one is at a loss to understand why any hitch has ever arisen in acquiring this spot at Hothersal Turning. In the next place, I would like to refer to the Carrington's Village site; that is, in my opinion, even a worse case. In order to prove that that is so, I would like to recount a little history. Previous to 1927 the youths in this area played all their games on this spot and their activities adversely affected the owners of the houses in the immediate vicinity, and also created a public nuisance because of the proximity of the spot to the public highway. Several complaints were made about the matter and the owner of Welches, Miss Carrington, along with the Manager, Mr. Springer, handed over to the youths of this area a spot of land to be used as a playing field. In order to convert the land into something looking like a playing field, the youths got together and worked on it; that entailed the cutting down of trees, the digging up of roots, the filling in of holes, the planting of suitable grass and the drawing of water for watering the grass. It was not until 1928 that play was possible on this spot; there were then three clubs in that area and the opening match was played between two of them on the August Bank Holiday.

Mr. Speaker, there are alive today several persons who took part in the ceremony of the handing over of this spot of land to those youths. From then until now play has been carried on continuously on this spot, and I am inclined to think that after a period of over 20 years of continuous play there, that spot has been converted into a natural recreational centre. Sir, when one considers the magnanimous offer of land in this area and the price which is being asked for it—four cents per square foot I am told—one finds oneself at a loss to understand the hesitancy of the Playing Fields Committee in purchasing what would be a first-class playing field. I understand that petitions are being prepared to be forwarded to the Governor-in-Executive Committee in respect of the acquisition of these two spots of land which I have mentioned for playing fields, and I am taking this opportunity to appeal to the members of the Executive Committee that they accede to the requests made by the people of these two areas, because, after all, I feel that it is the people that matter.

Dr. CUMMINS: The honourable junior member for St. Michael has mentioned the Carrington Village Playing Field site and also the Friendship Playing Field site. Honourable members will remember that the Government gave over to the Playing Field Committee of St. Michael a certain amount of money in respect of the Princess Alice Playing Field, and everybody knows that a lot of allegations were made about the misspending of that money. Certainly the Government was somewhat slow in handing over

monies in respect of other playing fields until the matter of the Princess Alice Playing Field was settled. Earlier to-day the honourable senior member for St. Joseph gave notice of a Bill to amend the Commissions of Enquiry Act, and the reason for the proposed amendment is to give the Governor authority to set up a Commission to enquire into the expenditure of money on the Princess Alice Playing Field. For the benefit of the honourable junior member for St. Michael, I am happy to say that we are beginning to move in the direction of the purchase of the Carrington Village Playing Field; only yesterday morning the honourable senior member for St. Peter, the Acting Financial Secretary and I visited the proposed playing field site at Carrington's Village, and, within a short time, that will be purchased. (Cheers). We are again moving towards the purchase of the Friendship site; the Government has not long ago written the Playing Field Committee of St. Michael asking them to put up a new scheme for a pavilion and so on at Friendship. The reason for that is this; the original estimate was given either late in 1948 or early in 1949, and the Government has asked the Committee to give up-to-date estimates in view of the fact that the price of everything has advanced since then. As soon as the Government gets these estimates, the money will be handed over to the Playing Field Committee of St. Michael for the purchase of the Friendship site and they can proceed with the erection of the pavilion and other things. I hope that that explanation will satisfy the honourable junior member for St. Michael.

Mr. MOTTLEY: I am very sorry that I had to leave the House for a moment and that the honourable senior member for St. Thomas has replied before I spoke. There is much more that could be said on this question of the provision of playing fields in St. Michael. I suppose that it is now nationally known that there was some trouble over the Princess Alice Playing Field, and I am glad to hear that the honourable senior member for St. Thomas has actually confirmed what we have been hearing, that is, that some enquiry will be made into this matter; and the amendment which the honourable senior member for St. Joseph has introduced in respect of the Commissions of Enquiry Act is for the purpose of carrying out an enquiry as to the accuracy of some of the statements which have been made about the Princess Alice Playing Field. I am more or less replying to the honourable junior member for St. Michael who said that he is at a loss to understand the hesitancy of the Playing Field Committee of St. Michael in purchasing the Carrington's Village site. One can readily understand the apprehension of the Government in the matter of handing out money in respect of Playing Fields having regard to the rumours which were going around; if I were a member of the Government and heard these rumours, I, too, would have hesitancy in handing out money in that connection. The position is that the Government asked the St. Michael's Vestry to make some selections of sites in St. Michael and send estimates for preparing playing fields in St. Michael. A Committee under the Chairmanship of Mr. D. G. Leacock, Jnr. was appointed for the purpose, and before I was taken ill I served on that Committee. It would interest this House to know that the Committee thought it necessary to obtain the assistance of persons who were not members of the Vestry; they got the assistance of some schoolmasters and they got the assistance of the Secretary of the Barbados Cricket League because we realised that he would be a person who would know much of the activities of these cricket clubs.

