

THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1950—51

HOUSE OF ASSEMBLY

Monday, 30th July, 1951

Pursuant to adjournment, the House of Assembly met at 5.30 p.m. to-day.

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., J. E. T. BRANCKER, M. E. COX, T. O. BRYAN, F. E. MILLER, L. E. R. GILL, J. A. HAYNES, B.A., E. K. WALCOTT, K.C., and F. C. GODDARD.

Prayers were read.

MINUTES

The Minutes of the meeting which was held on the 10th July, 1951, and the Proceedings of the 17th July, 1951, having been circulated, were taken as read and confirmed.

QUESTIONS

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

1. Is Government aware that there is a considerable number of persons who claim that they have suffered damage to property and/or loss of household effects during the "Floods" of 1949, and whose names were not included among those selected for compensation?

2. Has Government's attention been drawn to an article appearing in the Press claiming that there is disappointment and dissatisfaction caused by these omissions?

3. If the answers to No. 1 and No. 2 are in the affirmative will Government set up a Committee to investigate the claims of these with a view to sending down legislation to effect immediate compensation for deserving cases?

REPRESENTATION OF THE PEOPLE
(MISCELLANEOUS PROVISIONS)
BILL, 1951.

Mr. SPEAKER: The first Order of the Day is to resume 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. SPEAKER left the Chair, and the House resumed Committee on the Bill, Mr. SMITH being in the Chair.

Clause 35 was read as follows:—

35. (1) No person shall, for the purpose of promoting or procuring the election of any candidate, hire any band of music.

(2) No person shall play in any band of music at any meeting or in any procession held for the purpose of promoting or procuring the election of any candidate.

(3) Every person who contravenes the provisions of this section shall, on conviction by a Court of Summary Jurisdiction be liable to a fine of one hundred dollars or to imprisonment for three months.

Mr. ADAMS: Before moving that this Clause stand part of the Bill, I am asking leave to insert after the word "hire" occurring in line 2 of Sub-clause (1) the words 'or make use of'. You might have a band of your own and you might use it without having to hire one.

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

Mr. ADAMS: I beg to move that Clause 35 as amended stand part of the Bill.

Dr. CUMMINS: I beg to second that.

Mr. HAYNES: Does this Clause mean that no music should be used during an election campaign? I should like the honourable senior member for St. Joseph to explain that. This is a rather nebulous Clause.

Mr. ADAMS: It is wide, not nebulous. If a man says "I am running for the General Election" you cannot use any band for the purpose of procuring his election.

Mr. MILLER: I should like to know if there is anything in the Government's mind about a date, in respect of this Clause, and if so, whether it would be made about two or three weeks before the election. At a meeting you could play gramophone records and that would be a breach of the law. You do not want to stretch this provision too long before the election.

The question that Clause 35 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clause 36 was read as follows:

36. (1) No person shall during an election call together, hold or address any election meeting in any public place unless notice of the intention to hold such meeting at such place has been given not less than three hours before the commencement of such meeting to the Officer of Police in charge of the parish in which such place is situate or to the Officer of Police in charge of the Police Station nearest to such place.

(2) Every notice under subsection (1) of this section shall specify—

- (a) the person in support of whose candidature the meeting is to be held;
- (b) the place and approximate time at which such meeting is to commence.

(3) Every person who contravenes subsection (1) of this section shall be guilty of an offence against this section and, on conviction by a Court of Summary Jurisdiction, shall be liable to a fine not exceeding twenty-five dollars or in default of payment to imprisonment for thirty days.

(4) In this section "public place" means any street, road, lane or highway and any park, garden, field or sea beach to which the public has access whether as of right or upon payment of any sum of money or otherwise.

Mr. ADAMS: In moving that this Clause stand part of the Bill, I would like to say that it has been drawn to my attention that it might be very difficult to give the Police three hours' notice of a meeting. I am not moving any amendment myself, but if the general feeling is that the period of three hours should be changed to a reasonable notice, I do not think I would have any strong views about that. It is good to let the Police know that a meeting is about to take place that they can be present and keep order. If honourable members choose to make a suggestion I will favourably entertain it. I beg to move that Clause 36 stand part of the Bill.

Dr. CUMMINS: I beg to second that.

Mr. GILL: What exactly is meant by the term "during an election?" There is a definition of the word "election," but what is meant by the term "during an election?"

Mr. ADAMS: There have been cases in which a Court in Barbados would be guided. It is open to some doubt as to when an election begins, but if you start bribing people, the election has begun for the purpose of the law in respect of bribery and corruption. If you break the law relating to elections three years before an actual election takes place, for the purpose of the law to keep elections clean, the election has begun. If you start canvassing on the day after you lose your seat, you come within the Act; however, I do not think we need worry about the extent to which you can infringe a law like this.

Mr. MILLER: In connection with this Clause, a difficulty might be produced towards the end of the election. There might be an occasion when one candidate arranges to hold a meeting and immediately after that meeting another candidate is asked by the crowd to reply to some statement which might have been made. One might have summoned a meeting which might be over at 11 o'clock and the crowd is waiting to have from you an explanation of something which might have been said at the meeting. That has happened to me on several occasions and in such circumstances you would not be in a position to give the Police three hours' notice of the subsequent meeting. The Police are always

informed about these meetings; I do not think that a meeting has ever been held and the Police have not been informed about it. This Clause will create some difficulty: If you make the period of giving notice to the Police an hour before the commencement of the meeting, you will still have some difficulty. You may go into your constituency and people might ask you "What about back pay?" You begin to speak, you do not even know that you are holding a meeting and under this Clause you can be prosecuted. You can start a meeting without knowing that you have started it, and the Police can come around and prosecute you. These regulations are all right for big countries, but not for Barbados; with this election approaching, you may have to hold five or six meetings on one night. You cannot always arrange for meetings because you do not know when they are coming off.

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

Mr. BRYAN: In Sub-clause (4) there is the definition of the term "public place," but there are occasions when meetings are held in club houses and in schools; such places are not included in the definition of "public place." There are familiar meetings known as cottage meetings and I am wondering if this Sub-clause should not be worded so as to cover such meetings.

Mr. BRANCKER: I would like to know what an election meeting is; in Clause 2 of this Bill we have the definitions of various things, but we have not got any definition of an election meeting. In regard to the point made by the honourable senior member for St. George, it frequently happens in election campaigns that one's opponents make wilful or reckless misstatements at a meeting and one finds it desirable at the earliest possible moment after the meeting is concluded to go on the spot and hold another meeting so as to inform the listeners as to what is really the truth: he really wants to counteract the bad things which have been said at the previous meeting. I think that a period of three hours, which it is proposed the Police must be given before a meeting can be commenced, is too long and I propose that this period be reduced to one hour. I feel that one could probably find somebody to cycle with a scrip to the nearest police station and inform the Police that he proposes to hold a meeting at such and such a place and at such and such an hour. I formally beg to move that the words "three hours" occurring in line 4 of Sub-clause (1) be deleted in order to substitute there for the words "one hour". As regards Sub-clause (3) I observe that a person who commits an offence under Sub-clause (1) would be liable to a fine not exceeding \$25; but at the last meeting of this House we heard it pontifically pronounced that we could not have the wording "a fine not exceeding one thousand dollars" because nowhere in this Bill would the expression "not exceeding" be found. However, we find that that phrase is used in this Clause.

