

THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1950—51

HOUSE OF ASSEMBLY

Thursday, 26th July, 1951.

Pursuant to adjournment, the House of Assembly met at 5.30 o'clock p.m. today.

Present:

His Honour Mr. K. N. R. HUSBANDS, (*Speaker*), Mr. L. E. SMITH (*Chairman of Committees*), Dr. H. G. H. CUMMINS, M.D., C.M., Messrs. G. H. ADAMS, B.A., M. E. COX, F.E. MILLER, E. K. WALCOTT, K.C., W. W. REECE, K.C., J. A. HAYNES, B.A., L. E. R. GILL and F. C. GODDARD.

Prayers were read.

Mr. LEWIS entered the House and took his seat.

MINUTES

Mr. SPEAKER: I have the honour to inform the House that the Minutes of the last meeting are not ready for confirmation.

REPRESENTATION OF THE PEOPLE (MISCELLANEOUS PROVISIONS) BILL, 1951

Mr. SPEAKER: The first Order of the Day stands in the name of the honourable senior member for St. Joseph:—To move the House into Committee on the Bill intituled an Act to make provision for the direction and supervision of the election of members to serve in the General Assembly of this Island, the procedure at such elections, the expenses at such elections and for other purposes in connection therewith.

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

Dr. CUMMINS seconded the motion which was agreed to.

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

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

Clauses 1 to 9 inclusive were read and passed.

Clause 10 was read.

Mr. ADAMS: I beg to move that Clause 10 stand part of the Bill.

Dr. CUMMINS: I beg to second that.

Mr. LEWIS: Sub-clause (1) states:

"Notwithstanding anything contained in the Representation of the People Act, 1901, or any other Act for the purposes of every general election of members of the General Assembly of this Island, and for the purposes of the election of a member or members to supply any vacancy caused by death, resignation or otherwise, the Governor-in-Executive Committee shall issue writs under the Public Seal of the Island, addressed to the returning officers of the respective constituency for which a member or members are to be returned. Such writs shall be forwarded to the Supervisor of Elections for transmission to the several returning officers."

I would like to know the meaning of the words "every general election" occurring in line 3 of this Sub-clause. As far as I know, we have an Act which will only apply to the General Election for the year 1951. In so far as the compilation of the list of voters is concerned, I do not see the necessity for the use of the word "every" and it may cause trouble.

Mr. ADAMS: Perhaps the position can be clarified if a comma appeared after the word "Act" occurring at the end of line 2. It is largely a question of punctuation. The Other Place has actually put in a comma as an amendment, so we may as well put in a comma after the word "Act."

The question that Clause 10 as amended stand part of the Bill was put and resolved in the affirmative without division.

Messrs. CRAWFORD and GARNER came into the Committee and took their seats.

Clauses 11 and 12 were read and passed.

Clause 13 was read.

Mr. ADAMS: I beg to move that Clause 13 stand part of the Bill.

Dr. CUMMINS: I beg to second that.

Mr. REECE: Sub-clause (4) states:

"Every candidate shall at the time of his nomination deliver or cause to be delivered to the returning officer a statutory declaration of his qualifications made and subscribed by such candidate, or if the candidate is absent from the Island on nomination day, by his duly authorised agent, in the form set out as Form 8 or Form 8A, as the case may be, in the Schedule to this Act. If such statutory declaration is not delivered as aforesaid the nomination of such candidate shall be deemed to be void."

Suppose a candidate is ill; what will happen then?

Mr. ADAMS: If a candidate is ill or is out of the Island his agent can deliver the declaration to the Returning Officer.

The question that Clause 13 stand part of the Bill was put and resolved in the affirmative without division.

Clause 14 was read as follows:—

14. If at the expiration of three hours from the time appointed by section thirteen for the nomination of candidates there shall be duly nominated only the number of candidates required for filling the vacant seat or seats, the Returning Officer shall forthwith publicly declare such candidate or candidates to be elected and shall immediately thereafter certify by endorsement on the writ of election the return of such candidate and shall return the writ so endorsed to the Supervisor of Elections for transmission to the Governor-in-Executive Committee.

Mr. ADAMS: The Government wondered whether they should perpetuate the system of long speeches being made on Nomination Day, and it may be that some honourable members may not agree with the period of three hours as set out in this Clause. I draw the matter to the attention of honourable members as to whether this period of three hours should remain or not. A sheriff might be bored before the expiration of three hours. I beg to move that Clause 14 stand part of the Bill.

Dr. CUMMINS: I beg to second that.

Mr. LEWIS: I am not saying that you cannot interpret this Clause to mean that the sheriff has to remain for three hours to receive nominations; I am very doubtful if he has to remain for that period of time. Three hours after the time appointed for receiving nominations the sheriff has to declare whether he has to take a poll or not, but this Clause does not say that he must remain for three hours to receive nominations. I know that under the old Act nominations must take place between 8 and 9 o'clock in the morning, and in respect of the Vestries, the nominations must take place between 10 and 11 o'clock; but under this Bill the sheriff has to be present at 9 o'clock to receive nominations and at 12 o'clock he declares the candidate or candidates elected if no more than the number required have been nominated.

There is another point. Since there are two members representing a constituency, I suggest that the words "or candidates" should be inserted after the word "candidate" occurring in line 8 of this Clause. I beg to move that amendment.

Mr. ADAMS: I accept that amendment.

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

Mr. LEWIS: As to the hour for receiving nominations, I would prefer to make it from 10 o'clock in the morning instead of 9 o'clock, because that hour might be of assistance to a candidate who has to leave Bridgetown to go to St. Andrew and who might get into an accident. I also suggest that it should be at the expiration of an hour or even two hours from the time appointed for the nomination of candidates that the returning officer should make his declaration.

Mr. MILLER: I think it would be dangerous to allow a single hour for making the declaration. It has to be remembered that some candidates might have to travel about 18 to 20 miles before they arrive at the place fixed for the nomination of candidates. I think that this period should be made two hours; I therefore beg to move that the word "three" occurring in line 1 be deleted and the word "two" be inserted in place thereof.

Mr. ADAMS: I accept that amendment.

Mr. REECE: I think it is well that we should have this matter definitely settled. Under Clause 28 of the old Act, the nomination of candidates has to be made within one hour after the time appointed for such nomination. If it is the feeling of the Committee that the time should be extended to two hours, I think it would be well to make an amendment to Clause 13 to the effect that the sheriff shall attend between 9 and 11 o'clock in the morning to receive the nomination of candidates. I think the proper place to make the amendment would be in Clause 13, and then make a consequential amendment in Clause 14.

Mr. LEWIS: I think we should delete the words "three hours from" occurring in line 1 of this Clause, and then we could go back and put in the time for the nomination of candidates in Clause 13.

Mr. ADAMS: I have accepted the amendment of two hours instead of three. If you put the time for the nomination of candidates at 9 o'clock, the returning officer must be there at that time. I think it is far better to let the Clause remain as it is now, so that it will mean that if at the expiration of two hours from 9 o'clock there shall be duly nominated only the number of candidates required, the returning officer will make his declaration.

The question that Clause 14 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clauses 15 to 19 inclusive were read and passed.

Clause 20 was read as follows:—

20. (1) At the hour fixed for opening the poll the presiding officer and the poll clerk shall, in the presence of the candidates, their agents, and such of the electors as are present, open the ballot box and ascertain that there are no ballot papers or other papers therein, after which the box shall be locked, and the presiding officer shall keep the key thereof: the box shall be placed on a table in full view of all present and shall be maintained there until the close of the poll.

(2) Immediately after the ballot box is so locked, the presiding officer shall call upon the electors to vote.

(3) The presiding officer shall secure the admittance of every elector into the polling station, and shall see that they are not impeded or molested at or about the polling station.

Mr. ADAMS: I beg to move that Clause 20 stand part of the Bill.

Dr. CUMMINS: I beg to second that.

Mr. LEWIS: I know that in addition to locking the box, there is also the question of sealing it. That is a precaution which should be taken by the presiding officer now; it was taken by the sheriff before and I hope that it will be continued.

Mr. MILLER: I am suggesting that it be a specific provision made that the ballot boxes should be sealed in the presence of the candidates, since there is likely to be a lot of suspicion. Another point is that the collecting of the ballot boxes will probably be done in the afternoon after the election and they will have to be removed to some place of safety. I do not think it is asking too much to have the ballot boxes sealed and it is unreasonable to have to ask any candidate to rely on the honesty of somebody. You have nice proceedings here and you still need policemen. In this Clause I think a specific provision should be made that the ballot boxes should be sealed in the presence of the candidates or their agents.

Mr. ADAMS: The provisions in this Bill are supplementary to the existing law; where there is a clash with the existing law the provisions in this

Bill remain. In the Ballot Act provision is made for the sealing of the ballot boxes in the presence of the candidates or their agents. Instructions are issued to the presiding officers which they will follow, and when they are in doubt they can consult some lawyer. The sealing of the ballot boxes is provided for in the instructions which are sent to the sheriffs.

The question that Clause 20 stand part of the Bill was put and resolved in the affirmative without division.

Clause 21 was read as follows:—

21. (1) Notwithstanding the provisions of Rule 13 of the Rules for elections contained in Schedule A of the Ballot Act, 1931, the presiding officer, at the request of any blind elector who has taken the oath in the form set out as Form No. 10 in the Schedule to this Act and who is accompanied by a friend who is an elector in the polling division, shall permit such friend to accompany the blind elector into the voting compartment and mark the electors' ballot paper for him. No person shall at any election be allowed to act as the friend of more than one blind elector.

(2) Any friend who is permitted to mark the ballot paper of a blind elector as aforesaid shall first be required to take an oath in the form set out as Form No. 11 in the Schedule to this Act that he will keep secret the name of the candidate for whom the ballot of such blind elector is marked by him, and that he has not already acted as the friend of a blind elector for the purpose of marking his ballot paper at the pending election.

(3) Whenever any elector has had his ballot paper marked as provided in subsections (1) and (2) of this section, the presiding officer shall enter in the certified copy of the register opposite the elector's name, in addition to any other requisite entry, the reason why such ballot paper was so marked.

Mr. ADAMS: I beg to move that Clause 21 stand part of the Bill.

Dr. CUMMINS: I beg to second that.