The Committee also got the assistance of the Chief Sanitary Inspector of the parish and that of persons connected with the Barbados Amateur Athletic Association. Unfortunately, we did not get anybody from the Everton Club; I am just trying to point out to this Chamber that, as a result of much hard work, the Committee made recommendations and got estimates prepared by people who are builders, and those estimates were submitted to the Government. The sites selected were seven in number; they were (1) the Princess Alice site known as the Reef; (2) the cholera grounds which are partly owned by the Government; (3) a part of the Bay Estate which is owned by the Governor-in-Executive Committee; (4) a part of the Pine Estate which is also owned by the Governor-in-Executive Committee. You will observe that the Committee was careful in making selections so as to avoid any extra expenditure in purchasing sites. The other three sites were: a part of Grassettes, a part of Friendship and a part of Carrington's Village. The Committee got statistics as to the density of population from the Chief Sanitary Inspector. Some people thought that these sites were too many, but the Committee bore in mind that most of these sites were already in possession of the Government. The idea was that you could have cricket and football matches and other activities taking place on some of these sites while the others would be merely open spaces, as it were. The Committee made their recommendations in good faith and they were accepted by the Government; and in those recommendations the Committee asked that these sites be converted in playing fields. After a communication by the Vestry on the recommendation of the Playing Field Committee, the Government sent a certain sum of money to the Vestry. There have been some rambling rumours going around, but absolutely no communication could be found between the Governor-in-Executive Committee and the Vestry in connection with these rumours. A lot of things went on and the members of the Vestry were blamed for what they knew nothing about; and I say on the floor of this House that the Executive Committee knew nothing about these things. However, somebody took too much upon himself. Mr. Speaker, I am taking this opportunity of making these remarks because I want to clear the atmosphere. I say again that, in the face of difficulties in respect of the Princess Alice Playing Field, I can appreciate the Government's position in not passing the money for the purchase of sites for other playing fields. But it should be borne in mind that the Government asked for estimates and they got estimates. I say that for the benefit of the honourable junior member for St. Michael. The Social Welfare Officer recommended the purchase of Delamere Land for the purpose of a playing field, but sensible people on the Vestry opposed the idea of Delamere Land, a flood area, being acquired for a playing field. That site was recommended as against the Carrington's Village site which is favoured by all sections of the community and where there has been a playing field for over 20 years. On record at the Vestry is a letter from the Social Welfare Officer saying that she recommends the purchase of Delemere Land for the purpose of a playing field as against Carrington's Village; we were told by the Social Welfare Officer that it was either a question of having Delemere Land or nothing. I wondered how the members of any Government, if they were walking about with their ears to the ground, could associate themselves with any proposal to acquire Delamere Land as against Carrington's Village for the purpose of a playing field. That caused a deadlock with the St. Michael's

Vestry. What the honourable junior member for St. Michael said about the land at Friendship is correct; nobody thinking in terms of a playing field would buy land as he would buy it for housing. Nobody could honestly say that the keeping back of the purchase of the Friendship site was for the purpose of seeing if the land could be obtained at a cheaper price; the Playing Fields Committee recommended the purchase of the land as an area and left negotiations over the price to the Government. The Government is the proper authority to negotiate over the price, and if the Government tried to get the land at Friendship for a playing field at a price cheaper than what had been asked, I consider that the Government was right. There is nothing wrong about that.