Mr. ADAMS: I thank the honourable member. That is a point which slipped the Acting Attorney General and it slipped both the honourable senior member for St. James and myself; according to the Interpretation Act, it is not necessary to put in the words "not exceeding;" where a penalty of so much is put in a Clause, it must be taken to mean "not exceeding" the amount. Therefore, in the case quoted by the honourable junior member for St. Lucy just now, a Magistrate can fine a person anything up to \$1,000. The Acting Attorney

General says that he never puts in the words "not exceeding," because they exist in the Interpretation Act. Honourable members need not be afraid that the penalties which are set out in this Bill will be inflicted for every offence; a Magistrate can fine a person \$10, \$20 and so on. For the sake of uniformity I propose to ask leave to delete the words "not exceeding" in order to insert the word "of."

As regards the other point, I do not mind the deletion of the words "three hours" and the substitution of the words "one hour." This Bill is not designed against properly constituted parties; but there are people who get by the side of the street saying that they are holding election meetings and they are just making an opportunity for abusing somebody. Of course the Police should always be invited when meetings are to be held in public places; it is only right that the Police should be told about these meetings. I would like to remind honourable members that no properly constituted Party would hold meetings unless it first let the electors know that the meetings are to be held; and what hardship is there if, at the same time you notify the electors you also notify the Police? I should imagine that anybody who is running properly as a candidate would welcome the Police so as to prevent rowdiness. The whole object of a Bill like this is not to create hardships on anybody, but to ensure that people conduct themselves in an orderly fashion. It is just like having a provision to deal with murder because there are some potential murderers in this world; because none of us would commit murder, there is no reason why we should not make provision against an act of murder. Relative to the point raised by the honourable junior member for St. Michael, if a man is keeping a meeting in his private house, he is responsible for that, and you cannot bring a policeman into a man's house. In accordance with what I said earlier, I ask leave to delete the words "not exceeding" occurring in line 4 of Sub-clause (3) in order to insert the word "of".

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

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

Mr. E. K. WALCOTT: As far as this Clause is concerned, if you say that you have adopted the English Act, I will accept that. The term "during an election", if that is in the English Act, would mean that whenever you start to canvass you start an election. As regards giving the Police notice of a meeting which is to take place, I think myself that where the locality chosen for holding the meeting is not one where you are usually allowed to hold meetings, you should give the Police sufficient opportunity to get there and supervise. In any case reasonable notice of a meeting should be given. As the honourable senior member for St. Joseph says, if a man is keeping a meeting in his own house, he is in charge of his premises, and if he does not keep order there, he will hear about it. However, I do not think that there is as much danger in this Clause as there would appear to be at first sight.

Mr. MILLER: I have read that in Hyde Park you can start a meeting and nobody has to tell the Police anything; you can start the meeting and the Police can drive up and listen. Another point is this; you might arrange to hold a meeting in a particular place and as soon as you start the meeting, somebody says that you have to remove from that spot. You might decide to hold a meeting and a lot of things can happen. I hear the honourable junior

member for St. Thomas say: "Change this provision", and I am appealing to the honourable senior member for St. Joseph to change it, otherwise it will produce a difficulty which the honourable member should see at the moment. You might decide to hold four meetings in four different districts in one night and you might find it difficult to give the Police three hours' notice of those meetings; you might, at the last moment, go to a village corner and find there 40 or 50 people who want to hear you speak on some matter, and as soon as you begin to speak the Police can prosecute you. We have no cases on record where people have broken up meetings and I am suggesting to the honourable senior member for St. Joseph that he delete this Clause.

Mr. MOTTLEY: I am supporting the passing of this Clause. Recently a Police Officer complained to me that the statement was made at a meeting that people were being encouraged to get houses from Mr. Stephen Walcott of Apes' Hill. I hope that when this Clause is passed a lot of people will have to pay the penalty. I agree that the Police should be informed that these meetings are to be held and they should be present; you should be able to reply to your detractors and the Police should be informed of such meetings. I am going to offer an amendment to this Clause; I beg to move that after the word "Police" occurring in line 7 of Sub-clause (I) the words "or constable" be inserted. (Mr. ADAMS: I accept that amendment). When I came into the Committee I think the honourable senior member for St. Joseph was pointing out why the words "not exceeding" should not have appeared in Sub-clause (3). (Mr. ADAMS: The Interpretation Act explains it). I listened to the honourable member's argument last week in respect of a Clause dealing with the fine proposed to be inflicted for an offence under that Clause. We want to make the position clear because the public is wondering why we are so drastic as to the penalty under this Clause. If the honourable Leader of the House assures us that throughout this Bill, wherever it is stated that the fine for an offence under the particular Clause is so much, it means that a Police Magistrate can fine a person a shilling or a pound, I hope that that will be the Magistrate's interpretation of it. I came here to raise that question because it seems to me that we are very drastic where the penalties under this Bill are concerned. The honourable junior member for St. Lucy has just reminded me that in the Liquor Licence Act there is in one of the Clauses a fixed penalty of £50. In this Bill we are not only dealing with candidates who are seeking election to this Assembly, but also with other people who are holding meetings; and it would be rather hard to enact legislation which would prohibit people from holding meetings. If at a meeting held by a candidate this afternoon, a man heard a point of view with which he did not agree and after the candidate left, that man began to speak, in my opinion that man could be fined under this Clause. That would be really jeopardising people. As I have said, this Clause applies not only to a candidate, but to anybody who is holding a meeting; if I held a meeting in St. John to-night and after the meeting somebody who was not satisfied about something which I said, got 20 or 25 people around him and spoke to them, he would be holding a meeting. Under this Clause he would have committed an offence because he would not have notified the Police of that meeting; so that in such a case a person would be prevented from expressing his view and convincing his colleagues that something which was said at the previous meeting was wrong. However, while I say that this

Clause must remain in the Bill, I would like the honourable senior member for St. Joseph and the honourable senior member for St. James to convince me that with the words "not exceeding" having been deleted from Sub-clause (3), a Police Magistrate can use his discretion where a person starts a meeting in circumstances like those which I have just mentioned, and say "I quite understand how this happened and I fine you one shilling." If you have 10 or 12 people around you and you are addressing them, you are holding a meeting.

Mr. ADAMS: The honourable member's point about what happens after a meeting could not come under this Clause: the Clause has to be taken as a whole. You have to tell the Police for whose candidature you are holding a meeting; if after the meeting a person says "He was talking nonsense", he he cannot come under this Clause. This Clause refers to a regular meeting which is held in support of Mr. So and So's candidature. People can come and say afterwards "None of these candidates is any good" but that would not be an election meeting; that would be a chance meeting where people might say that they do not agree with some point which was made at the meeting which was held in support of somebody's candidature. A chance meeting is not a meeting held in support of anybody's candidature. For the benefit of the honourable senior member for the City, as to the words "not exceeding" having been deleted, I will refer to the Interpretation Act, 1949. Clause 32 of that Act says:—

"Whenever in any Act a penalty is provided for an offence against that Act, such provision shall indicate that, unless the contrary intention appears, the offence shall be punishable by a penalty not exceeding the penalty prescribed."