Mr. BRANCKER: I am suggesting an amendment to this Clause to make provision not only for blind electors but for any elector who is unable to read or write. A friend who accompanies a person who cannot read or write should be permitted to mark his ballot paper for him. As you know, Mr. Chairman, it was very unsafe to leave the marking of the ballot papers in the case of illiterate persons, in the hands of certain persons who, in the past—I do not know for the future—would be looking over those ballot papers. I beg to move that in line 4 of Sub-clause (1), the words "or of any elector who is unable to read or write" be inserted after the words "blind elector."

Mr. MOTTLEY: That amendment seems to be necessary. I have seen sheriffs actually refuse to allow people to vote for others who were not totally blind. There are people who cannot be said to be totally blind, and who suffer at times; they go into the room but they cannot see to vote. I have heard sheriffs argue that such people are not actually blind and other people cannot vote for them. An illiterate person should carry along some person to vote for him and I say that a person who cannot really see inside the booth cannot really vote. I am quite serious about this matter; you do find persons who are not totally blind and sheriffs refuse to allow other persons to vote for them.

Mr. ADAMS: This matter has been carefully thought of by members of the Government, and we have come to the conclusion that there could be nothing more dangerous than this proposed amendment. By this proposed amendment you would be

opening the door to an absolutely non-secret election. The incidence of blindness is about one in a thousand and people are not so illiterate that they need other people to vote for them. As soon as you have people voting for others what is the good of an election? If the presiding officer likes to be dishonest he can call out everybody's name wrong, but you must trust some one person. We do not want to have what is the opposite to the secrecy of the ballot and the opening of the door to abuse. Nothing could be more dangerous than this proposed amendment. I repeat, and I suggest that we drop it like a hot potato. I hope that the older members of the House will give the junior members the benefit of their experience, and I ask them to say whether by this proposed amendment we would not be opening the door to the non-secrecy of the ballot.

Mr. CRAWFORD: This particular section amends Rule 13 of the Rules for elections contained in the Ballot Act, 1931. I was hoping that the hon. member would have said whether or not this amendment reads in the same manner as the British Blind Persons Act, 1933. Under the Ballot Act of 1931, the presiding officer can vote for any voter who is incapacitated by blindness or any other cause, but here we are only permitting friends to vote for people who are blind. The hon. junior member for St. Lucy has suggested that a friend should also be permitted to vote for a person who cannot read or write. I am sure that hon. members will be willing to be led by what they are told is the position obtaining in Great Britain, and if this amendment is based on the British Blind Persons Act of 1933, I suggest that we should vote for it without any further amendment.

Mr. MILLER: On the question of permitting a friend to vote for an elector, from what I have seen you will encourage the corruption which you least expected; you will probably produce something which you would hate to have. Where an individual is unable to see to mark his ballot paper, I think that some consideration should be given to the presence of the sheriff.

Mr. LEWIS: There is an aspect of the matter which I do not think hon. members have thought of at all. I would be willing to risk a friend going in with a blind person or one who is unable to see very well, to vote for him; but I suggest that if a person makes a declaration before the sheriff that he is unable to read or write, the sheriff will always feel that some Party has sent that person to trick him, so he has to be very careful when he goes in to vote for that person. On the other hand, if a person who is unable to read or write takes in his friend, he might do other than what the person wants done. However, I feel that I would be willing to take the chance with the sheriff voting for such persons because he will probably not know the people who can read or write and he does not know whether there is any trick being put on him or not.

Mr. HAYNES: Mr. Chairman,—You know as well as I do that when a man is illiterate he is very suspicious, and for that reason a lot of illiterate people do not like to ask the presiding officer to make their marks for them. I was therefore very pleased to see the draughtsman of this Bill put in the provision for a blind elector having a friend to vote for him. After all, one should be able to trust his friend, and I do not think we could have anything better than that. I beg to second the motion of the hon. junior member for St. Lucy.

Mr. REECE: The hon. senior member for St. Joseph has pointed out that the Ballot Act is not being repealed, and that, in so far as its provisions do not conflict with this Bill, they will stand. Under the

law as it is at present, the presiding officer can mark the ballot paper for a person who is unable to mark for himself; under this Bill provision is made for the assistance of blind persons only and the question is whether the law as it stands today remains or not, whether the sheriff will still be in a position to mark the ballot papers for persons who are illiterate or who are subject to some physical disability. I am asking the hon. senior member for St. Joseph to consider that point carefully before the amendment is put to the vote. If you also allow a person who is illiterate to mark the ballot paper through his friend. I am asking whether the law will still permit a person who has some physical disability or who is illiterate to make his mark and vote through the sheriff as he can do at the present time.

Mr. CRAWFORD: I am wondering whether we should not follow the phraseology of section 13 of the Ballot Act, 1931. That section says:—

"The presiding officer, on the application of any voter who is incapacitated by blindness or other physical cause from voting in the manner prescribed in this Act or of any voter who is unable to read, shall cause the vote of such voter to be marked on a ballot paper in the manner directed by such voter, and the ballot paper to be placed in the ballot box, and the name and number on the register of voters of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list in this Act called 'the list of votes marked by the presiding officer.'"

Under that section only the presiding officer can vote for a person who is blind or unable to read, and the same phraseology adopted here might be an easy solution of the present difficulty. I beg to move that the words "any blind elector" occurring in line 4 of Sub-clause (I) be deleted and that the words "any voter who is incapacitated by blindness or other physical cause" be inserted after the words "at the request of" occurring in line 3.

Mr. ADAMS: Numbers of things happen. Sometimes an Act remains unrepealed because the instances in which the particular crime or wrong thing might take place are so few that it is hardly worth while to take notice of them; but when we are starting afresh, I do not think we should fail to take out anything which might not be an improvement in the law. I do not know myself how the phrase "or other physical cause" has been construed; if a man is paralysed, I can understand that much, but I find it is quite possible to construe that phrase a little too widely. I am sorry I was not here to go through carefully with the Learned Acting Attorney General, every line in this Bill, but I understand from him that he has been very thorough in drafting this Bill with the most up-to-date legislation before him. If you find that he has departed from the wording of the law as it now stands and put in this Clause as it now reads, then he must have had very sound reasons for doing that. It is dangerous enough for people to carry in others to vote for them; where is the secrecy of the ballot if 15 people know how 15 others have voted? One officer being sworn not to disclose anything is a vastly different thing from 15 people knowing how 15 others have voted. That might open the door to abuse and I suggest to hon. members that they allow this Clause to remain as it is now. I know that before I went away the Acting Attorney General was working hard on this Bill and I cannot help feeling that he has been very careful in his wording. I appeal to hon. members to allow this Clause to remain as it is.

Mr. REECE: This Clause only affects blind persons and the question is whether the rights of other

people who suffer from other physical disabilities still remain. If the sheriff can vote for these people, that is all right; but do not tell me that because a person is not in a position to make his mark, he is to be deprived of his vote. The ballot is supposed to be secret; the presiding officer is sworn to secrecy and as long as you are controlling everything through one person, even if other people go in for the purpose of doing what he alone should do, the matter should be easy. There is something in the argument of the honourable senior member for St. Joseph, but I would not like him to feel that if a person is the friend of an elector who suffers from any incapacity, that friend would do something wrong under the Act.

Mr. GILL: Under Clause 13 of the Ballot Act, 1931, "the presiding officer, on the application of any voter who is incapacitated by blindness or other physical cause, from voting in the manner prescribed under this Act or of any voter who is unable to read, shall cause the vote of such voter to be marked on a ballot paper in a manner directed by such voter". Under this proposed Clause, the Government is attempting to differentiate between a person who is incapacitated by blindness and one who, through illiteracy cannot vote for himself, but I do not see any distinction between two such persons. As far as the secrecy of the ballot is concerned, the same argument applies to the blind as to the illiterate, and I certainly do not see how, under this Clause, you could take blind people out of the category of those who cannot read or write. If a blind person has confidence in his friend, an illiterate person also has confidence in his friend. An illiterate person is in the same boat as a blind person; although the illiterate person can see, he cannot tell where to put his mark and he will have confidence in his friend. I am therefore supporting the amendment of the honourable junior member for St. Lucy.

Mr. LEWIS: For the purpose of helping the lawyers I will just read Clause 39 of this Bill. That Clause says:

"The provisions of this Act should be deemed to be supplementary to the provisions of the Representation of the People Act, 1901, and the Ballot Act, 1931, and the provisions of those Acts shall apply accordingly.

Provided that in the case of conflict or inconsistency, the provisions of this Act shall prevail over the provisions of those Acts."

I have been persuaded during the argument that there are so few blind people that you could allow the sheriff to vote for them, and perhaps we could well do without this Clause altogether. (Mr. CRAWFORD: That is a joke). The honourable member has asked that an amendment to the old Act be put in here so as to make the position clear. (Mr. CRAWFORD: The old Act does not say anything about a friend accompanying a blind elector). I feel that it is of no use our having this Clause 21; I presume that you are questioning the integrity of the presiding officer if you say that you can only trust him to do something where anybody can see what he is doing. As I have said, I am convinced that this Clause need not be put in at all; the only change proposed is that a blind person can carry along a friend to vote for him and the secrecy of the ballot is involved. I think that we can leave the matter to the presiding officer and we will have to abide by whatever happens. I beg to move that this Clause be deleted.

Mr. ADAMS: I ask leave to withdraw my motion that this Clause stand part of the Bill. There is something valid in the argument of the honourable senior member for St. Andrew; logically,

there is no reason why you should make a distinction between a blind person and one who is illiterate, and therefore the most appropriate thing to do would be to leave the law as it is. I again ask leave to withdraw my motion for the insertion of this Clause 21; let the presiding officer mark for everybody.

Mr. CRAWFORD: I do not agree with that; apparently in England they make fish of the one and fowl of the other. For 18 years in England a person could record his vote through his friend; the British Blind Persons Act of 1933 permits that. Apparently the honourable junior member for the City did not understand the meaning of my amendment. I did not quote from the old Act so as to make this particular Clause clear, but merely to include in it the category of people who might resort to having friends to vote for them—people who are physically incapacitated and prevented other than by blindness from recording their vote as prescribed in the Act. I, too, see a danger in making this matter too elastic; while I agree that in this Clause we might go a little further and make provision for people who are physically incapacitated other than by blindness, I am prepared to vote for the Clause as it was originally rather than vote for the deletion of the whole Clause.

The question that leave be granted the honourable senior member for St. Joseph to withdraw his motion was put and resolved in the negative, the Committee dividing as follows:—

Ayes: Mr. SPEAKER, Dr. CUMMINS, MESSRS. MILLER, LEWIS, COX and ADAMS—6.

Noes: MESSRS. CRAWFORD, BRANCKER, GARNER, MOTTLEY, GILL, HAYNES, E. K. WALCOTT, GODDARD and REECE—9.