As regards the Princess Alice Playing Field, I say that the Vestry never at any time had any communication from the Governor-in-Executive Committee or from anybody authorised by the Executive Committee, to buy any building for that Playing Field. There could be an investigation or no investigation about this Playing Field, it is a matter of indifference to me. Show me any communication authorising the Vestry to purchase any building in respect of this Playing Field; bring that communication out of the Colonial Secretary's Office and I will get up in the Park, Broad Street, anywhere—Cat's Castle for that matter—and take back what I say. Mr. Speaker this is what I want the Government to understand; the Playing Fields Committee were at pains to select people from all walks of life in making the recommendations they made to the Government. I do appreciate the Government bartering for the land at the cheapest price, because that is their duty; but what I cannot appreciate is that after the selection of the sites had been made, the Government having any official—I do not care who it is—to say that Delamere Land is more suitable for a playing field than Carrington's Village. Imagine the feeling of a Committee who had worked hard so as to make the selection of these sites, on hearing the Social Welfare Officer recommend that Delamere Land is more suitable for a playing field than Carrington's Village! Imagine the feeling of this Committee when they were told that the Government was advised by the King's Solicitor and the Social Welfare Officer that Carrington's Village was unsuitable for a playing field! Is that not frustration? As to whether the price of four cents per square foot for this land is too much, I am not prepared to argue that. The members of the Governor-in-Executive Committee are entitled to their views as to the price of this land; but I say that it is a matter of frustration where the Playing Field Committee had recommended this site at Carrington's Village for a playing field and then people who know or care nothing about the matter advise that this site is not suitable for a playing field. If they had said: "We do not think that this site is suitable", that would have sounded more reasonable. In respect of the Bay Estate, since the recommendation for a playing field on that site was made to the Government, they have asked the Housing Board to take over the Estate; I can see the reasonableness of abandoning the idea of a playing field there, because the land could be better used for the development of the people. However, Mr. Speaker, you will observe that the Playing Field Committee were at pains to recommend sites which were in possession or partly in possession of the Government so that the cost of setting up the playing fields would be lower than it would be otherwise.

Before I sit down, I would like to say this; the honourable senior member for St. Thomas has said

that the Government has now reached the stage where it has got over the frustration, and, as a member of the Playing Field Committee, I am wondering if it would not be better to get somebody from the Public Works Department or some other competent person to whom they could entrust this work than to ask the Vestry to look after it. I want to say that the Government represents the inhabitants of this colony, and until you bring about a change, the Vestry of St. Michael is still a Body which must represent the taxpayers of St. Michael. When officials will write letters which, on the face of them are rude, is it not much better, if the Government can find enough officials to do its business, for the Government to do its own business? I can quite understand the Government asking for estimates; I recall that on one occasion an estimate for \$50 was sent in for "incidentals" and the Vestry was asked to break it down and say what it was going to spend in "incidentals." Imagine your being asked to send in estimates: you get estimates from four or five people and send them to the Executive Committee—I am making statements of fact—and then you are asked to break down "incidentals"! Somebody has argued that we did not send in detailed estimates; but the last estimates sent in were detailed estimates. I quite agree that when it comes to block estimates you would have to ask about them. I do hope that now we have actually got over a lot of the frustration things will work smoothly, and if the Government can negotiate and get the land at their price, the Vestry would be only too glad to run these playing fields for them. If they can negotiate to get the erection of the buildings carried out by the Public Works Department or by any responsible person, I think that would be very much better than asking the Vestry to look after this work. I welcome the amendment to the Commissions of Enquiry Act, and I say in respect of a lot of the letters which we have had purporting to come from the Governor-in-Executive Committee, that, as a Socialist Government, they would not have passed those letters; but I would not go as far as to say that they knew nothing about all of them. The Government can be reasonable at times and I do not understand why they have allowed all these communications. Like the honourable junior member for St. Michael I would like to see progress made with these playing fields; let the Government make their selections and hand over the playing fields to the Vestry. The Vestry realise that the present Government can be reasonable and do not want to do anything to cause frustration; but there are officials who make things very difficult, who do everything possible because they cannot get their wishes carried out: they put every obstacle in the way of things being done. A delegation of cricketers from Carrington's Village waited on the Social Welfare Officer; they had a petition to present to the Government and I was a loss to understand that they came back to me saying they were told that the Social Welfare Officer said that Delamere Land was a more suitable site for a playing field than Carrington's Village, and she was not prepared to recommend the Carrington's Village site. We must not let that sort of thing happen. Let the members of the Government assert their individuality; let them say: "We of the Government say that this land has to be bought."