And Clause 33 says:— "Whenever in any Act a fine, penalty or term of imprisonment is set out at the foot of any section, the same shall indicate that any contravention of the section whether by act or omission shall be an offence against that Act and shall, unless the contrary intention appears, be punishable by a fine, penalty or term of imprisonment not exceeding the amount or term stated."

So that under this Bill a person can be fined anything from \$1 to \$1,000. I assure the honourable senior member for the City that the circumstances envisaged by him cannot come under this Clause, because a person would not be holding a meeting on behalf of anybody's candidature. If it is too late to invite the Police to a meeting you can go into somebody's backyard and hold the meeting.

Mr. ALLDER: I am very glad to see that the honourable senior member for the City is in a more serious mood than that in which he was on the last occasion when we discussed this Bill. If the honourable member had evinced that seriousness on the last occasion, we might have been able to save a lot of time. The points which the honourable member has raised relative to this Clause are definitely logical; while this Clause might appear to be workable, a lot of snags can arise. As soon as a meeting is over, many people will separate themselves into groups and new discussions will be started; it just depends upon the suitability of the area to determine whether there will be a continuation of the same meeting or whether there will be several meetings held as a result of the one which was held by a particular candidate. I do not think that this Clause should be left so vaguely as to jeopardize those people who might feel that they have a right to discuss the *pros* and *cons* of what might have been said before. Whatever legislation we might pass, we must always consider the possibility of people who

are not as well informed as we are, putting themselves in a position whereby their actions might cause them to face the Courts. As the honourable senior member for the City has said, this Clause appears to have a danger in it, and if the Clause were removed from the Bill, no harm can be caused. The fact is that the Police Department is expected to be always on the alert; if no hand bills are distributed, the announcement of meetings which are to take place is made by some means or other. I am influenced by the point which has been raised by the honourable senior member for the City, because there is the possibility of what he has mentioned taking place. Even when a meeting is being held in a particular area it is not unusual for one to pass through a district and hear a group of people having their political discussions in an informal way by the wayside; it is just left to the whims and fancies of the Police Officer in charge of the area to decide as to whether that is a political meeting and to say whether the leading exponent at the time has notified the Police or not. If the honourable senior member for the City is serious about the point he has raised and is willing to move for the deletion of the Clause or a further amendment to it, I would support the motion. I feel that any danger which might be in this Clause should be removed now that we have the time to remove it.

Mr. MOTTLEY: I appreciate that the honourable member has grasped the point which I have made, but I wanted to be assured that, as far as the penalty is concerned, it is not a fixed one and a Police Magistrate can use his discretion. Both the lawyers in this Committee have assured me that the Magistrate can use his discretion, and that is the only reason why I have not moved any amendment. The point I have raised is bound to arise, but if I got about 40 people around me and made a strong speech in support of the candidature of a particular person and a Police Officer reported me for not giving notice of the meeting, the Police Magistrate has the power to use his discretion in imposing the penalty.

Mr. ALLDER: That is a case in which a person has been charged already, but the case I am referring to is where a meeting is being held on a particular spot and a few persons start their discussion. (Mr. MOTTLEY: That is not a meeting). You can hold a meeting without getting on a rostrum or putting yourself at a greater height than your audience. A dozen persons can get around one person and that can be considered a meeting. The question is whether this Clause should be left so vaguely as to open a person to a charge; I would not like anything to be put in this Bill whereby people will not be able to discuss freely matters which pertain to their well being.

Mr. ADAMS: I can foresee a meeting being held, in which you are not attacking any candidate; you will have to hit at that meeting in a different way. That is not a meeting in support of any candidate; people can remain in hundreds after a meeting and discuss any speech which they have just heard, but if a person holds another meeting in support of a particular candidate, that meeting would come under this Bill. If you are holding a subsequent meeting in support of the candidature of any person, then you should notify the Police that you are holding it.

Mr. MILLER: You might be holding a meeting at the same time that your opponent is holding one.

Mr. ADAMS: What we have been arguing is that a person might hold a meeting at which he makes a statement that you, who are his opponent, ought to correct. If you know that your opponent

is holding a meeting, you can telephone and notify the Police that you are also holding one, and you will be within the law.

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

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

Clause 37 was read as follows:—

37. Every election officer who—

- (a) canvasses for votes on behalf of any candidate or political party; or
- (b) addresses any meeting on behalf of any candidate or political party; or
- (c) in any way actively associates himself with the election campaign of any candidate or political party,

shall be guilty of an offence against this section and on conviction by a Court of Summary Jurisdiction, shall be liable to a fine of two hundred dollars or to imprisonment with or without hard labour for six months.

Mr. ADAMS: Before moving that this Clause stand part of the Bill, I should like to say that there is a feeling among some honourable members that the fine in respect of this Clause should be cut out because this Clause is equivalent to that which fixes a penalty of six months' imprisonment for committing a breach of the secrecy of the ballot. We have decided that the penalty should not be any less strong than what is in the present law and I am asking leave to delete the words "a fine of two hundred dollars or to" occurring in the last line but one of this Clause. That will allow a Police Magistrate to use his discretion as to whether a person who contravenes the provisions of this Clause should be imprisoned for a day or for six months.

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

Mr. ADAMS: I beg to move that Clause 37 as amended stand part of the Bill.

Dr. CUMMINS: I beg to second that.

Mr. MOTTLEY: I consider this matter a very important one. This Clause is unlike that which deals with persons holding meetings without first notifying the Police about them. If you read this Bill you will see that immediately after the appointment of the Supervisor of Elections those officers who are also included in the definition of the term "election officer"—returning officer, election clerk, presiding officer, poll clerk or any other person having any duty to perform pursuant to this Act—must be appointed; and if these officers or any of them canvass after they have been appointed or while they are on duty, they can swing the result of the election in one way or the other. I think, therefore, that the penalty should be made a term of imprisonment not exceeding 12 months. I beg to move that the words "six months" occurring at the end of the Clause be deleted and the words "twelve months" be inserted in place thereof.

Mr. ADAMS: I accept that amendment.

The question that Clause 37 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clause 38 was read as follows:—

38. (1) Subject to the provisions of sub-section (2) of this section, no expenditure shall be incurred in relation to the candidature of any person at any election in excess of a sum of money calculated at the rate of ten cents for each elector.

(2) In determining the total expenditure incurred in relation to the candidature of any person at any election regard shall not be had—

- (a) to the deposit required to be made by the candidate under section eleven of the Representation of the People (Amendment) Act, 1943, or
- (b) to any expenditure incurred before the issue of the writ for the election in respect of services rendered or materials supplied before the issue of such writ.

Mr. ADAMS: I ask leave to delete Sub-paragraph (b) of Sub-clause (2).

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

Mr. ADAMS: I beg to move that Clause 38 as amended stand part of the Bill.

Dr. CUMMINS: I beg to second that.