Mr. REECE: I was about to say that the argument of the honourable senior member for St. Andrew has considerable strength in it, and the honourable senior member for St. Joseph has admitted that. I cannot see why one class of persons should be treated differently from another class of persons, and the real question is whether we should make the amendment suggested by the honourable junior member for St. Lucy or not. In considering that question I think the Committee should also bear in mind the feelings of many electors; there can be no two ways about it, some electors are very suspicious about sheriffs because I have heard electors complain about sheriffs, that they have done other than what was requested by electors. I agree that some step should be taken to avoid the suspicion which some electors have of the *bona fides* of sheriffs; if an elector expresses himself through his friend, he would not have any suspicion as to the *bona fides* of the sheriff. I have not had any cause to think that any sheriff acted contrary to the wishes of electors, but it must be borne in mind that that suspicion does exist. Some electors have expressed themselves in that manner.

Mr. ADAMS: It has been brought to my notice that there is a possible way of compromising our different points of view, and I am asking honourable members to adjourn for dinner and in the meantime I will get the amendment put straight. Those who are anxious to see clean elections have got to remember that a friend pushing 2/- in your hand is the easiest thing to be done at the ballot box. If every illiterate man has another man with him, and half a dozen men have half a dozen two shilling pieces, just one man can have 12/-. Where you are cutting down people's expenses is where you are making it possible to have corruption, and you are doing it with your eyes wide open. What I have just said actually took place in Trinidad; people were paid

at the ballot box, and whereas the Government paid enumerators 7 cents for registering each person some people paid them 10 cents for not registering certain persons. However, I am told that a majority of honourable members are willing to vote for the Nazi method whereby the presiding officer marks the ballot papers but you send along your friend to see that the presiding officer does not make any mistake. That is the whole argument of the honourable junior member for St. Andrew; if people are suspicious, let their friends go along with the presiding officer.

Mr. COX: I beg to move that the further consideration of this Clause be postponed.

Mr. MILLER: I beg to second that.

The question that the further consideration of this Clause be postponed was put and resolved in the affirmative without division.

On the motion of Mr. ADAMS, seconded by Dr. CUMMINS, the CHAIRMAN reported progress and asked for leave for the Committee to sit again.

Mr. SPEAKER resumed the Chair and reported accordingly.

Mr. ADAMS: I beg to move that this House do now adjourn until 8.15 p.m.

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

Mr. SPEAKER: On the adjournment the House was in committee on the Bill intituled an Act to make provision for the direction and supervision of the election of members to serve in the General Assembly of this Island, the procedue at such elections, the expenses at such elections and for other purposes in connection therewith.

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

Mr. CHAIRMAN: On the adjournment Clause 21 had just been postponed.

Clause 22 was read.

Mr. ADAMS moved, seconded by Dr. CUMMINS that Clause 22 stand part of the Bill.

Mr. LEWIS: Mr. Chairman—the last four words of sub-clause (1) read: “the constables on duty”. I am thinking sir that this would be much more suitable if it read “any police constable that may be on duty,” inasmuch as only one may be there.

Mr. ADAMS: I will accept that amendment. There is no reference in the Act to constables being on duty. Perhaps there is some reference in the Ballot Act. I cannot remember off hand. But this Clause reads as if this Bill already made a reference to police constables being on duty. I do not mind the amendment.

Mr. GILL: It is provided for in the Ballot Act.

Mr. REECE: Mr. Chairman—In this election you will have many polling stations. There will be 213 of them. Will it be possible to put a policeman at each station? It may be an island constable or a parish constable on duty.

Mr. LEWIS: I appreciate the point which the honourable junior member for Christ Church has made. Perhaps the honourable senior member for St. Joseph will accept my withdrawal of the word “police” from my amendment, so that it will read “any constable that may be on duty.” I beg leave to withdraw the word “police.”

There being no objection leave was granted.

Mr. ADAMS accepted the further amendment.

Clause 22 as amended was passed.

Clause 23 was read and passed.

Clause 24 was read.

Mr. GILL: I think that the words in brackets in the second line of Section 24, if meant to be an alternative suggestion, should not be in brackets. The brackets should be deleted. I refer to the words "(or transmit by registered post)."

Mr. REECE: I think it is an alternative suggestion. However, I do not think that election documents should be sent to the Supervisor of Elections by post at all, whether registered or otherwise. They should be delivered personally. I beg to move that the words "or transmitted by registered post" be deleted.

Mr. ADAMS accepted the amendment.

Clause 24 as amended was passed.

Clause 25 was read.

Mr. ADAMS moved, seconded by Dr. CUMMINS that Clause 25 stand part of the Bill.

Mr. E. K. WALCOTT: Mr. Chairman—I think that the word "Registrar" in line 8 of sub-clause (1) may need qualifying.

Mr. ADAMS: There is no definition of "registrar" in the Interpretation Act. So I think we should have in the Bill the words "Registrar of this island". I will agree to the insertion of those words.

Clause 25 as amended was passed.

Clause 25 was read.

Mr. ADAMS moved, seconded by Dr. CUMMINS that Clause 25 stand part of the Bill.

Mr. LEWIS: Mr. Chairman—I think that in sub-clause (2), line 5, the meaning would be made clearer if you substitute the word "such" for the word "each" occurring before the words "presiding officer". The way the clause stands now, it means that if the constituency in question is, say, St. Andrew, the Returning Officer will have to send notice of withdrawal to each Presiding Officer in the island. I think the intention is to notify the presiding officers of the particular constituency in which the withdrawal takes place.

Mr. ADAMS: The honourable member is very useful in spotting things that others do not spot. He sees more than the rest of us see, and sometimes he sees errors where there are none. He has quoted one sentence. But the clause goes on to say: "On polling day each presiding officer shall post up a copy of the printed notice of withdrawal in a conspicuous place in his polling station." So I do not see any point in what the honourable member is complaining about. I would suggest that it would be better English if we deleted the comma after the word "letter" in line 3.

Mr. REECE: There is another point. I am referring to the words, "any candidate may withdraw at any time not more than four days after nomination day etc." I think the words "not more than four days" should be deleted. A candidate should be able to withdraw at any time after nomination day. Suppose a candidate becomes ill. My view is that if a candidate withdraws at the last minute and only one other properly nominated candidate is left, the latter should be declared duly elected, and the Returning Officer should make a return in respect of him. You should then proceed to elect another representative for the particular constituency. I am going to make a motion that the words "not more than four days" occurring in line 2 of sub-clause (1) of clause 26 be deleted.

Mr. ADAMS: I am afraid that I cannot accept that. In the old days, when each constituency had only one polling station and a candidate withdrew on the morning of election day, everyone knew. But take St. Michael now with polling stations all over the place. You would be making some

people throw away their votes. The withdrawing candidate may inform the returning officer when the latter is still at his home. He has to get to the polling station and let the people know so that they may not throw away their votes. There should be time for the notice to be posted up. Honourable members will agree that you will have to give enough time for the electors to be properly notified. If a candidate waits until 10 o'clock the same morning, what happens? The Returning Officer will have to get in touch with Presiding Officers all over, say, St. Michael, so that the electors may be notified. Then notices will have to be posted up at every polling station in the parish. If the honourable member thinks that four days is not a good figure he can suggest another period. But there must be a time limit.

Mr. E. K. WALCOTT: If a man withdraws half an hour before election starts he is still saving a lot of trouble and expense. You cannot make a man stand for election if he wishes to withdraw. It is rather hard to put the Government and the Presiding Officers to the expense of an election when a man after less than four days after nomination decides not to stand for election. It also seems hard on the candidate that you should make him carry on with an election when he does not want to. It will be a farce if you allow people who have good votes to cast for a man to waste them on some other man. It is true that you should not allow a man to make a fool of you, but he is making a fool of himself anyhow. A candidate may get back his deposit if he withdraws within the four days; but you should allow him up to election day to withdraw. In the old days if a man wanted to withdraw you had to go through the farce in some cases of opening the polls for four or five minutes, and then by agreement you closed the polls. That was because there was no provision for withdrawal in the true sense of the word. That was one of the difficulties in the past.

Mr. LEWIS: If we are going to put any time, you should put it from the other end — so many days before polling day. If after being nominated you allow a candidate to withdraw up to the last minute, you must remember that that will be an excellent method for nuisance candidates to adopt. If you read the clause about the deposit you will see that if a candidate does not get a certain proportion of the votes cast, or for any other reason, he will lose his deposit. If the returning officer is given permission to say that such and such a man is not a candidate, how can the Government take that man's money? The man conducting the election has declared to the public that this man is not a candidate. How can the Government collect £30 from a man whom their own officer says was not a candidate? I would like the 1901 Act looked up to see when a candidate can withdraw. I would say that seven days before polling day should be a reasonable time. There might be perfectly good reasons for late withdrawals, but if you give an opportunity for last minute withdrawals, you are going to get a lot of nuisance candidates. As I have said, I quite agree that there may be a genuine case for a last minute withdrawal such as a serious illness.

Mr. REECE: Mr. Chairman — this matter has more than one angle. A candidate comes and pays his deposit of £30 and after the four days he becomes ill. He feels that he cannot offer himself as a representative of the constituency, but he cannot withdraw his name. Suppose he is elected; what happens then? You cannot compel him to take his seat in the House. There will therefore have to be another election.

Mr. ADAMS : Mr. Chairman — Before the question is put, I think I should reply to both of the points that have been raised. As the honourable junior member for the City has said, the section of the Representation of the People Act dealing with the deposit is not particularly clear. It says that if the amount of votes obtained by a candidate do not exceed one-sixth of the amount cast in that constituency his deposit shall be forfeited. In any other case his deposit is to be returned to him. I am asking honourable members to let this remain as it is. If you mess about with returning deposits, the whole army of nuisance candidates will withdraw after putting genuine candidates to a lot of expense with canvassing. Let this stay as it is, and later on we may provide for cases of withdrawal due to sickness in the Representation of the People Act.

Mr. LEWIS : My point is that if a candidate comes forward, pays his deposit and then withdraws within four days, the Presiding Officer will have to declare that he is not a candidate. How then can you keep his deposit when he is not a candidate? I understand that the proper place to deal with that is the Representation of the People Act. It is a question of money going into the Treasury, and if the Government promises to deal with that technicality I will accept that promise.

Clause 26 was then passed.

Clause 27 was read and passed.

Claused 28 was read.