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

RESOLUTION *RE* LEASE OF LAND IN ST. PHILIP FOR A PLAYING FIELD

Mr. SPEAKER: The next Order of the Day also stands in the name of the honourable senior

member for St. Thomas:—To move the passing of the following Resolution:—Resolution making it lawful for the Vestry of St. Philip to lease from the Trustees (for the time being) of the Garnes' Trust that parcel of land known as King George V Memorial Park which land is to be used for a Playing Field for any period not exceeding Thirty Years.

Dr. CUMMINS: This Resolution differs from the others somewhat. In the other cases, it is a question of leasing the land from the Governor-in-Executive Committee. In this case the King George V Memorial Park is already a going concern; the land is leased from a Trust Company and it cannot be purchased. The Government is prepared to provide the money to enable the Vestry of St. Philip to purchase the buildings which are on the land and which are now being used, and also for the Trustees of this land to continue to lease it to the Vestry for 30 years. I repeat that this is a question of a lease between the Vestry of St. Philip and the Garnes' Trust Company; the land cannot be bought and the Government is providing the money for purchasing the buildings and for the continuance of the lease of the land to the Vestry. I beg to move that this Resolution do now pass.

Mr. COX: I beg to second that.

Mr. LEWIS: It is unfortunate that the two honourable members for St. Philip are not present. I observe from the wording of this Resolution that it differs from the others; this land will not be leased from the Governor-in-Executive Committee. It has been running through my mind all the time that it might be a good thing if we could use some of the money from the Labour Welfare Fund to lease land for Playing Fields, especially those lands which are already used for that purpose, and it may be possible to lease them from the owners for 21 years at a reasonable rent. I would like to draw to the attention of the honourable senior member for St. Thomas that it is only in the addendum of some of these Resolutions that it is stated that the land will be leased at a peppercorn rental: it is a good thing to put that in all the Resolutions, because the addendum to a Resolution does not go up to the Other Place. I would also like to mention this; I understand that some of the Playing Fields which are already established are not in a usable condition because they need a lot of attention. I think it would be a good idea to encourage the people, if they are supplied with lawn mowers and rollers, to take an interest in keeping their Playing Fields in order themselves. Taking into consideration that the people at Carrington's Village have made a Playing Field for themselves for over 20 years, my suggestion is that people should be encouraged to take an interest in the Playing Fields themselves, and that would have a good impression upon those who have provided the money to give them the Playing Fields. That would be a splendid gesture on the part of these people. I mention the point about the peppercorn rental in case it is possible to re-commit the Resolutions which have already been passed and put that provision in the Resolutions themselves.

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

RESOLUTION RE LEASE OF LAND IN ST. JOSEPH FOR A PLAYING FIELD

Mr. SPEAKER: The next Order of the Day also stands in the name of the honourable senior member for St. Thomas:—To move the passing of the following Resolution:—Resolution making it lawful for the Vestry of St. Joseph to lease that parcel of land containing by admeasurement not more than

four acres at the Old Railway Station, Bathsheba, from the Governor-in-Executive Committee for any period not exceeding twenty years for the purpose of a playing Field.

Dr. CUMMINS: This is the last of these Resolutions on the Order Paper. In this case, the Government owns four acres of land at the Old Railway Station at Bathsheba and there is standing on that land, a building which has been purchased by the St. Joseph's Vestry. It is proposed to acquire compulsorily another 1½ acres of land adjoining the Government land for the purpose of providing a Playing Field. I beg to move that this Resolution do now pass.

Mr. COX: I beg to second that.

Mr. SMITH: I am very pleased that the Government has seen fit to help the parish of St. Joseph with a Playing Field and a building of this sort. In connection with this land which it is proposed to acquire compulsorily, I would be very glad if the Government would speed up this matter as fast as possible, because unless we have both the building and the land, we cannot get along with the work with which we intend to get along. We cannot do anything without this land; Bathsheba is one of the loveliest spots in the world (Hear, hear) and on Sundays and Bank Holidays when people go down there, the beach is left in a horrible condition and we cannot remedy that condition until we get this bit of land, so that we will be able to proceed with the erection of the latrines and baths which are needed.