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

Mr. MOTTLEY: Even at the risk of being accused of being a rich man who wants to spend excessively, I am expressing my view. As the honourable senior member for St. Philip said on the last occasion, I take off my hat to any man who can say that it must cost him nothing to enter into politics. Everyone will agree that you should curtail expenditure in respect of campaigning; if it were not so and people were allowed to spend as they like, possibly only the rich and wealthy people would be able to attract electors. It has been shown that people are so politically wide awake that the spending of money does not necessarily carry off an election; and if you start to campaign it is necessary, especially now, that you allow your policy be known and not keep it under a bushel. We have party politics with us, there are three main Parties and there is the likelihood of more Parties springing up. None of us likes, to spend money unnecessarily; it is true that we like to be bestowed upon us the honour of being elected to make the laws governing the country, but we have to take into consideration the cost of printing matter, the cost of transportation and so on. The honourable senior member for St. Joseph knows that when you are campaigning and holding meetings, the printing, advertising and the like, must cost you some money. Although in this Bill we have passed a Clause to the effect that on election day you are not to use loudspeakers or any public address system, the honourable member knows that during your campaigning there is little point in appearing on a public platform unless you have the public address system: we have not got electricity all over the island and therefore we must use batteries. It has been proposed in this Clause that the expenditure incurred in relation to the candidature of any person at an election should not exceed ten cents per elector: I know the honourable senior member for St. Joseph feels that you must protect the poor against the wealthy, but there is something which I do not think a lot of people understand well enough. In this colony there are some people who, for the sake of being elected, are prepared to throw one half of their fortune into an election; there are those who stop at nothing so as to become a law-maker. Where you have a constituency like St. Michael with over 30,000 people on the register, the amount of ten cents per elector would seem to be quite a lot of expenditure: however, it must be remembered that in the country districts where there is no radio service, a candidate will have to go to the people and tell them what his policy is. This amount of ten cents per elector might seem to be all right for St. Michael which has a large number of electors, but what about a constituency in which there are only about 4,000 electors? The

expenditure of \$400 would be out of the question. In respect of a small constituency you would be enacting this legislation which you know would have to be broken. This is no personal appeal because I am an old stager: I appeal to the honourable senior member for St. Joseph to see that according to this Clause, in a constituency like St. George or St. Thomas where there are about 3,000 electors, a candidate could only spend \$300. Sub-clause (2) (b) has been deleted, and are you asking me to believe that at the end of the election a candidate would have spent only \$300? I do not suppose that there is anything wrong in a Party setting out its policy in a circular to the constituencies in which it is running candidates. The honourable senior member for St. Joseph knows as well as I do, that holding a meeting costs you a lot of money, and I say that having regard to the cost of printing, advertising and so on, you are bound to break the law as far as this Clause is concerned. I am appealing to the honourable senior member for St. Joseph to see that 15 cents per elector is the correct figure. I think it should be set out in this Clause that where you have constituencies of over 10,000 electors the rate should be so much per elector, and in respect of constituencies of less than 10,000 electors the rate should be so much per elector. I cannot see anybody running an election without spending any money; if an individual does not spend the money his Party will have to spend it. Those of us who stand for election as individuals know what it means. I am suggesting that this Clause be amended to set out that where a constituency has 10,000 electors or over, the rate should remain at 10 cents per elector and where a constituency has less than 10,000 electors the rate should be 15 cents per elector.

Mr. MILLER: At the rate of 10 cents per elector there would be an expenditure of \$650 in respect of St. George. We are only playing with figures because whatever figure is put down we are going to spend more. It might be all right for the Leader and the Deputy Leader of the House, but I would have to try and borrow the money. (Laughter). Any law you make which cuts against human nature is bound to be broken; in this particular case, whether you make the figure 10 cents or 55 cents, that will not make any difference. I will have to start borrowing money, but I know that in St. George the election cannot be run with \$650. I am asking the honourable Leader to make the figure 15 cents or 20 cents per elector; what is the use of putting the figure at 10 cents? The honourable senior member for St. Joseph knows that this figure cannot work; let us not be placed in a position of having to tell lies.

Mr. HAYNES: I have often heard the honourable senior member for St. Joseph say in this House that we must face realities, and if he really means what he says, he should face this reality. I have been campaigning for a seat in Vestries as well as for a seat in this House and I can tell honourable members that I have spent as little as anybody else; but this amount of 10 cents for each elector is absolutely unworkable, having regard to the cost of printing and advertising. It costs you 8 cents to send out a circular, and what can you do with 10 cents? I am appealing to the honourable senior member for St. Joseph—not that it matters anything to me but I am appealing to him for the benefit of others—not to make a farcical arrangement like this. This arrangement is an absolutely farcical one. The amount of 15 cents per elector might, perhaps, be nearer the position.

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

Mr. E. K. WALCOTT: In this matter the expenses of an organization would have to be included; if an organization is supporting you and incurring expenditure thereby, that is a part of your expenditure. Now that there are going to be several polling booths in the parishes, that eliminates the expenditure of having to procure motor cars for the purpose of bringing persons to the polling booths; but in the case of parishes like St. James, St. Andrew, St. Joseph and a few others, some of that expenditure might have to be incurred. The amendment which has been suggested by the honourable senior member for the City is one which I would make myself: the rate which has been proposed for each elector might be all right for big constituencies like St. Michael and the City, but not for the little constituencies like St. Joseph St. Andrew or St. James. What the honourable senior member for St. George said is right, that is, that the law will be broken. According to this Clause, every time anybody takes a trip to St. George or St. John, that would have to be put down as an expenditure. If you are allowing anything, then allow something which is reasonable. In this particular matter I would prefer to work on a sliding scale.

Mr. ADAMS: I am tempted to say something, but I will restrain myself from saying it for more than one reason. All those arguments were heard in England at the beginning and the reason was that people used to buy their way into Parliament. From these arguments there has been the admission here that some people who have been spending lively will find themselves in a hole in the next election. The whole object of this Bill is to try and prevent abuses from taking place. It is no part of my duty to advise my opponents how to run an election without breaking the law; there is nothing to prevent a person from offering voluntary support; when you put a brake on expenditure, more people will give voluntary service than before. If it is the general feeling that a difference should be made in respect of some constituencies, I would accept an amendment making the rate 15 cents for each elector in respect of constituencies with less than 10,000 electors, and 10 cents for each elector in the case of constituencies where the number of electors is over 10,000. I must say that I realise what the conditions in some parishes are like; in some parishes a fixed fee is paid. I have been told of an instance in a particular parish where a person told a candidate: "I always get five shillings; I have not got it yet and I am going home." And he went home without voting. We have to knock down all that. We must have a sound election law; if I had to spend a lot of money on my election I would welcome this Bill; but I would use my ingenuity not to break the law and still preserve my seat. I see a difficulty in saying how this Party will run its election without teaching the others; some people make grievous mistakes because they believe they will go on in the same manner for ever.

Mr. E. K. WALCOTT: I beg to move that the words "where the number of electors is in excess of 10,000 and at the rate of fifteen cents where the number of electors is less than 10,000" be added at the end of Sub-clause (I).

Mr. ADAMS: I accept that amendment.

The question that Clause 38 as amended stand part of the Bill 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 8.30 p.m.

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

Clause 39 was read.

Mr. ADAMS: Mr. Chairman—I am asking leave to delete the words "before a Police Magistrate" and "not exceeding" occurring in this section.

There being no objection leave was granted.

On the motion of Mr. ADAMS seconded by Dr. CUMMINS Clause 39 as amended was passed.

Clauses 40 and 41 were read and passed.

Clause 42 was read.

Mr. ADAMS: Mr. Chairman—I am asking leave to alter the words "illegal practice" to "offence" as there is no provision in our Statute Law for illegal practices. The clause will have to be read with Clause 41 and a candidate will have to make sure that he is not breaking the law by seeing to it that his agent does not over-spend. Not only the man who over-spends, but the candidate for whom he over-spends will also be guilty of an offence. He can defend himself by saying that he had no knowledge of the over-expenditure; but he will have to prove it affirmatively. The onus is on him to prove that he did not know. You cannot avoid that provision or the candidate will always get away with it by simply denying that he had any knowledge that his agent had over-spent. In most places that have this legislation today the candidate forfeits the opportunity to run again for five years. There is nothing wrong as long as the candidate can prove that it was without his knowledge. I move, sir, that Clause 42 with the amendment that I have mentioned stand part.

The motion was put and carried *nem. con.*

Mr. MOTTLEY moved, seconded by Mr. HAYNES that 42 be recommitted, and the motion was carried, the Committee dividing as follows:—

Ayes: Mr. ALLDER, Mr. MILLER, Mr. BRYAN, Dr. CUMMINS, Mr. ADAMS, Mr. BRANCKER, Mr. MOTTLEY, Mr. DOWDING, Mr. GILL, Mr. HAYNES and Mr. GODDARD—(11).

Noes: Mr. COX and Mr. BETHELL—(2).

Mr. MOTTLEY: Mr. Chairman,—I have moved the recommitment of this section because I like to understand thoroughly what I am doing. Sub-clause 2 puts the onus on the candidate to prove that he did not know of over-expenditure. That is an odious thing. You may give an agent instructions as to how the election is to be run. The agent may become over-zealous and spend too much, and the onus is on the candidate to prove that he did not know of it. Is it not true to say that in every criminal offence, according to British Law, the prosecution must prove the guilt of the accused? I always heard that the opposite to that was French Law. I would like to hear the honourable senior member for St Joseph on that. Other honourable members may be fully acquainted with the law, but I am not and I want to have this explained. You may tell your agent how much he must spend, and he may still spend more; and according to this the candidate must prove that he knew nothing about it. Should not the onus be on the prosecution to prove that the candidate did know about the over-expenditure?

Mr. ADAMS: There are certain cases where you have to depart from the principle that the prosecution must prove the case. That is where the knowledge of guilt or innocence is peculiarly within the breast of the possible defendant. This must be the principle where elections are concerned. It is true that you can be your own agent, but elections are usually run with agents. You will find in election law throughout the world that if your agent does something which the law says must not be done, he involves you. Some people lose their seats through the actions of their agents. If you have to prove that a candidate joined with an agent and told him to over-spend, you would never get at the candidate. If only the agent is going to be fined, a rich candidate could afford to pay the fine for him and still keep his seat. If, however, you can prove that you knew nothing about the over-expenditure, that will be an end of the matter for you. I do not see that in these particular circumstances we are creating any hardship. I repeat: if you do not make this provision a candidate will be able to pay the fine for the agent and still keep his seat. You do not lose your seat here, but I repeat, if we do not make this provision it will be virtually impossible to prove that the candidate knew of over-expenditure by his agent. I will give an instance of where you depart from the principle that the prosecution must prove its case. Suppose you see a man who is notorious; he does not work, but you see him with some valuable thing in his possession. He alone knows if he came by it lawfully or unlawfully. You make this departure from the usual practice in criminal cases, and he has to give an explanation of how he came by what he has in his possession. If he can give you a reasonable explanation that is an end of the matter. If you had to prove that such a man stole what he had you might never catch him. That is the theory underlying that exception in criminal law. It is one of those cases where the law would be absolutely useless if the onus was not put on the defendant. Of course, it is not a principle to be pushed very far, or you will become a French prosecutor. But this is one of the instances where it would be reasonable to put the onus on the person suspected lest he get away with murder.

Mr. MOTTLEY: Mr. Chairman—I quite appreciate the explanation given by the honourable senior member for St. Joseph. But it is still difficult to see how you can pass this clause this way. It is a most dangerous thing. It will be so easy for an opposing candidate to connive with an agent to observe the law in the breach. Why should you put a man in such a position? This is not on all fours with unlawful possession. If there is any way of changing this up I appeal to the honourable senior member for St. Joseph to say. This is where a small candidate can be entirely in the hands of a rich one. It will be the easiest thing for a rich candidate to get at a poor opponent's agent to go and swear that the latter knew about the over-expenditure and put the candidate in the position where he has to defend himself. In a case like this the prosecution should be made to prove the candidate knew about the over-spending.

Mr. MILLER: Mr. Chairman—It is possible for an agent drawing from a bank account to make the excuse that the over-expenditure was with his money.

Mr. ADAMS: At election time your agent is your twin brother. He runs your election. If you are going to be so lacking in judgment to choose someone who will sell you out, you deserve it. In strict election law your agent is supposed to be your best friend. The two honourable members that have

spoken may have some very strange election friends. An agent does not mean your messenger or canvasser. He is the man who according to the law, runs the candidate's campaign for him. Strictly speaking, when you have selected your agent you have to notify the Returning Officer that you have selected the man who is running your election. That man is obviously one of the most trustworthy men in your political party, and one of your personal friends; otherwise you would not have selected him. So where is the danger that the agent will connive with your opponent and put you in trouble? Your agent is your *alter ego*.

Mr. ALLDER: Mr. Chairman—I think this puts a candidate in a somewhat difficult position. You are not sure what your agent is going to do. You do not always find it possible to get your best friend to be your agent and if the latter goes and breaks the law you are involved. I think it should be as is customary, that the person bringing the charge should prove the defendant guilty. The defendant should not have to prove innocence. I feel that in this case you should not put the candidate in such an invidious position. In an election campaign you are likely to get several things worked up against you, or perhaps your agent may be indiscreet, and may not be thinking of the law which controls the candidate's expenditure. Or he may decide to suck the candidate's pocket book for so much not realising that if he overdoes it, the candidate will have to pay the penalty for over spending. I feel that we should not pass this clause as it is. In this day when you have got to have 18 or 20 agents at the polling stations you cannot say that you will get your brother or your best friend who will be kindly disposed towards you. I am wondering, Mr. Chairman, if you should give the agents the power that you are giving them here. I do not see the necessity for it. I notice that in the British Guiana Law a candidate can lose his seat if his supporters slander another candidate. I do not agree with that, just as I do not agree with the provisions of the clause that we are debating. A candidate does not know what his supporters are going to say, or do, and I do not see why a candidate should be called upon to pay the penalty for someone else's indiscretion.

Mr. MOTTLEY: What the honourable senior member for St. Joseph has said convinces me more than ever that this Clause should be amended. I would not suggest the deletion of the clause, because I feel that if the candidate associates himself with the agent to do anything that will contravene the provisions of this Bill he should be punished. What is worrying me is why should the candidate be treated in a different way from the way in which the agent is treated. When the agent is brought before the Court the prosecution has to prove him guilty. But when you bring the candidate before the Court you assume rightaway that he is guilty unless he proves his innocence. If there is the slightest disagreement between you and your agent you are in a most difficult position. Your agent may not be your best friend. He may save himself at your expense. I think the clause should read this way: "A candidate shall not be deemed to be guilty of any offence by reason of any other person having incurred any expenditure in connection with the candidature of the candidate in contravention of any of the provisions of sections 38, 39 or 41 of this Act, unless it is proved affirmatively that such expenditure was incurred with the candidate's knowledge or consent."

Mr. ADAMS: I do not agree with the honourable member, but to save time I will accept the amendment. I will repeat: some honourable members are

still using the word agent as if it meant an ordinary person whom a candidate employed.

Mr. MILLER: It is true that a candidate may be your best friend. But on the other hand he may not be. In any case you are exposing the candidate to danger. A bribe of \$500.00 may make an agent tell all the lies in the world.

Clause 42 as amended was then passed.

Clause 43 was read.

Mr. ADAMS: Mr. Chairman—I am asking leave to insert the words "bi-weekly or weekly" after the word "Daily" in line 3 of Sub-clause 7, and I move that the clause with the proposed amendment stand part.

Dr. CUMMINS seconded, and the motion was put and agreed to *nem. con.*

Clause 44 was read.

Mr. ADAMS moved seconded by Dr. CUMMINS that the Clause stand part.

Mr. MILLER: There is nothing much in this. Whatever you do the figures will come within the correct amount.

Mr. GILL: Mr. Chairman—This clause provides that a claim against a candidate in connection with election expenses is to be sent in within 21 days of the date upon which the expense was incurred. I think that 21 days is far too short a period. It should be six weeks. I do not agree with Sub-clause 2 either, which says that all expenses incurred by or on behalf of a candidate shall be paid within six weeks next after election and not otherwise.

Mr. ADAMS: It being a new law, the Government will take steps to bring to the notice of the public how they will be affected by it. If we do not make this provision all that an agent would have to do would be to receive a number of bills and pay them; then tell the others no payment for another six months; send in a return of say \$650.00 expenses and in another six months collect \$1,000. But under this the creditor is going to know that he is forever barred if he does not send in his claim early. I remember a case in which a candidate was sued for a rum bill. I appeared for the plaintiff and lost the case on the grounds that the judge held that the rum was for the purpose of bribery.

Mr. MOTTLEY: Take a car bill—let us say that there is a controversy between the agent and the owner of the car. The latter cannot send in his bill after three weeks. In the Petty Debt Court, unless judgment is given within three weeks he cannot collect.

Mr. ADAMS: The law does not compel you to do impossible things. An agent or candidate should in the first place make absolutely sure as to what will be the cost, say, of a car. But if there is a dispute it will be sufficient to state to the Returning Officer that there is a claim for so much which is in dispute, and the matter is before the Court and the claim cannot be paid. The agent has to be schooled in all those things.

Mr. MOTTLEY: There are cases in which six weeks after election you find it difficult to pay all your shop bills. You may have a generous shopkeeper who will wait on you for some months. J. & R. is a famous brand, and my people may insist on J. & R. As I go along I will pay in small amounts. I hope that the honourable member will see what I am driving at. I hope that he will look at that angle of it and see how it may be arranged.

Clause 44 was then passed, the Committee dividing as follows:—

Ayes: Mr. ALLDER, Mr. COX, Dr. CUMMINS, Mr. ADAMS, Mr. BRANCKER, Mr. MOTTLEY, and Mr. GODDARD—(8).

Noes: Mr. MILLER, Mr. DOWDING, Mr. GILL and Mr. HAYNES—(4).

Clauses 45, 46, 47, 48, 49, and 50 were read and passed.

Mr. ADAMS: Mr. Chairman I am asking leave to amend Clause 21 by deleting the word "blind" in Line 4 and inserting the words "who is incapacitated by blindness or other physical cause from voting in the manner prescribed by that Act"; by deleting from the last three words in Line 8 to the end of the sentence and inserting the words "in order to witness the marking of the ballot paper by the Presiding Officer." I also propose that in Sub-paragraph (1) the word "blind" be deleted and "aforesaid" inserted in its place, and that the word "blind" in the last line be deleted, and "such" inserted in its place. Also that in Sub-paragraph (2) the word "mark" occurring in the first line be deleted, and to insert in place thereof "be present at the marking of"; that in line 2 the letter "A" be deleted and the word "and" inserted; and that in Line 5 the word "blind" be deleted; and that in the next line the word "him" be deleted; and the words "Presiding Officer" inserted in place thereof; that in the next line the words "a blind" be deleted and the words "such an elector as aforesaid" inserted; that for the same words "for the purpose aforesaid" be inserted; and that the other words as well as Sub-clause 3 be deleted.

There being no objection leave was granted.

Mr. ADAMS moved seconded by Dr. CUMMINS that Clause 21 as amended stand part of the Bill.

Mr. HAYNES: Mr. Chairman,—It is a surprise to me that after all the discussion that took place on this clause, the honourable senior member for St. Joseph has come back with an amended clause without bringing in the word "illiterate." I think the clause should read "incapacitated by illiteracy or any physical cause." An illiterate man does not know what he is doing.

Mr. ADAMS: The honourable member may include all the voters for the Electors' Association by that amendment. Seriously, Sir, in any community you will not get a great number of blind people, or people "incapacitated by other physical cause." You do not mind getting away from the principle that an election must be secret in the case of a few people; but when you bring in the illiterates you will have a great number. There will not be 100 blind people in any parish, but there may be 100 illiterates.

Mr. MILLER: Mr. Chairman,—In Trinidad they found it necessary to use symbols. I do not think that that is needed in Barbados. In St. George where there are 6,000 on the roll, you will have about 200 removed if you write off the illiterates. A man can come to the polling station and say he is illiterate, and may then tell you to come in with him and give him a dollar and he will vote for so and so. He can bargain all day long. It is a dangerous thing. You will be sorry for it if you do it. Resorting to symbols will let down the name of the island. I think we should let the clause go through as it is now. An illiterate will have a relative who can train him how to mark the ballot paper. If you pass the amendment suggested by the honourable member who has just spoken, you will find that instead of real illiterates you will have false illiterates making money and turning the elections into a racket.

Mr. GILL: Mr. Chairman,—I will second the amendment made by my colleague. Under the old method, the Presiding Officer was allowed to make the mark for those persons who were incapacitated by blindness or other physical cause, as well as those who could not write. I have no doubt that the Gov-

ernment has considered this Bill carefully. They have made provision so that the unfortunate person who is blind will be permitted to have his friend see that his vote is properly cast. With regard to the secrecy of the ballot I can see no more secrecy being disrupted by including illiterates when you already have an exception in the case of the blind. If there are three born blind, and three illiterates, the number is exactly the same. Therefore I am going to support the amendment moved by the honourable Junior member for St. Andrew.

Mr. MOTTLEY: Mr. Chairman,—I asked the honourable senior member for St. George about the use of symbols, and he said he was not prepared to support that.

Mr. MILLER: I said that an illiterate person would have someone who would show him the way to put his X.

Mr. MOTTLEY: The honourable senior member for St. George seems to be the only member who knows about the Trinidad Elections. When this clause was discussed on the last occasion, we tried to think of some provision whereby illiterates could vote. The argument used by the honourable senior member for St. Joseph then is the same argument that he is using now. Universal Suffrage means that every person who had reached the age of 21 should be able to vote. Do you not think, therefore, that you should make some provision for the illiterate to cast his vote? I feel that as long as you have given illiterates an opportunity to register, you should make some provision whereby they will be able to vote for the candidate of their choice. Some of us might make such arrangements during our campaigning that illiterate electors will be educated in how to vote for their particular candidate. But I do not see that any harm will be done if we allow an illiterate elector to enter the booth with a friend of his choice and allow the Presiding Officer to cast his vote for him. A lot of talk has been raised about an illiterate standing at the door and bargaining with someone for a dollar and with someone else for two dollars. But I do not agree that you should debar illiterates from having the opportunity to cast their votes. I am going to vote for the amendment moved by the honourable junior member for St. Andrew. I do not see anything wrong with it. The honourable senior member for St. Joseph says that you will not find many electors who are blind. What does he mean by physically incapacitated? You will find many people who are not really blind, but who because they suffer from Cataract, or because of their age, cannot see enough to be able to vote for themselves. How does it make the vote less secret to have the small percentage of electors who are illiterate allowed to have their votes cast for them by the Presiding Officer in the presence of a friend?

Mr. ALLDER: Mr. Chairman—I am not in favour of the amendment suggested by the honourable junior member for St. Andrew. While I agree that the physically incapacitated should have some assistance given to them, I certainly do not want to see it extended to reach the illiterates. We have always known that elections are supposed to be secret, and as such you should avoid having too many people knowing how a particular elector has voted. Then there has always been the fear of victimisation particularly in the country areas. Some planters propagate the idea that they can know for whom an elector voted. All that points to the fact that there is much fear among the workers when casting their votes, even with the secrecy of the ballot box. To say now that the Presiding Officer should be allowed to cast the

vote of the illiterate elector is to make matters even worse, even when a friend is permitted to go in and see that the Presiding Officer has voted as instructed. Nor do I agree with the suggestion made by the honourable senior member for St. George that some relative should instruct the illiterate elector until he knows how to vote. Not even your brother should know how you intend to vote. We have such a sense of false pride, that we do not want to admit that we have some illiterates in the colony. We should face up to matters as they are, and try to remedy them. If we admit that we have at least 1,000 illiterates that shows the necessity for the use of symbols. It will guarantee that if a man cannot read or write he will still know what a particular symbol stands for. That arrangement has been made in other West Indian Islands where there is illiteracy, and where they wanted the elections to be carried out in a democratic way. That is a matter which should not need much pressing. It is not infrequent to find in a family only one who can read and write. One who lives in the metropolitan parish may feel that the illiteracy he finds there represents the illiteracy that is found in other parishes. But the illiteracy that exists in the rural parishes was shown up since labourers had to make applications for loans under the Labour Welfare Scheme. If you want to make the elections as secret as you are saying that they should be, you should avoid as much as possible the necessity of having someone to cast a vote for someone else. I feel that symbols should be used, and I hope that the Administration will try to find out the possibility of doing so.

Mr. BRANCKER: Mr. Chairman—I expressed myself fairly fully on this question last week, and I rather got the impression that when we decided to postpone it, the honourable senior member for St. Joseph promised to return with an amendment relative to the question of electors who are unable to read or write. Now after further and deeper consideration of the matter, I am still of the opinion that it is advisable that it should not be left entirely to the Returning Officer to cast the vote for an illiterate elector. I am still afraid of the activities of some of the persons who may be appointed as Returning Officers. I will have no objection—I will be perfectly happy if a friend of the voter is permitted to be in the room with the voter when the Returning Officer in casting the vote on his behalf. Some honourable members have suggested that the electors may be accompanied inside by a manager or overseer who will vote for the candidate they want, and not the candidate that the voter wants. It has also been suggested that one of these gentlemen may come forward and offer to accompany the voter. On the other hand, if the voter were to tell the Returning Officer which candidate he wants to vote for, and if a friend of the voter were present, there would be no risk of the vote being cast for the candidate whom the elector has not named. I do feel that that would be a safeguard. What I envisage will happen in the vast majority of cases is that an illiterate elector will go to the poll accompanied by a son or daughter who has had some education, to ensure that the Returning Officer casts the vote for the person named by the elector. The honourable senior member for St. John has talked about the use of symbols, and says it would be senseless pride not to use them. But although I feel that the percentage of illiterate electors will be appreciably high, I still do not feel it would be sufficiently high that we would need to demonstrate to the world that we need refer to symbols. It was said last November in New Zealand at the Commonwealth Parliamentary Conference by the

representative of Barbados, a member of this House, that nearly 20 per cent of the people of this island are illiterate. It appeared in the official report of the conference. I have looked for a correction, but I have seen none. So it has already gone out to the world. It does seem to me that for us to use symbols now would strengthen that false information. Perhaps the honourable senior member for St. John has not yet had the time to peruse a copy of the report of the Commonwealth Parliamentary Conference. I would commend to honourable members the support of the amendment dealing with the elector who is unable to read or write.

On the motion being put that the words proposed to be inserted stand part of the amendment, the question was decided in the negative, the Committee dividing as follows:—

Ayes: Messrs. BRANCKER, MOTTLEY DOWDING, GILL, HAYNES and GODDARD—(6).

Noes: Messrs. SPEAKER, MILLER, ALLDER, BRYAN, Cox, Dr. CUMMINS and Mr. ADAMS.—(7).

Clause 21 as amended was then passed.

Mr. ADAMS moved seconded by Dr. CUMMINS that all the Schedules be taken as read and do now pass and the motion was carried *nem. con.*

On separate motions of Mr. ADAMS seconded by Dr. CUMMINS the CHAIRMAN reported and Mr. SPEAKER resumed the Chair and reported the passing of the Bill in Committee.

On separate motion of Mr. ADAMS seconded by Dr. CUMMINS the Bill was read a third time and passed, and the title was read and agreed to.

SUPPLEMENTARY RESOLUTION PASSED

Dr. CUMMINS: Mr. Speaker—You will remember that a few meetings ago we dealt with some resolutions in committee under Item 8, and there was a resolution for \$36,800 under Special Reserve for Extraordinary Flood Damage. This resolution was passed in committee, while the others were not, but this particular Resolution was not dealt with in the House. I am now asking leave that in view of its urgency it be now dealt with.

There being no objection leave was granted.

Dr. CUMMINS: I beg to move that the following Resolution be read a first time: Resolved that the sum of Thirty-Six Thousand, Eight Hundred dollars be granted from the Public Treasury and placed at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1951–52, Part I—Current, as shown in the Supplementary Estimates 1951–52, No. 12 which form the Schedule to the Resolution.

Mr. COX: I beg to second that.

The motion was put to the House and carried *nem. con.*

On separate motions of Dr. CUMMINS seconded by Mr. Cox the Resolution was read a second time and agreed to.

SCHEME OF GOVERNMENT FOR COLERIDGE AND PARRY

Dr. CUMMINS: Mr. Speaker—I am asking leave to take as the next Order of the Day Item No. 21 standing in the name of the honourable senior member for St. Joseph. That item, sir, is the following Resolution: Resolution to sanction the Scheme of Government for the Coleridge and Parry School made by the Director of Education on the fourteenth day of July, 1951, under the provisions of Section 32 of the Education Act, 1890 (1890–12).

Dr. CUMMINS: Mr. Speaker—This Resolution deals with the Scheme of Government for the Coleridge and Parry School. Honourable members will

remember that these schools are now combined, and therefore there must be some amendment in the Scheme of Government. The scheme presented here is substantially the same as the original one which dealt with each school, except that firstly, in Clause 2, the names are coupled together. As you will remember, names are coupled together. As you will remember, each school had its Governing Body, but they have now been combined. Secondly, sir, there is the question of the salary of the headmaster. The salaries of the Headmasters under the old scheme was the salary in respect of each school. Now the salary has been changed, and will be \$4,320. The third amendment is as regards the house for the headmaster. Under the old scheme the two headmasters got house allowance. In this case it is not proposed that the house allowance should be given. Except for those three amendments the Scheme is substantially the same as the original one for the individual schools. I move, sir, that the Resolution do now pass.

Mr. COX: I beg to second that.

Mr. HAYNES: Mr. Speaker—Before the question is put—I want to say that it seems to me that the appointment of a headmaster is practically under the full control of the Governor. It is made by his approval. In other words, the Governing Body who are appointed by the Governor are mere rubber stamps. They can sit down and approve the qualifications of a headmaster very carefully, but if it seems fit to the Head of the Administration to pass over their choice, their work is ended. Under these conditions, I do not believe that you will ever get any educated or sensible men on the Governing Bodies of Secondary Schools in this island. To my mind the Governor has full power. He can change the members of the Governing Body every three years. He has full power to say, "these men are not suitable to be members of the Governing Body of such and such a school, and I will not re-appoint them." Sir, I am moving the postponement of this Resolution for the simple reason that I think that Section 19 should be amended. I move that further consideration of this Resolution be postponed.

Mr. MOTTLEY: Mr. Speaker—I beg to second that. It is late in the night, and I have been awaiting an opportunity to have a full dress debate on this matter. I have been hearing a lot of talk about democracy; but democracy fails entirely where this is concerned. We are thinking of changing the entire educational system of the island, and in some respects, rightly so, and I would like to have an opportunity to speak on this matter. I am not voting for the postponement in order to hold the matter up. But as I have said, it is late in the night and I will not attempt to go into any further debate on it now. I do not care who gets offended. I am seconding the motion for the postponement.

Dr. CUMMINS: Mr. Speaker—The reason for asking that this be passed to-night is this: The Government as well as the Education Authorities would like to have this new school functioning at the beginning of the School Year. If we pass this resolution to-night, it can be dealt with the Other place to-morrow, and the Governing Body will be in a position to advertise for a headmaster immediately. This is the scheme for this school at present. If there is any quarrel about Section 19, I counsel honourable members to wait awhile, because in a short time from now there will be a new scheme of Government for all the first and second grade schools in the island.

Mr. ADAMS: Mr. Speaker—I rise to say publicly what I have just told the honourable senior member for the City privately. I want to emphasise what has been said by the honourable senior member for St. Thomas—that it has been urged by the Department of Education that it is essential that they know where they are before they advertise for a headmaster. What is worrying them is the possibility of a headmaster being put in an awkward position. I am asking honourable members to let this pass now, and I will give them an opportunity early in the next session to make any comments they want on that section. It is only the Election Bill that has kept the matter back. I am not trying to stifle any debate on it; but it is urgent that this resolution should be before the Other Place tomorrow, and that the advertisement for a headmaster should come out soon.

Mr. BRANCKER: Mr. Speaker—As much as, or perhaps even more so than the vast majority of members of this House I appreciate the need for as little delay as possible in the passage of the scheme for these combined schools. It is no fault of the Legislature that the scheme has not been passed already. It was only last week that this scheme was placed in our hands. I do deprecate being placed in a position that I have to race things through. Who was responsible for the delay? Who is passing the buck? Now another point arises. The other schemes for the various other schools are similar to this, and it is desirable, we are told, that there should be uniformity. I would not sacrifice good government for uniformity in government. I gather from the remarks of the honourable senior member for St. Thomas that schemes of Government for all first and second grade schools will shortly be laid on the table of both branches of the Legislature. I take it that that will occur with the minimum of delay, or he would not have rushed us into passing this. In view of our past experiences with regard to the implementing of these assurances, I want to point out to the persons responsible for the bringing of these schemes, that one is not satisfied when it comes to such a matter as the appointment of a headmaster that it is desirable to permit the approval of such an appointment to be subject to the approval to which it is now subject. It should be subject to the approval of the Governor-in-Executive Committee. That is desirable from more than one point of view. An individual who is not subject to the Legislature may become autocratic. In these days when we are putting as much power as possible in the hands of the Executive, and rightly so, the power to approve the appointments of these headmasters should also be in the hands of the Executive. If any advice has been taken from the Executive in the past, that advice has been unauthorised. The power of the Head of the Administration is absolute in this matter. I am not saying that recently that power has not been exercised in the most judicious manner; but what I am saying is that the modern tendency is to put such power in the hands of a company of men and take it away from an individual who may be autocratic, dictatorial and "malanish". I know that we are confronted with the fact that this school building has been erected, and we understand that it is proposed to open the school, using that building, on September 1. Speed is therefore an essential thing where this scheme is concerned. That is why I hope that the honourable senior member for St. Thomas will bear in mind what has been said about Section 19 and will bring it to the notice of the proper authorities.

On the motion being put for the postponement the question was resolved in the negative, the House dividing as follows:—

Ayes: Messrs. ALLDER, MOTTLEY, GILL, HAYNES, and GODDARD.—(5).

Noes: Messrs. MILLER, COX, Dr. CUMMINS, ADAMS, SMITH, BRYAN and BRANCKER.—(7).

TRIBUTE TO LATE OFFICIAL REPORTER OF HOUSE

Mr. ADAMS: Mr. Speaker—Before moving the adjournment of the House I wish to make a motion that the House put on record their sorrow at the death of the late Official Reporter, Mr. Augustus Maynard, or Mr. "Gussie" Maynard as he was known to many of us. He was a very faithful servant of the House; he was an efficient Reporter and never pretended to go outside the realm of reporting to be a sort of know-all journalist. It is difficult for us to say that we have been acquainted with anyone in the island, with the exception of Mr. Charlie Rock, who was as efficient a reporter as Mr. Maynard. I am not saying that we do not have some excellent reporters among us now, but the two whose names I have mentioned had the advantage of long experience. I do hope that those who are in our midst will follow in their footsteps, and become the men that they were. Mr. Maynard will always be remembered by

all of us as a real and true friend. He seemed to mix with absolute ease in every company and he made everyone feel at home. I am sure that all the members of the House will want me to say on their behalf that it should be recorded in our deliberations that we express our sorrow at his passing. I also move that this expression of our sorrow be sent to his widow.

Mr. GILL: Mr. Speaker—I would like on behalf of the members on this side of the table to add my quota to what has been said by the Leader of the House. I have known the late Mr. Maynard for the past 23 years. I first got to know him when he was a reporter in the Courts, and I can say that during all those years, and for the past three years that I have been a member of this House he has discharged his duties zealously, faithfully and impartially. He did his duties with advantage to this honourable Chamber. I feel sure that the honest and sincere sympathy of each and everyone of us will go out to his widow. I beg to second the motion made by the honourable senior member for St. Joseph.

The motion was passed by honourable members standing in their places.

Mr. ADAMS moved, seconded by Dr. CUMMINS that the House adjourn to this day week, August 7, 1951, at 3 p.m., and the motion having been put and carried, Mr. SPEAKER adjourned the House accordingly.