Mr. ADAMS : Mr. Chairman — In moving that this Clause stand part of the Bill I am asking leave to withdraw sub-clause (4). The sub-clause says : "In this section intoxicating liquor has the same meaning as is assigned to the expression in the Liquor Licences Act, 1908." But the expression "intoxicating liquor" does not appear in the Liquor Licences Act. But I do not think that there will be any difficulty in the definition of "intoxicating liquor." In dealing with this clause I think that I will take the opportunity of replying to the honourable junior member for St. Philip about the closing of rum shops. No rum shop will be closed. The proprietor will merely have to close off the portion where rum is sold. There is no reason why rum shops will have to close. But you will not be able to sell rum. I understand that in Trinidad a notice was posted up in the shops saying no rum sold between such and such a date. Mention has been made about hotels. If a place is licenced to sell intoxicating liquor whether it is a modern hotel or a Baxter's Road shop, it will be against the law to sell intoxicating liquor. The reason why clubs are included in the clause is because there is no licence for clubs. I hope that honourable members will take this section seriously. It has proved a very useful provision in other countries. We should do everything that we can to clean up elections. It has been done in Jamaica and Trinidad, without anyone being the worse for it. We have seen some horrible things happen in other countries where the tendency to debauchery is inborn. There is no reason why we should perpetuate that sort of thing. This provision will not work a hardship on anyone. There is no reason to prevent a man from having a drink at his house or at someone else's, or from a bottle in his car. Even at non-election times it is not unknown that people go about with rum in their cars. I beg to move, sir, that Clause 28 with the proposed amendment stand part of the Bill, and again I am appealing to honourable members to vote for the clause.

Mr. MOTTLEY : Mr. Chairman — Despite all that has been said, I am going to move that this clause be deleted. I am going to vote against it if I vote alone. The only argument of the honourable senior

member for St. Joseph is that you do not want to have people drinking a lot of rum on Election Day. This clause is only penalising the shopkeepers. All that it says is that you cannot give away or sell liquor at a licensed place or at a club. Some people do not want to spend a cent for an election. I know Barbados as well as the honourable senior member for St. Joseph does. With a candidate campaigning for two or three or four months, why do you think that he will wait until Election Day to spend money on liquor? The fear of the honourable member is that if you leave licensed places open, rum will be sold or given away, and people will, either not go to the polls at all, or they will allow their votes to be bought with rum. Anyone who can suggest to me that with all our political education you can take rum and buy people's votes even in the remotest part of this country, does not know his Barbados. If you look around this table you will see members, none of whom will run an election without having a walk around. If in the course of canvassing you go into a shop you will have to buy a drink. I do not agree with the wholesale buying of liquor. I fight an election by getting up and persuading people. But if you go around canvassing, and you meet seven or eight people and you start a conversation you will take a drink. You cannot buy people's votes with rum in this country. Of course it happened years ago. But people are too wide awake now. Even the members of the Labour Party realise the hardship that this clause would impose.

Mr. MILLER : I have never had a rum in the parish of St. George during elections.

Mr. MOTTLEY : Let us look at this section seriously. It mentions hotels and clubs. But people in Christ Church will still be able to get a drink at the Marine, and people at the Aquatic Club will still drink. Why penalise the shopkeepers, and then say that you can buy all the rum you like from Goddard's the day before and carry it to say, St. John and put it in a house. You will have the polling stations in the thickly populated parts of the parishes. A man may have his shop a mile away from a polling station, and he will still be penalised. I cannot see the reason for it, and I am counselling honourable members to vote against it. I cannot see it doing any good. The honourable senior member for St. Joseph said that it was done in Jamaica and Trinidad, and he thinks that it will work better here. But he is always saying that we are so far ahead of these other colonies; so far above them politically; so far above them where our standard of literacy is concerned. Still we are asked to pass something which will penalise a body of people working for their living, because of the fear that the sale of rum on Election Day will lead to corruption and bribery. A candidate can buy all the rum that he likes, and treat all the electors in the parish. But he must not buy any in a rum shop. You are providing in this section a fine of \$500.00 or imprisonment for six months. Imagine someone in Baxter's Road coming out on Election morning and wanting an eye-opener. Imagine that fellow being accustomed to rum shops going around in the back, and a stooge seeing him goes and reports on the proprietor of the shop and the man is fined this amount. This is a paradise for lawyers. This is bound to be observed in the breach. I am telling honourable members that if they can see that leaving in this section will cause the elections to run any better, leave it in. If they feel that leaving it out will cause candidates to buy out the rum shops so that electors will be so drunk that the elections will become a farce, leave the section in. But as this stands, I do not see that you can prevent them from drinking. You will leave it open to candidates to buy all the rum they want

and carry it somewhere, while you penalise the small shopkeeper. It is not right and fair.

Mr. ADAMS : If the honourable senior member for the City wants to say that he will not vote for the section, let him say so. This section does not hurt the small shopkeeper. The same law exists in big countries as in small ones. How are we to pass a law to prevent people from having rum in their homes? We can only say that we are trying to prevent drunkenness and riotous behaviour, just as we legislate against dancing on licenced premises. The Government is trying to allow the elections to be as orderly as possible, and to allow the voting to be as free as possible. We are not trying to penalise anyone. It is easy to sneer. It is true that you cannot catch everyone. But it is the Government's duty to provide a law, which if administered fairly, will not harm anyone. We have provided it for shops, clubs and hotels, and the honourable member has the effrontery to say that we are penalising shopkeepers. Do not accuse the Government of dishonesty. Of course it is possible for anyone to run around with rum in his car. How can you legislate against that? But it is our duty to provide for licenced places. In any part of the British Empire you can only legislate in a matter like this for those places which you licence to sell liquors. Therefore we are legislating to help stop disorderly behaviour. I asked responsible people from Trinidad and Jamaica how it worked in those colonies, and I was told that it is an excellent provision; that things went smoothly. It prevented wholesale bribery and corruption which comes from getting people so drunk that they do not know whom they are voting for. Government is not discriminating against anyone. We have provided this for all those places over which the Government has any control by legislation.

Mr. GARNER: Mr. Chairman—I am supporting this section one hundred per cent. Under Adult Suffrage you will get a new set of voters, some of whom do not understand what it is all about, and the majority of whom think that Election Day is a day for a rum spree, when candidates are under obligation to give them a certain amount of rum. Personally, I would like to see the shops closed. It is no use giving shops that sell both rum and other goods permission to open in order to sell the other goods; because as long as they are open they will be tempted to sell rum, and the law will be observed in the breach. There are still some people who will sell their souls. I think that the shops should be closed. I feel that if you represent people well, they will vote for you without your giving them rum. Elections must be decided on principles, not on rum. I heard of a certain constituency where a cash order was placed, and the shopkeepers fed electors on rum. When the election was over many of the people did not even know that the man they really wanted was out. Elections should be on a higher standard than that. Why feed people on rum on a day when they should be level headed enough to know what they are doing? The rum shops should be closed. If we had a storm or some such other act of nature they would have to close. Elections are important enough to make them close also. This wholesale giving of rum on Election Day has got to stop. How could I compete with certain honourable members around this table? It is immoral. I think you should make the fine a thousand dollars; and make the alternative five years in prison. There are some people who because they can go into a rum shop and place an order in someone else's name will lead electors astray. Close the rum shops. Mr. Chairman, I

say close them from 6 a.m. to 6 p.m. When the polling booths are closed you can have a spree if you want one. I say to all concerned that election issues should be fought on principles. If candidates want to spend money on electors, let them spend it before Election Day; but not on that day when level headedness is needed. Hotels will have to close their bars. What is the position with clubs? Some houses operate a club. Some of them are very insanitary and have no right with such a thing. These people will be open, not being subject to licence. That is the sort of thing you will have to look out for. Let us have a clean election. We have to raise people from a low standard of thinking when it comes to the performance of their civic duties. I am not saying that I am in favour of this section because I do not want to spend any money on Election Day. I salute any man who can get into the House without spending money. But this wholesale buying of rum has got to stop. It belongs to the past, not to the present. When it comes to being able to buy rum, I cannot compete with certain people. The only thing that I can compete with them with is my political views, with sincerity behind those views. I am behind this one hundred per cent. This is a new day, and we should let the people know that it is in their best interest not to have rum on that particular day. I repeat that it is a good thing to pass very stringent laws against wholesale drinking on Election Day.

Mr. COX: Mr. Chairman—I rise to make a motion that after the word "offered" in line 1 of the clause the words "or exposed" be inserted. I am sure, sir, that every honourable member of this House will admire the speech made by the honourable senior member for St. Philip. It takes a lot of courage to speak as he has spoken, realising that for many years the order of the day was to buy out rum shops throughout the island and give people drink, until in many cases their wits left them. I think that we can say as far as the honourable member is concerned that he has always had the courage of his convictions, and has always spoken with a full heart whether the views that he was expressing were popular or not. Now I want to say that I share the same views as he shares. I think that the time has come when people should take the question of elections much more seriously. People must realise the importance of their votes, and realise that they should not be bought with money or any other gift in the world. They must realise that on their votes depends the future of the island, and that on them they must decide whether they are to go backward or forward. Now we all know that had it not been for the wealth at the disposal of some of those who grace or disgrace this House, they would never have been here. I have been elected to this House on three different occasions, and I am sure that the people in the parish which I represent do not vote for people because of rum, ham cutters etc., but on principle, so that the people whom they vote for can go to the House and pass laws which will redound to their credit. There are a large number of rum shops in St. Michael. I am sure that honourable members will agree that St. Michael will be the hardest hit by the closing of these rum shops. It is an admirable thing to do. While rum shops may lose a day's trade, the results will be excellent if seen in the right light. As I have said before, some candidates depend largely on bribery to get themselves in a position where they can rob the workers of their rightful earnings. When a man who would not sell his vote for a million dollars looks at another and hopes to buy his for a drink, it is disgraceful. I know that the people of this island who have a sense of responsibility will appreciate our passing this section. They will realise that it is

their interest, because we are responsible for putting this Bill for Adult Suffrage on the Statute Book. From this section we have nothing to lose; and we have very much to gain. Those people who feel that they can buy their way to the House by running around with rum think that the electors are fools. I will say again that I welcome very much the speech of the honourable senior member for St. Philip. I am sure that he speaks with a full heart, and that the people whom he represents know that his representation is sincere. I am quite sure that he will lose nothing by supporting this particular section.

Mr. ADAMS: Mr. Chairman—I accept the amendment moved by the honourable senior member for St. Michael.

Mr. GODDARD: Mr. Chairman—My experience of Polling Days is very limited, but I will say that it is not as some honourable members are making it out to be. The picture drawn by some of them seems to be that everyone who goes to the polls is drunk and that is why we are all here. As I said last Tuesday, if the Government wanted to bring in this Bill it should have been brought in before. As regards this section that is being debated, with the parishes having so many polling stations, I do not see the necessity for it. It is only preventing rum shops that are near the polling booths from doing a little extra business. I do not look on the people of Barbados as having so little sense of responsibility that rum will prevent them from going to the polls. It will always happen to a few; but the majority will know whom they are going to vote for, and will vote according to their views, and those are the people who really put us in the House. It has been said that all the islands of the West Indies have a similar provision. In Great Britain they do not have it, and I have seen more drunkenness in Great Britain than I have seen here. We drink plenty rum, but we can carry it. I am not going to vote for this section. I do not think that anyone to-day can buy people's votes. There are 13,000 electors in Christ Church, and I hope that they will all turn out.

Mr. MOTTLEY: Mr. Chairman,—I have never listened to a more illogical speech from the honourable senior member for St. Philip than I have listened to to-night. I said I was not going to vote for this section; but I did not say that Government's specific idea was to penalise shopkeepers. But as this stands here, it does nothing but penalise them. All that has been said about treating I agree with. Tighten up the law if you like and make the penalty for treating greater. That is my argument. There was also an illogical argument from the honourable senior member for St. Michael. He said he knew that the people of St. Michael would vote regardless of rum, ham cutters, or anything of that nature. But he still says that he will vote to close the rum shops. The honourable member always knows what some one else is planning, and he never knows his own business. He will soon know it. Imagine a candidate trying to treat, say in St. Michael, where you get 30,000 electors. When you get candidates with a lot of money do not think that they spend hundreds of thousands of dollars as foolishly as you think. The honourable senior member for St. Philip said that he would take off his hat to the candidate who got into the House without spending money. Because a man goes into a shop and may be after getting into a conversation with six or ten people he buys a bottle of rum can anyone say that he is buying votes? The whole thing is illogical. I do not care if you took this section from the Canadian Law or the Jamaica Law. I contend that it does not accomplish what it intends—the prevention of treating. All that this is saying is that a shopkeeper or anyone

who holds a liquor licence, shall not give away or sell any intoxicating liquor, and neither shall any intoxicating liquor be supplied at a club. Maybe as far as the shopkeeper is concerned, he may be selling liquor to people who are not interested in the election. But after you pass this section you leave the door wide open for treating with rum as long as it is not done in a club or on a licenced premises. If you can bring a provision to cover that, all well and good, or if it can be covered in the Corrupt Practices Act. But this section only holds up the trade of every liquor licence holder in the island, and does not really provide against treating. That is my argument. You can show me no guarantee that because rum will not be able to be given away at a rum shop or club, rum or other intoxicating liquor will not still be consumed, and that spreeing will still not go on. Honourable members should realise that there is more than one point of view to look at it from, and that every member is entitled to his view and can express it. Government seems to feel that if rum shops are left open, you will not stand a chance of running the election properly. That is nonsense; and I repeat this section does not offer any real guarantee against treating.

Mr. MILLER: Mr. Chairman,—For the benefit of the honourable senior member for the City I would say that I went to Trinidad and carefully watched the elections there. No shopkeeper closed. Rum shops merely carried notices "no sale to-day." Things went smoothly, although you will find more drinking people in Trinidad than in Barbados. No one will throw open his house to drinking. Let us accept this section in its true light. I think that the penalty of \$500.00 will make any shopkeeper hesitate before breaking the law. I think that if we pass this section everyone will be happy. Let the Bill go through as it stands.

Mr. ADAMS: It is a good thing that we, like the House of Commons, are one happy family, and that there are times when we have to remember the seriousness of the conditions of the world in which we live. I am going to call a spade a spade now. We owe our being here to the fact that we have persistently fought every plan against the interest of those whom we represent; every plan of those who by every use of their accumulated wealth will tend to make the standard of the people of this island even lower. Every prop that we can knock from underneath them it is our duty to knock. It is idle to say that we do not lose a lot of votes at election time through the stupendous outpouring of rum that takes place. I am told, sir, that more rum flowed in Christ Church last year than any other time. I would like to give a little warning to those who think like the honourable senior member for the City. He should not need any warning. The line between bribing and ordinary hospitality is very thin. Thank God we no longer have to come to the House of Assembly with controverted elections. The judge knows the law and will act according to the evidence. Why does the honourable senior member for the City want to know if there is something which will cover the offering of rum next door? He should never forget that. He is the only man within living memory who has drawn £100 off that section. The law is there, and when he tries to pretend that he does not know it, he knows that it is not so. We who have pledged ourselves to improve the lot of the poor know that the greatest evil we have to fight at election time is the drink evil. Who is convinced by that stupid argument that the Barbadian will not do this and will not do that? We who represent the people, we who stand for the principles of democracy, must realise that there comes a time when

we have to put principle above any kind of expediency. When that great Puerto Rican started, he started with individual people. At one time his slogan was "your vote is worth \$2.00. Choose between \$2.00 and Democracy." He had to use it again: "\$2.00 plus rum." He succeeded to such an extent that many stories are told of Puerto Ricans who threw away things that were offered to them. There is a recent book published in which mention is made of an old man who set out to vote on election day and who was offered a lift. He said, "I have time to go and vote and walk back." If we persist we will reach that stage in Barbados because the people will realise that this Party stands for principle, and not to perpetuate the old system of rum and cutters. It is in the interest of the Electors' Association to keep rum flowing at election time. We on this side of the House should solidly vote for this section. We know that a rum shop being a public place it is easy to break the law of bribery as the law stands now. When a man goes into a rum shop on Election Day now, we do not know if he is spending his own money or a candidate's money. The honourable member was lucky. We know the difficulty for people like ourselves to get evidence. That difficulty will always be with us, and we should do everything we can to avoid it. We know that there is treating galore at election time. But we cannot get evidence. Do you think that there would not have been controverted elections during the last few years if we could have got evidence? It will no more hurt the shopkeeper to tell him to shut between 6 a.m. and 10 p.m. on Election Day than to tell him to shut on Sundays. To-day clubs and hotels can open all day, Sunday as well. If you are talking about discrimination, why not go and stop the discrimination there? They only sell to patrons of a certain complexion. Having put our hands to the plow to end the rule of the rich, how can we turn back to-day by voting against this section, and making it difficult for candidates who share our views? We on this side of the House are determined to go on, and we should do nothing to make our task in this election more difficult. I take it that the honourable junior member for St. Lucy is anxious to destroy the power of wealth, and the power of those who would keep the people of this country in two camps with so great a difference in their standard of life. If he wants to do that he will indicate it by his vote on this section. This 300-year rule of those who just throw about money to influence others must stop. Honourable members whose interest will not be served by an outpouring of rum should vote for this section, and let the electorate decide the election. I will close my remarks by asking honourable members to see that the law as regards treating is there, but by passing this section we will remove both the temptation and the opportunity.

Mr. LEWIS: Mr. Chairman,—I do not regard this section as penalising shopkeepers. I feel that how they will be penalised is that other people will sell, whereas a close watch will be kept on them. If anyone is going to observe the law I think it will be the clubs and hotels, because they are not going to take the chance of their employees knowing that they are breaking the law. I am not one of those who think that it is essential to keep Barbadians sober for them to be able to think. Barbadians have the option of so many shops to buy from, that they are, comparatively speaking, a sober people. But since some people have to be saved from themselves, and since a law of this kind puts rich and poor candidates on the same level during polling time, I see nothing wrong with it. I do not see how they are going to escape the charge of treating and undue influence if they open private homes to

drinking. I do not regard the salary which I get for being a member of this House a thing that will induce me to buy a seat in the House. A person can give whomsoever they like a vote. It does not belong to me; it belongs to the electors. What I would like to see in this Bill is a provision that the informer should get half of the fine imposed for breaking the provisions of this section. Unless you are going to get someone who will give you the evidence, I do not think you will get very far with it. There will be no inducement for anyone to come forward and say that they have seen the law being broken. I do not know if you would give an informer half of the fine, or how much you would give; but he should get some monetary reward. I do not think that it is necessary to go as far as the actual closing of the shops. Most of these rum shops also sell other things, and I do not think we need prevent people from being able to buy those things. But I do feel that if we are to make this effective, we should provide for the informer to be rewarded. If an informer comes forward and gives false evidence put him in jail. I am wondering how far we will be able to use Rule 151. That rule will only apply to those who vote against the section.

Mr. ALLDER: Mr. Chairman,—I do not believe that the giving of rum can really sway the opinion of the electors. It only does that when the policy of the opposing candidates does not differ. If a candidate is sincere, I am sure that the people will vote for the one whose policy they think is in their interest. It has been proved on divers occasions that the electors after having been treated with the intention of making them debauched, went and voted according to their convictions. I have every confidence in the general intelligence of the people, and every confidence in the belief that regardless of the amount of money which some candidates spend, the people will still return labour candidates. I feel it is a waste of good time closing the shops. I feel that the thing which will convince the electorate that they should vote Labour or otherwise is the implementation of one's policy. Not only should one read out one's policy. One should also act upon it. If that is done, some candidates will be left with empty pockets, and the people will still have voted for the candidates who have impressed them that they have their interest at heart. I agree that no hindrance should be placed in the way of people when they are going to the polls to vote. But I am saying that the people have enough intelligence to know which way to vote. I do not believe they will say a candidate is a candidate, therefore I will vote for the one who gives me the most gifts. If there is a difference between the various policies no one need fear the influence of rum, whisky, brandy or what not. I will support those honourable members who have expressed their desire to have the rum shops open.

Clause 28 as amended was then passed, the Committee dividing as follows:—

Noes: MESSRS. BETHELL, ALLDER, MOTTLEY, GODDARD, and REECE. (5).

Ayes: MESSRS. MILLER, LEWIS, COX, Dr. CUMMINS, ADAMS, BRANCKER, GARNER and HAYNES. (8).

Clause 29 was read and passed.

Clause 30 was read as follows:—

30. (1) No person shall furnish or supply any loud speaker, bunting, ensign banner, standard, or set of colours or any flag to any person with intent that it shall be carried worn or used on any motor or other vehicle as political propaganda on polling day, and no person shall with any such intent carry, wear, or use on any motor or other vehicle any loud speaker, bunting, ensign banner, standard or set of colours or any other flag, on polling day.

(2) No person shall furnish or supply any flag, ribbon, label or like favour to or for any per-

son with intent that it should be worn or used by any person within any constituency on polling day as a party badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate, and no person shall use or wear any flag, ribbon, label or other favour as such badge within a constituency on polling day.

(3) Nothing contained in either of the preceding subsections of this section shall be deemed to extend to the furnishing or supplying of any banner bearing only the name of any candidate or only such name preceded by the words "VOTE FOR".

(4) Any person who contravenes any provisions of this section shall be liable on conviction by a Court of Summary Jurisdiction to a fine of five hundred dollars or to imprisonment for six months.

Mr. ADAMS: I am asking leave to insert the words "public address apparatus" before the words "loud speaker" occurring in lines 1 and 7 of Sub-clause (1), because a loud speaker can be just a horn in which you can talk without using any machine. I am also asking leave to delete Sub-clause (3).

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

Mr. ADAMS: I beg to move that Clause 30 as amended stand part of the Bill.

Mr. COX: I beg to second that.

Mr. MOTTLEY: If you are putting in the words "public address apparatus" why do you leave in the words "loud speaker"? I am not quite satisfied that these words convey what is meant to be conveyed. The word "loud speaker" may convey to us the idea of an electrical apparatus for a public address system.

Mr. MILLER: The term "loud speaker" can mean any type of microphone as long as you take care of the amplification. If you amplify your voice to any degree that can only be done by a microphone; anything you use for loudspeaking is a loud speaker.

Mr. REECE: I am suggesting that the words "on any motor or other vehicle" occurring in line 4 of Sub-clause (1) should be deleted. What is there to prevent anybody from taking any of the things mentioned earlier in this Sub-section off a vehicle and using it otherwise?

Mr. MOTTLEY: I suggest that Sub-clause (3) should be left in.

Mr. ADAMS: I am asking leave to insert the words "or otherwise" after the word "vehicle" occurring in line 4 of Sub-clause (1). As regards Sub-clause (3) I asked leave to delete that Sub-clause because at the present moment you are not allowed to have any apparatus attached to any vehicle or anything like that; and if you leave in Sub-clause (3) you are straining at a gnat and swallowing a camel.

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

Mr. GARNER: What about a candidate having anything posted up in any place before polling day?

Mr. ADAMS: There is nothing to prevent anybody from holding electioneering meetings with big banners before polling day, but the idea is that you should not wear a banner or anything like that on polling day itself. On the other hand, there may be a great necessity to say "Vote for So and So."

Mr. REECE: The honourable member has to wear a red tie all the time in order to identify the Labour Party. (Laughter).

Mr. MOTTLEY: I beg to move that Sub-clause (3) be re-inserted.

Mr. GILL: I beg to second that.

The question that Sub-clause (3) be re-inserted was put and resolved in the negative, on the following division:—

Ayes: Messrs. MOTTLEY, GILL, HAYNES, E. K. WALCOTT, GODDARD and REECE—6.

Noes: Messrs. MILLER, ALLDER, LEWIS, COX, ADAMS, CRAWFORD, BRANCKER, GARNER and Dr. CUMMINS—9.

The question that Clause 30 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clause 31 was read as follows:—

31. Any person who before or during any election, for the purpose of affecting the return of any candidate at such election makes or publishes any false statement in fact in relation to the personal character or conduct of such candidate shall be guilty of an illegal practice and shall on conviction by a Court of Summary Jurisdiction be liable to a fine of five hundred dollars or to imprisonment for six months.

Mr. ADAMS: I beg to move that Clause 31 stand part of the Bill.

Dr. CUMMINS: I beg to second that.

Mr. LEWIS: I am wondering if we should not insert the words "or defamatory" before the word "statement" occurring in line 3. I feel that in a plain, false statement there might not be anything defamatory. People might have too much latitude already, and I feel that provision should be made for a false as well as a defamatory statement. A statement might be false but it might not be defamatory. In moving the second reading of this Bill the honourable senior member for St. Joseph referred to somebody not going to Church, but that is not a defamatory statement although it might be a false statement. Since there is a big fine or imprisonment for an offence under this Clause one should know that he is not only making a false statement but a defamatory one. The position looks very loose to me as it stands now.

Mr. ADAMS: I think that the English Act is worded in that way. I ask leave to delete the word "in" occurring before the word "fact" in line 3 in order to insert the word "of".

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

Mr. ALLDER: We know the emotional attitude of the people whom we meet in the respective constituencies, and this Clause does not apply to a candidate from whom you would expect better. Since this Clause is so wide, there is the possibility that out of emotion a person might make a statement by which he is involved in this Clause. You have to sympathise with people who may get involved in the law. I feel that this fine is too high; let us take as an instance, that a political meeting is held in Cat's Castle; there is at that meeting a poor person who has not had the opportunity of getting any culture and some speaker works him up to an emotional state and he makes a statement out of which an opposing candidate can say: "Yes, you have defamed me" or "you have said something against my character." I would not have said anything about the amount of the fine if the matter were limited to candidates and other responsible persons; I think this Clause should begin "any candidate" and not "any person." A person who is supporting me might make a statement which you do not like and he might find himself before the Court. The other day we passed a Bill allowing a corporation to pay a fine of 40/- for committing an offence; but any corporation can pay that fine. I beg to move that the word "hundred" occurring in

line 7 be deleted, that the words "six months" occurring in line 8 be deleted and the words "fourteen days" be inserted in place thereof, and that the word "person" occurring in line 1 be deleted and the word "candidate" be inserted in place thereof. I have seen a supporter of a Party beat another man along with abusing him, and that was only because that man's feelings were high. People feel that others should support the Party which they admire and their feelings become uncontrollable. I beg to move those amendments.

Mr. GARNER: I have to disagree with the last speaker. What I would like to say is this; everybody knows that election time is a very emotional time, but if we are to be dispassionate, that calls for a certain amount of responsibility. What is the use of preventing me as a candidate from abusing somebody else and allowing henchmen to cut other people's throats? We have to teach the people something and the best time to teach them is at mass meetings. This question of telling somebody where he was born is all foolishness; I think we should rise to a high level and stop doing these things. Those of us who are canvassing should take this Clause very seriously: I think that we should delete the fine; if a person knows that he is liable to be sent to jail, he can spend \$500 because he does not want to go to jail; but I think a person who commits an offence under this Clause should be sent to jail. Let us win the elections on political issues—not on abuse; do not let us try to embarrass people and their families just for the fun of it; let us do things according to the highest standards.

Mr. REECE: I may remind the Committee that Haman built a gallows for the purpose of hanging Mordecai thereon and he was himself hanged on it, I want to say that this Clause aims at preventing the personal abuse which has been indulged in over a long period of years by persons from whom you would least expect it, and I hope that it will come to an end.

Mr. MOTTLEY: As this Clause stands now, many people who make long speeches will not be able to make them. The honourable senior member for St. Philip has said that we should rise to the occasion and do not carry on personal abuse and things of that nature; I think that you will have to get some people educated to the fact that this Clause is a very important one in this Bill. This matter of publishing a false statement as to people's character is a very serious one and I am suggesting that we should increase both the fine and the term of imprisonment. While I did not hear all of what the honourable senior member for St. John has said, one must be in sympathy with the honourable member's suggestion, but it has to be borne in mind that with the political education today, people who go to speak on public platforms are usually versed in politics. The honourable member feels that the fine should be reduced and while I am in sympathy with him, I must agree with the honourable senior member for St. Philip that we must rise to the occasion. It is time that we have a Clause like this so as to deal with people who have to repeat things in parrot-like fashion and make false statements about others, knowing them to be false—people who cannot possibly do anything else on the platform. When I read this Clause I realised that it was necessary if you want to have clean politics; there are some persons to whom this Clause will really apply and I feel that the Clause should remain as it is.

Mr. ADAMS: I am asking leave to make a further amendment. We have no illegal practice in our Acts; we have bribery, and so on, and I am there-

fore asking leave to delete the words "illegal practice" occurring in line 5 in order to insert the word "offence."

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

Mr. LEWIS: I think that when honourable members want to quote examples of the lack of culture it would not be a bad idea to look for them in their own constituencies rather than look for them in others, because honourable members might discover that they are entirely wrong about culture in their own constituencies. I would like to know at what stage a person becomes a candidate; is it before he is nominated or when he pays his deposit or when? It does seem to me that you should set out, in the interest of the electors, at what stage a person becomes a candidate. I think that matter should be clearly defined.

The question that Clause 31 as amended stand part of the Bill was put and resolved in the affirmative without division.

Mr. GILL: Mr. Chairman,—In view of the lateness of the hour I beg to move that you do now report progress and ask for leave for the Committee to sit again.

Mr. MOTTLEY: I beg to second that.

Mr. ADAMS: I have already told honourable members that the timing of this Bill is very important and we should have the Bill before the Other Place next Tuesday.

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

A division was taken as follows:—

Ayes: Messrs. CRAWFORD, MOTTLEY, GILL, HAYNES, E. K. WALCOTT, GODDARD and REECE—7.

Noes: Messrs. MILLER, ALLDER, LEWIS, COX, ADAMS, BRANCKER, GARNER and Dr. CUMMINS—8.

Clause 32 was read as follows:—

32. (1) Subject to the provisions of subsection (2) of this section during the hours when the poll is open upon polling day no persons shall assemble or congregate within one hundred yards of any building in which is situate any polling station.

(2) The provisions of this section shall not apply to—

- (a) any electors who are waiting to poll their votes at such polling station and who obey any instructions which may be given by the presiding officer or any constable for the purpose of forming a queue with other electors so waiting; or
- (d) any persons who under the provisions of this Act lawfully enter or remain in such polling station.

(3) Every person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence and shall be liable on conviction by a Court of Summary Jurisdiction to a fine of two hundred dollars or to imprisonment for six months.

Mr. ADAMS: I beg to move that Clause 32 stand part of the Bill.

Dr. CUMMINS: I beg to second that.

Mr. BRANCKER: I think that this distance of one hundred yards in respect of a polling station, within which it is proposed that no persons shall assemble is excessive. I do not know the reasons why this particular distance was chosen: I appreciate that some distance had to be chosen but one hundred yards is excessive, not only in this Clause but in the subsequent one. I beg to move that the

words "one hundred" be deleted and the word "fifty" be inserted in place thereof.

Mr. ADAMS: I accept that amendment.

Mr. MOTTLEY: I do not agree with that. It is well known that the selection of these polling booths is going to be a rather difficult job, and quite a number of them will be situated right on the public highway. When a candidate or agent or any person who is interested in the candidate has worked up his zeal during the day, keeping at a distance of 50 yards from a polling station is hardly likely. The average highway is between 18 and 20 feet wide, and if these polling stations are selected on the highway, you can quite see that keeping 50 yards or 150 feet away from them is going to be impracticable. I beg to move that the word "yards" be deleted and the word "feet" be inserted in place thereof.

Mr. MILLER: While I sympathise with the honourable junior member for St. Lucy, at the same time I would suggest to him that with persons keeping 150 feet from the polling stations you will still have a good deal of noise which would affect the election. I think the distance should be made 200 feet.

Mr. E. K. WALCOTT: Probably the distance of 100 yards was right. In respect of the elementary school which is used as a polling station in St. James, the distance of 150 feet would just bring about what you did not want done; you would be allowing people to assemble at the gate. That distance would not have any value in preventing people from congregating at the entrance by that gate.

Mr. ADAMS: When I accepted the amendment made by the honourable junior member for St. Lucy, I did so with the object of shortening the proceedings; but if other honourable members feel that we should keep the distance at 100 yards, I am prepared to withdraw my acceptance of the honourable member's motion. I ask leave to withdraw my acceptance of the amendment.

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

The question that Clause 32 stand part of the Bill was put and resolved in the affirmative without division.

Clause 33 was read as follows:—

33. (1) During the hours that the poll is open upon election day no person shall upon any public road or in any public place within one hundred yards of the building in which a polling station is situate seek to influence any elector to vote for any candidate or to ascertain for what candidate any elector intends to vote or has voted.

(2) Every person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on conviction by a Court of Summary Jurisdiction to a fine of two hundred and fifty dollars or to imprisonment for six months.

Mr. ADAMS: I beg to move that Clause 33 stand part of the Bill.

Dr. CUMMINS: I beg to second that.

Mr. E. K. WALCOTT: I think we should put in some commas in Sub-clause (1) otherwise it will mean that you cannot canvas on any public road.

Mr. ADAMS: I accept that. A comma should be inserted after the word "shall" occurring in line 2 and one after the word "place" in line 3.

Mr. BRANCKER: I again submit that the words "one hundred" should be deleted in order to insert the word "fifty". The point has been made about people congregating and making a noise, but there is the question of somebody at the last minute putting in a word for a candidate. It is for that reason

that I am moving that the words "one hundred" be deleted in order to insert the word "fifty".

The question that Clause 32 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clause 34 was read as follows:

34. Every person who between the date of notification by the Colonial Secretary of the issue by the Governor-in-Executive Committee of a writ for purposes of an election (whether in a general election or bye-election) incites, combines or conspires with another to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate as a member to serve in the General Assembly, shall be guilty of an illegal practice and shall on conviction by a Court of Summary Jurisdiction be liable to a fine of one thousand dollars or to imprisonment for one year and be incapable during a period of five years from the date of conviction of being registered as an elector or voting at an election.

Mr. ADAMS: In moving that this Clause stand part of the Bill, I realise that provision is only made for a person inciting or conspiring with others to act in a disorderly manner and so on, but no provision is made to cover a case where you do that yourself. I was going to suggest that in view of the lateness of the hour, we pass this Clause as it is. However, the words "illegal practice" occurring in line 10 should be deleted, and I am asking leave to insert after the words occurring in brackets in lines 4 and 5 the words "acts in a disorderly manner or who."

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

Mr. ADAMS: I beg to move that Clause 34 as amended stand part of the Bill.

Dr. CUMMINS: I beg to second that.

Mr. GILL: In the case of a candidate acting in a disorderly manner I think that he, too, should be disqualified from being a candidate for five years. I beg to move that the words "or being a candidate at any election" be added at the end of the last line.

Mr. ADAMS: I accept that amendment.

Mr. LEWIS: I do not agree with the suggestion that a person should be disqualified from being a candidate if he commits an offence under this Clause, and that provision is left out in case he defames a candidate. If there is any place where this provision should be made it is where a candidate gets up on a public platform and abuses another. What I mean is that if a candidate were to commit a reprehensible act, I think he should be debarred from coming forward for election; but I cannot see that it is right to further penalise a candidate if he disrupts a meeting when you have a penalty for that offence already.

Mr. CRAWFORD: It appears to me that we are either trying to put an enormous amount of money in the Treasury or trying to fill the jail. I have my own idea about several Clauses of this Bill but I want to say this now: for a number of years in this colony candidates and the public at large have been accustomed to hearing abuse on platforms and of seeing attempts being made by people to break up other people's meetings. Nobody is saying that that is not a reprehensible practice, but at the same time it is well known, even at the last election in the metropolitan parish, that at the Empire grounds and at Carrington's Village organised parties had their men to go and break up meetings which were started by rival candidates. I have been present at meetings when people attached to certain organizations not only attempted to break up the meetings, but actually attacked candidates; I have seen a candidate defend himself of an assault at Carrington's Village. Out of a clear, blue sky you are penalising people who commit these offences when these people who have been

accustomed to seeing other people whom they regard as being better than they, doing these things, and you are imposing these comparatively enormous fines and sentences. It seems to me that while a commendable attempt is being made to control people at election campaigns, we should go a little more slowly and these penalties should not be as heavy as it is proposed they should be. There are a lot of greenhorns who regard it as their moral duty and solemn obligation to break up meetings which have been called by their opponents. What I am saying is that while we are proposing to do a good thing, people have to be educated to it a little more gradually. If we go on in this manner you will find that by the time the election comes off, all the electors and half the candidates will be in jail. I think that we are imposing penalties which are too severe at the beginning; I am expecting that under this Clause, if a certain party takes the hustings at all, long before Nomination Day all the chief supporters and nearly all the candidates will be in jail.

Mr. MILLER: I would like to understand clearly if, for instance, somebody in a crowd shouts out to a speaker "Stop telling lies and get down," that would be regarded as an attempt to break up a meeting. I really do not like this Clause in the Bill at all; I am unhappy about this Clause. You would have to produce about ten different reasons to prove that it was a person's intention to break up a meeting, and, I repeat, I am really unhappy about this Clause. I wish the honourable senior member for St. Joseph would explain it.

Mr. ADAMS: There is always the question of appeal. If a Police Magistrate is ignorant of the law and cannot see what the Act says you can appeal even to the Privy Council. The question has been asked as to how far a person's conduct can go before it is considered as being disorderly and that has been the subject of a judicial decision; it is a question of fact, and I do not think we need be afraid of this Clause. The throwing of stones would be something designed to prevent a meeting from being held.

Mr. MILLER: As I have said, I am very unhappy about this Clause and I think we should pay some more attention to it. We have a lot of people who have not had the opportunity of seeing culture; a lot of people are in the slums and it is unfortunate for us that in an age like this we should be inflicting a penalty of a thousand dollars on a helpless soul for an offence under this Clause. I am particularly unhappy about that; to ask a person suddenly to fall away from something which has been his nature is hard. This is not the best thing to do and I think we should decide to delete this Clause; I think that by passing this Clause we will be attaching crime to people who really do not know any better. I am asking that some consideration be given to that point; it is all very well to follow England in certain matters, but we have, in this colony, a lot of barefoot, naked people who have never been told that they should behave well. I am enthusiastic about this Bill, but this is one Clause with which I do not agree.

Mr. MOTTLEY: The hon. senior member for St. George has just made a very stirring appeal to hon. members to do something. He said that he is unhappy about this matter, he feels it is unfair to the people and he sat down.

Mr. MILLER: I said I am unhappy about this Clause. This Clause is worrying me and I want to hear something more about it. That is all.

Mr. MOTTLEY: The hon. member has that feeling about this Clause but he has not offered any amendment. A few weeks ago I held a meeting in St. George; I went into the enemy's camp. When I

got there I realised that I was in the enemy's camp; somebody told me that a couple of bottles were to be thrown so as to break up the meeting.

Mr. CHAIRMAN: I cannot entertain such remarks; let us deal with this Clause. We do not want to hear anything about bottles being thrown to break up any meeting.

Mr. MOTTLEY: No bottles were thrown; they remained in the bag. I am voting for this Clause.

Mr. CRAWFORD: I am not voting for this Clause; I do not see how anybody could support a Clause of this sort at this stage in the history of this colony. It is something extraordinary that this Committee should be asked at this time to support a Bill containing a Clause like this; the penalty for the comparatively simple offence outlined in the Clause is amazing. That is putting it mildly. We have heard about political meetings being held in other parts of the world and of attempts being made to break them up. To prevent the holding of a meeting should not be any crime; if the majority of people do not want to hear a particular candidate, they do not want to hear him. Because you express your opinion in an emphatic manner are you to be hailed before a Court and fined or imprisoned and not allowed to vote for five years? Are you telling me that a mere attempt to interfere with the holding of a meeting is as serious an offence as one under the Corrupt Practices Act and a similar penalty should be attached to it? I think we are going too far.

Mr. ALLDER: This legislation is more likely to be contravened by the humble, ignorant and ill-cultured people who are unable to pay the fine, than by other people. I cannot remember any piece of legislation which has been passed by this House and in which provision was made for a fine as heavy as that which is proposed here for what I consider a negligible offence. In this colony we adopt legislation which is in existence in England or America or Canada where the standard of living and the culture of the people are higher than they are anywhere in the West Indies; we want to adopt in this colony what is the law in other countries without giving any consideration whatever to the people as to whether they will be able to comply with such legislation or not. An humble person may commit an offence under this Clause at a mass meeting or when he becomes emotional, and when he is carried before a Court and fined \$1,000 with the alternative of a year's imprisonment, he is deprived of his citizenship; that is something about which you find hon. members making sport. This is the most serious piece of legislation about to be passed in this House; many a man has lost his head politically, but we have passed the days when such penalties were imposed. Why should we re-introduce such things? While we have passed on to a higher standard of education, we still have a fair number of people who do not know whether they are doing right or wrong; they do not know whether they are exposing themselves to the imposition which we are putting here or not. I might not commit myself, but there are others who would endanger themselves by the terms of this Clause. Why should we inflict such a severe penalty on people so suddenly for committing so small an offence? This is a day when we hear about a lot of crimes taking place and then the whole picture is changed and people go free; but under this Clause, if a poor agricultural labourer raises his voice too high at a meeting he is faced with a fine of \$1,000. I am saying that before we enact any law we have to make sure that the people can abide by such a law. We still have with us people who cannot read or write and it is only after these people

have passed that stage that you can make such stringent laws. Any hon. member who sits here and allows this Clause to be passed as it is, does not deserve the respect, furthermore the votes, of those underprivileged people who cannot avoid committing themselves. We are here to protect people, not to penalise them; I repeat that the penalty for an offence under this Clause is too heavy, and the offence is most likely to be committed by the persons who are least able to go straight ahead. If the law were carried out to the letter, do you know how many people would be sent to jail? The hon. senior member for St. Michael does not show any sympathy in this matter at all; he has become a menace to right thinking; although the fine is high he is still saying: "Remove the fine and make the penalty twelve months." Can you imagine a person who says "I am your saviour" sitting here and trying to increase the punishment which is set out in this particular Clause? I am appealing to hon. members not only to think of themselves or of those who are higher up in the community, but of those who will commit themselves at mass meetings. I do not know how many hon. members are interested in amending this Clause; I do not know whether it is felt that the fine should be reduced or whether the entire Clause should be deleted. However, I formally beg to move that in the fourth line from the last, the words "one thousand" be deleted and the word "ten" be inserted in place thereof; that in line 3 from the last, the words "one year" be deleted and the words "one month" be inserted in place thereof; and that the words occurring after the word "year" be deleted. I make that motion because I do not think that anybody would want to break up a meeting and pay \$10 for so doing; in any case, that is sufficient punishment, in my humble opinion, for anybody to undergo if he attempts to break up a meeting.

Mr. LEWIS: Mr. Chairman,—I hope that nothing I say will break up this meeting. The last honourable member who spoke turned this into a political meeting. I very much regret his remarks that legislation sent down to this House by the Government or introduced by any honourable member is here for me to disapprove or approve. If you can get a sufficient number of members to agree with the statement of fact that this fine is too heavy, that is all that is necessary. To say in the end that honourable members are making a lot of fun when the honourable member in other sections of the Bill has been having his fun too, is absolute nonsense. You do not know how other honourable members are going to vote, and you think that they are slighting certain legislation when perhaps they have been taking it more seriously than you. Anyhow, I feel that we have to decide here whether or not the offence which this section deals with is a more serious one than slandering a candidate. I think that when anyone calls a meeting his supporters will be there, and anyone who attempted to break up that meeting would be dealt with by those present. But I think that slandering a person is a much more heinous offence. As one who has attended meetings of a political nature all over the island, however, I cannot agree that all slanderous attacks show a lack of culture. Very often the people who make these remarks are the very people who should know better. I have not had much chance to go through this Bill, but it did strike me that the fine of \$1,000 attached to merely attempting to break up a meeting is a little too heavy, although I realise that you would need a deterrent fine.

Mr. ADAMS: There is no offence created by this Bill more serious than this. Today there are two civil armies in Jamaica. They go to each other's

meetings armed with revolvers with the express purpose of breaking up the meetings. Let us stop anyone from even thinking of breaking up another's meeting. I have been in a procession of the P.N.P. and there were men with drawn swords at our side. It is better to try to prevent that sort of thing happening here. Let us teach people to listen to another man's meeting without trying to break it up. It is necessary to prevent clashes which may lead to free fights. People who will do it will not do it because of a lack of culture, but because they feel like being wicked that night. If you go to rivals' meetings do not attempt to break them up, and this section will not have to be invoked. I agree that Section 31 should be harder; but in the offence created by that section you are slandering one man. The offence dealt with in this section may lead to murder. It is easy to say that it cannot happen here; but in 1937 we were also saying that Barbadians are peaceful. I am asking leave, sir, to delete the word "after" occurring in Line 4, and to insert in place thereof the words "of the", so that it will read "and the day of the polling" instead of "and the day after polling".

There being no objection, leave was granted.

Mr. MILLER: Mr. Chairman—I am not going to vote for this fine of \$1,000. We have reached the stage of Adult Suffrage, and you may get many people going to meetings who heretofore did not know what it was to possess the vote; you should give these people a chance to emancipate themselves. I am going to move that the penalty be reduced to \$5.00 or seven days' imprisonment.

Mr. E.K. WALCOTT: Mr. Chairman—I am of the peaceful type. There is probably a misconception in the minds of honourable members, and we now have two extremes—one is the very low penalty offered by the last honourable member who spoke, and the other is the extremely heavy penalty offered by the Government. As the Bill was originally drafted, it only dealt with combining with others, and where that was concerned that was a very serious criminal offence. For a man to incite others or combine with them to break up meetings is an evil which would destroy democracy if not checked. It would be disastrous if when you decided to hold a meeting someone could combine with others or incite them to throw bottles and stones. But I do not think that there is any more serious scandal on the people than to suggest that they are bad behaved, in general and are likely to indulge in this sort of thing. I say without hesitation that our crowds are as well behaved as crowds in any part of the world. It is not true to say that this is the first time that these crowds will be attending political meetings. In the past there have been meetings attended by 2,000 people, of whom only 300 were electors. But I agree entirely with the honourable senior member for St. Joseph that we should try to prevent from creeping into politics the type of person who might combine with, and excite others to commit the crime herein alleged.

Mr. CRAWFORD: Mr. Chairman—I can appreciate the enthusiasm with which the last speaker views this Bill, although I am perfectly sure that if his party were in power they would never dared to bring a Bill of this sort to the Assembly. And the honourable members on my right have really handed them a bigger gift than if they had given them a cheque for a million pounds. In the last speech by the honourable senior member for St. Joseph is the allegation that the people of this country are so prone to violence, or have become so violent overnight that measures of the most stringent

form are necessary to control them. The honourable senior member for St. James would naturally support a Bill of this sort. But sir, I think there is hardly any justification for the fear which the honourable introducer of the Bill seems to feel for the people who put him here. He knows as well as I do that the people in almost all of the West Indies are not prone to violence. Jamaica may have copied the habits of some of her nearby South American neighbours; but nowhere else in the West Indies would anything happen comparable to what happens in Jamaica. We do not have the slightest indication that we are following the path set by Jamaica. The 1937 disturbances were economic in origin. We should remove the causes rather than use the big stick like this. It is the business of the honourable members on my right to so change the fundamental economic conditions of the island that unless an extraordinary human being with extraordinary powers as an agitator should arise, there would be virtually no grounds on which one could lead the people astray. I feel, Mr. Chairman, that we are making a mistake here, and I think that that will be realised by the honourable members who are now supporting it when they reflect on it more soberly.

Mr. ADAMS: I take very much heart from what the honourable senior member for St. James has said. Conspiracy is a serious offence, but since a single man going and behaving in a disorderly manner at a meeting is a comparatively trivial offence, it should not be dealt with in the same section as the extremely serious offence of conspiracy. It is unlawful assembly to gather with the intention of interfering with other people who are properly assembled. I am therefore going to withdraw the part that I was going to insert, and leave it merely a question of combination and conspiracy. I am asking leave, Mr. Chairman, to withdraw the words "acts in a disorderly manner", and leave the section as it was drafted.

There being no objection, leave was granted.

Mr. BRANCKER: Mr. Chairman—There is general agreement that the offence covered by this section should be stamped out. But there is not a consensus of opinion as to what should be the penalty. On one hand the Government has inserted a penalty of \$1,000 while on the other hand honourable members have suggested lower penalties such as \$10.00 and \$5.00. I am suggesting that it may be possible to meet the objection of those who think that \$1,000 or a year's imprisonment is too high by inserting the words "not exceeding" after the word "fine", and the insertion of the words "not exceeding" after the word "imprisonment." I know that it will be observed that in the other sections of this Bill we have made the penalties fixed penalties. But it is in view of the wide divergence of opinion as to what is the adequate penalty, that I am suggesting that a compromise be made by leaving the extent of the penalty to the discretion of the Court. I now beg formally to move the insertion of the words that I have mentioned.

Mr. GARNER seconded.

Mr. ADAMS: I am prepared to discuss the matter with the Executive.

Mr. BRANCKER: At the Assizes one can also be bound over for this offence.

Mr. ALLDER: I will second the motion made by the honourable senior member for St. George.

Mr. REECE: The Honourable Senior Member for St. Joseph says that he will discuss the proposed amendment with the Executive Committee. Perhaps it would be wise to leave this point over and get on with other sections of the Bill.

Mr. LEWIS: Unless someone combines there is no conspiracy. If we accept the amendment by inserting the words "not exceeding" it would indicate that we take the view that there are degrees of this offence. I would like to see the individual brought in. One individual can make as big a disturbance as 20.

On the motion being put that the words "not exceeding" moved stand part of the Clause, the question was resolved in the negative. The Committee dividing as follows:—

Ayes: Mr. BRANCKER, Mr. GARNER and Mr. GILL—(3).

Noes: Mr. SPEAKER, Mr. MILLER, Mr. ALLDER, Mr. LEWIS, Mr. COX, Dr. CUMMINS, Mr. ADAMS, Mr. MOTTLEY, Mr. E. K. WALCOTT, Mr. GODDARD and Mr. REECE—(11).

And on the motion being put that the fine be reduced to Five Dollars and the term of imprisonment to seven days. The question was resolved in the negative, the Committee dividing as follows:—

Ayes: Mr. MILLER and Mr. ALLDER—(2).

Noes: Mr. SPEAKER, Mr. LEWIS, Mr. COX, Dr. CUMMINS, Mr. ADAMS, Mr. BRANCKER, Mr. GARNER, Mr. MOTTLEY, Mr. GILL, Mr. E. K. WALCOTT, Mr. GODDARD and Mr. REECE—(15).

Clause 34 was then passed.

Mr. MOTTLEY moved, seconded by Mr. GILL that the Chairman do now report progress and ask for leave to sit again.

Mr. ADAMS: I am not objecting to that. We have completed the most controversial part of the Bill. The Other Place is meeting next Tuesday specially to do this Bill, so I am going to suggest that we adjourn until next Monday.

Motion that the Chairman report progress and ask for leave to sit again was put and carried, the Committee dividing as follows:—

Ayes: Dr. CUMMINS, Mr. ADAMS, Mr. BRANCKER, Mr. GARNER, Mr. MOTTLEY, Mr. GILL, Mr. E. K. WALCOTT, Mr. GODDARD and Mr. REECE—(9).

Noes: Mr. SPEAKER, Mr. MILLER, Mr. LEWIS and Mr. COX.

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

ADJOURNMENT

Mr. ADAMS moved that the House do now adjourn to Monday next at 5.00 p.m.

Dr. CUMMINS seconded, and the motion being put and carried nem. con. Mr. SPEAKER adjourned the House accordingly.