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

SUPERVISION OF THE WEIGHING OF SUGAR CANES (AMENDMENT) BILL 1951

Mr. ADAMS: I ask leave to make item No. 20 on the Order Paper the next Order of the day.

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

Mr. SPEAKER: The next Order of the Day stands in the name of the honourable senior member for St. Peter:—Second reading of a Bill intituled an Act to amend the Supervision of the Weighing of Sugar Canes Act, 1939.

Mr. F. L. WALCOTT: This Bill is a very simple one as far as I am aware. I do not know if honourable members have had the opportunity of reading the Bill, but it is one to make provision whereby the itinerant Inspectors who go around during the crop season to see about the weighing of canes will be brought under the existing general Act. These Inspectors are now being given statutory authority so that they can enter places where canes are being weighed for the purpose of sale and to view the weighing of the canes. Hitherto they have acted without any legal status, and this Bill is for the purpose of giving them that status so that they can act without any fear. Without any more ado, I beg to move that this Bill be now read a second time.

Mr. COX: I beg to second that.

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

On the motion of Mr. F. L. WALCOTT, seconded by Mr. COX, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. SMITH being in the Chair.

Clause 1, the title Clause, was read and passed. Clause 2 was read as follows:—

2. Section two of the principal Act shall have effect as if after the definition beginning with the

word "Canes" there were inserted the following definition—

"Cane weighing inspector" means an inspector appointed by the Labour Commissioner, seasonally for the purpose of supervising and checking the weighing of canes at any factory or place where canes are being weighed for the purpose of sale and for supervising such other duties as the Labour Commissioner may from time to time direct.

Mr. F. L. WALCOTT: I beg to move that Clause 2 stand part of the Bill.

Mr. COX: I beg to second that.

Mr. LEWIS: I am asking the honourable senior member for St. Peter to explain to me what the word "supervising" occurring in line 9 of this Clause means. I may be entirely ignorant as to what it means, but it does not seem right to me. These inspectors are to supervise the weighing of canes, and this Clause says "for supervising such other duties as the Labour Commissioner may from time to time direct." I would use the word "performing" because the word "supervising" does not sound right to me.

Mr. F. L. WALCOTT: The Labour Commissioner has the authority under the Act to direct other duties, but it would be rather hypothetical to say what those duties will be because one really does not know what they will be.

Mr. LEWIS: Are these inspectors going to supervise their own duties? As to the weighing of canes, they are supervising the weighing of canes which is done by somebody at the factory; but in this Clause I would set out that these inspectors are supervising the weighing of canes and performing such other duties as they may have to perform.

Mr. F. L. WALCOTT: When you say that a man is supervising the weighing of canes, it means that he sees that somebody carries out the duties of weighing canes. I cannot stipulate what those other duties will be.

Mr. LEWIS: This Clause says that these inspectors are to supervise the weighing of canes and to supervise such other duties as the Labour Com-

missioner may from time to time direct, but the inspectors do not supervise those duties. The point is that these inspectors were not appointed to supervise or perform any other duties. I am going to move that the word "supervising" occurring in line 9 of this Clause be deleted and the word "performing" be inserted in place thereof.

Mr. ADAMS: I would like to point out to the honourable member that these inspectors are to supervise the weighing of canes, but they may also be called upon by the Labour Commissioner to do other duties. If the honourable member wants an amendment made we could set out that the inspectors are to supervise or perform these other duties.

Mr. LEWIS: I beg to move that the words "or performing" be inserted after the word "supervising" occurring in line 9 of this Clause.

Mr. F. L. WALCOTT: I accept that amendment.

The question that Clause 2 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clause 3 was read and passed.

On the motion of Mr. F. L. WALCOTT, seconded by Mr. Cox, the CHAIRMAN reported the passing of the Bill in Committee.

Mr. SPEAKER resumed the Chair and reported accordingly.

On motions of Mr. F. L. WALCOTT, seconded by Mr. Cox in each case, the Bill was read a third time and passed.

THE ADJOURNMENT

The Order Paper having been fixed,

Mr. ADAMS: I beg to move that this House do now adjourn to this day week, the 6th. day of February, 1951, at 3 p.m.

Dr. CUMMINS: I beg to second that.

The question that this House do now adjourn to this day week, the 6th day of February, 1951, at 3 p.m. was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly.