THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1950—51

HOUSE OF ASSEMBLY

Thursday, 11th October, 1951.

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

Present:

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

Prayers were read.

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

DOCUMENTS

Mr. SPEAKER: I have the honour to inform the House that I have received the following documents:—

The Financial Report of the Accountant General for the month ended the 31st August, 1951.

Statement of Revenue and Expenditure of the Highway Commissioners for the parish of St. James for the half year ended the 30th September, 1951.

FISHING INDUSTRY BILL, 1951

Mr. SPEAKER: The first Order of the Day stands in the name of the hon. senior member for St. Peter:— To move the House into Committee on the Bill to encourage the Fishing Industry in the Island.

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

Clauses 1 and 2 were read and passed.

Clause 3 was read as follows:—

3. (1) On and after the coming into operation of this Act, the owner of a fishing boat to which this Act applies shall register the same with the Director who shall keep a Register of fishing boats and shall cause to be entered therein from time to time, in respect of such fishing boat, such particulars as may be prescribed.

(2) The contents of such Register of fishing boats shall be *prima facie* evidence of all the facts contained therein in all proceedings under this Act.

Mr. F. L. WALCOTT: I beg to move that Clause 3 stand part of the Bill.

Mr. COX: I beg to second that.

Mr. LEWIS: There is a widespread belief that a fee will have to be paid for this registration. In the "Objects and Reasons" of the Bill mention is made of the issue of certificates of registration on the payment of a fee of one dollar. I think that in the passing of this Clause some member of the Government should make a remark about this matter.

Mr. F. L. WALCOTT: The question of payment has been withdrawn from the "Objects and Reasons" and it does not appear in the Bill; so that there is no reason to make any remark about it.

The question that Clause 3 stand part of the Bill was put and resolved in the affirmative without division.

Clauses 4 and 5 were read and passed.

Clause 6 was read as follows:—

6. No fishing boat shall put to sea unless it has been inspected, and registered in accordance with the provisions of this Act.

Mr. F. L. WALCOTT: I beg to move that Clause 6 stand part of the Bill.

Mr. COX: I beg to second that.

Mr. E. K. WALCOTT: I should like to ask if there is any part of the Bill which says how often a fishing boat is to be inspected or registered; a boat might be good to-day and bad to-morrow like anything else.

Mr. F. L. WALCOTT: 7 (1) says "The Fishery Officer or an Inspector may at any time inspect without notice any fishing boat for the purpose of satisfying himself that such fishing boat is being maintained in a seaworthy condition." It does not say how many times a boat is to be inspected because the fishing industry is such that it has seasons and the inspection of boats is made from time to time. Mention is made in the Bill about the month of October but thereafter no time is stipulated.

Mr. E. K. WALCOTT: I quite understand the part about the registration. Clause 6 means that a boat has to be registered and it points to some periodical inspection. Obviously the object is to try and obtain safety for the fishing industry.

Mr. F. L. WALCOTT: In respect of the fishing industry, if the Fishery Officer or an Inspector did not have authority to inspect these boats from time to time, there would not be any point in having any in-

spection at all. The main purpose of this Clause is to see that these boats are seaworthy without stipulating a date for the inspection. If you put a date after October the Fishery Officer would not be able to inspect these boats because no provision would have been made for that, and I do not think that that would be in the interest of the industry.

Mr. E. K. WALCOTT: I still appeal to the hon. senior member for St. Joseph particularly to see that this Clause does not mean what it says or say what it means. It is a question not merely of the right of inspection but compulsion of inspection periodically; if your boat has been inspected the argument would be that it is never placed on periodical inspection, which would satisfy the provisions of the Act. I am not speaking about inspection at any time; I am speaking about inspection periodically.

Mr. ADAMS: It seems to me that this Clause refers to Clause 16 where the Executive Committee may make Regulations. In Sub-clause (1) (h) the safety and welfare of men working in fishing boats or otherwise engaged in the fishing industry is mentioned; regulations must be made saying how the inspection has to be done and therefore in the regulations the hon. member's point can be covered. As soon as a man builds a boat it must be inspected and those boats which are already in existence must be inspected and come in for periodical inspection. I quite agree with the hon. member that the wording of this Clause 6 is not sufficiently clear.

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

The question that Clause 6 stand part of the Bill was put and resolved in the affirmative without division.

Clause 7 was read and passed.

Clause 8 was read as follows:—

8. Any person who shall put to sea any fishing boat which has not been inspected or registered or in respect of which the certificate of registration has been cancelled in accordance with the provisions of this Act shall be guilty of an offence and on summary conviction by a Police Magistrate shall be liable to a fine not exceeding two hundred and forty dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Mr. F. L. WALCOTT: I beg to move that Clause 8 stand part of the Bill.

Mr. COX: I beg to second that.

Mr. MOTTLEY: This fine seems to be too high; this is a fine of $240. There are some Police Magistrates who will look at this Clause and impose the full amount of this fine. In this case a lot depends upon how well fishermen discharge their duties in certain directions.

Mr. F. L. WALCOTT: This fine appears to be too high, but the lawyers tell me that the words "not exceeding" occurring before the amount of a fine mean that a man can be fined a cent or a penny. I am told that very seldom you will find a Police Magistrate imposing the maximum penalty unless the law says that that must be done.

Mr. MOTTLEY: That is all well and good, but the Magistrate must look at the offence in keeping with the penalty which you put. If you say that the penalty for an offence should be a fine not exceeding £500, the Magistrate will regard the offence as a serious one. If you put a fine of £50 for an offence, the Magistrate will not impose a fine of 5/-; if you put the fine at a high figure he will always have the tendency to impose a sort of proportion to the fine. In this case if a fisherman heard that fish were biting in a particular direction and he took a chance and slipped out to get a haul, there is the possibility of his being prosecuted; and if you put the fine at $240 for an offence under this Clause, this fisherman will be fined in proportion to the maximum. You have an offence from which the general public will stand to suffer, and the maximum fine is nothing like this; you have a fine of £10. I do not see why the fine for an offence under this Clause could not be made $50; I therefore beg to move that the words "two hundred and forty" occurring in lines 6 and 7 be deleted, and the word "fifty" be inserted in place thereof. Where a man puts out to sea without his boat being inspected, the general public may gain by that; he might make a good catch.

Mr. ADAMS: At the present moment a man who sets fire to a premises can be sentenced to imprisonment for life, but I have never heard of anybody being sentenced to that term for that offence. If a man sets fire to the Garrison Savannah can you imagine that man being sentenced to imprisonment for life? If he sets fire to a boarding school or anything like that, he should be imprisoned for life. The fact that a penalty may be high to cover really bad cases does not mean that a Magistrate will impose the maximum fine. Suppose a really seaworthy boat is taken out to sea without its being inspected, would a Magistrate impose a fine of $240 on the person who takes it out to sea? On the other hand, if a person goes out to sea with a sieve and before he gets 50 yards out to sea the boat sinks and a fisherman gets drowned, of course the skipper should be fined $240. You must make the ceiling sufficient to cover the very bad cases, and you must assume that the Court of Appeal is there to say whether the punishment imposed is too high or not. If you have to go to the Court of Error and the Chief Justice reduces the fine, you do not have to pay for appealing. As I say, the maximum penalty is for extremely bad cases and it must be assumed that the Courts will fine a man a nominal amount for a trivial offence and a heavy amount for a serious offence. I do not think that we should interfere with this penalty; I do not think it should be made a penalty of $50. A man has a boat which is leaking, he goes to get it registered; the Fishery Officer tells him that he cannot register that boat and he must repair it; that man goes out to sea with that boat and you fine him $50?. He goes out with that boat again and you only fine him $50? He goes out to sea indefinitely with that boat and you only fine him $50? It must be remembered that that man is carrying a crew and he is putting them to the hazard of possibly getting drowned. I appeal to honourable members to give credit to a Police Magistrate to exercise his discretion; you must assume that a Magistrate will exercise his discretion as a Magistrate. You must not say that we cannot take the risk of a Magistrate hitting a man hard; the moment you say that, you condemn the Magistrate as being unreasonable.

Mr. MOTTLEY: The hon. member has made out an absolute case in respect of a man going to sea with three or four others. In the definition Clause you find this: "fishing boat means any boat which is used for the purpose of capturing fish for gain". There are many people who go out to fish for gain every day of their lives; you will find that a boat will spend four, five or six hours out to sea and it does not leak, but the moment you put it on the shore it will leak. Anything that is taken out to sea will leak. (Mr. ADAMS: Therefore the penalty should be $1,200). Nonsense! Every fishing-boat will leak and the Inspector will say that you cannot put out to sea with it. I should like to say that some of these people do not even make $50, and I feel that the maximum fine

should not be more than $50. I have heard the hon. senior member for St. Joseph himself arguing that the Court must take into consideration the gravity of the offence and compare it with the maximum fine. There are men who will go around and beg for parts of trees to assist them in providing parts for their boats which are pulled up on the shore every morning. We do not want to deprive people of their existence and I say that the maximum fine for an offence under this Clause should be one of $50.

Messrs. GODDARD and BRANCKER came into the Committee and took their seats.

Mr. E. K. WALCOTT: Do not let us make any mistake. This Clause says "Any person who shall put to sea any fishing boat" and so on. If hon. members will look at Clause 21 they will see that it says: "Any skipper or member of a crew of a fishing-boat who shall take out or be in any fishing-boat" and so on. I have not checked up the wording of this Bill with any English Act, but apparently the words "Any person who shall put to sea any fishing-boat" are taken to imply the person who is in charge of the boat, who might be the owner. There is the question of protecting the owner and also preventing him from telling the crew: "You have to take out this boat" and the men may not be able to protect themselves. They may have to work for their living and it would be hard for them to say "No". In my opinion the penalty of $240 is right if the certificate of registration has been cancelled; on the other hand, if an Inspector says that a boat should not be put to sea and a person puts it to sea and loss of life is involved, the fine should be $480. I would like to suggest that you will have great difficulty in convicting anybody of putting a boat to sea; the wording should be "Any person who shall put to sea or cause to be put to sea any fishing-boat", because putting a boat to sea is hard to be proved.

Mr. ADAMS: Hon. members must read this Clause along with what has gone before. If the owner of a fishing-boat applies for the registration of the boat and he is told that the boat cannot be registered and in spite of that he tells his crew to put the boat to sea, why should he not be soaked? The hon. senior member for the City is really not suggesting that the fine is too high; what he is fearing is that the Magistrate will not use his discretion. You cannot make any law having regard to whether a Magistrate is good, bad or indifferent; you have to make laws in relation to the cases. If the late Sir Malcolm Campbell had been prosecuted for exceeding the speed limit, could it be supposed that a Magistrate would fine him the same thing as a person who got his driving licence only yesterday and drove down Broad Street at 50 miles an hour? The man who got his licence only yesterday and drove down Broad Street at that rate should be fined and also put away for a few years. You must trust the Magistrate to exercise his discretion. You have a case of an owner of a boat telling the Fishery Officer "I am not waiting on your Inspector, I am going to sea"; on the other hand you have the case of the owner of the best boat in Barbados having forgotten to register it; do you think a Magistrate will fine those two people the same thing? I am appealing to the legal members of this Committee to consider that over and over again a Magistrate or a Judge regrets that the maximum fine is only so much and so much; where you have a really bad case and the maximum is only a fine of £10, when the offender should be sent to jail, the Magistrate expresses regret. (Mr. MOTTLEY: Why not make it $5,000?) The person who has to be fined $5,000 is one who can pay it with a smile; however, the only objection to the fine in the Clause before us is that there might be a practice among occupants of the Bench to impose the maximum fine in every case, and if that happens there are higher Courts to tell these Magistrates not to be idiots. I have never met a Magistrate to be such an idiot as to take the maximum penalty and use it as an average penalty. Because you put the maximum fine in a Clause, it does not mean that a Magistrate will impose the maximum fine. If you travel at 45 miles an hour instead of 20 miles an hour you expect the fine to be a serious one; but I have seen some fines of £10 imposed when they should not be fines of 10/- Of course that is an Acting Magistrate, a young Civil Service Clerk.

Mr. CHAIRMAN: I would be glad if the hon. member would address the Chair.

Mr. ADAMS: I am sorry, Mr. Chairman, if you did not notice that I was addressing you. I say again that there is no justification for assuming that a Court will not do its duty and exercise its discretion judiciously; on the other hand, you must put so severe a penalty for a grave offence as to prevent people from taking the risk of committing such an offence. The general principle should be that you put the maximum penalty so high that you will prevent even the most rash people from committing any offence. You have the penalty of hanging for murder so as to prevent people from committing murder. Suppose you say that whoever brings articles in the colony without paying customs duty on them will be liable to a fine of 2/-; everybody would bring in articles without paying the customs duty because he would only be fined 2/-; but if the fine is £50, people will be very careful about bringing in goods without paying the customs duty. To reduce the penalty in this Clause is to suggest that the Magistrate will not use his discretion. No man is likely to go out fishing in a box cart, but he might take the risk of going out fishing in a boat which is leaking. There are some fishermen who will take any risk.

Mr. ALLDER: I beg to second the motion of the honourable senior member for the City. I do not think a fine of $240 would be justified as a penalty for an offence under this Clause, nor am I willing to leave the matter to the whims and fancies of a Magistrate or Judge. If you feel that the Magistrate must not impose the maximum penalty, why not leave that out and put in exactly what you feel should be put in? If fishermen take chances they take them in the interest of the community; if I feel like going out in a boat that is leaking, I injure myself. The community does not suffer to any great extent if fishermen go out in a boat and happen to be drowned; fishermen have been getting drowned from time immemorial. The *Titanic* went down and the *Queen Mary* went down. I feel that the fine here is too high; If a man takes a risk, nobody but that man suffers. If you consider the hardships which fishermen encounter, you would be more sympathetic towards them. I know that a lot of victimisation will take place if you put it in the province of any Fishery Officer or Inspector to look after the inspection of fishing-boats; many people will be unable to carry out their boats.

As I said on the last occasion, it seems as if some Head of a Department has read some Fisheries Act which operates in Canada, Newfoundland or Nova Scotia and wants to have the same law enacted here. Sometimes on account of circumstances people are not conscious of the fact that they are committing an offence and then they find themselves in the predicament of being carried before the Court and this penalty might be imposed on them. They cannot afford to pay this fine and I am saying that it is nonsensical

to impose such a fine on a pauper. The person who puts a fine on somebody whom he knows is unable to pay it should also be fined; what is the sense of asking a person to pay a fine of $240 for committing an offence against himself? Probably he would have to commit a more serious offence so as to get the amount of the fine. I do not see why this fine should not be reduced to $50, which is still a lot of money. I cannot sympathise with people who dynamite fish because that destroys not only the fish in the area, but also the potentiality of our getting fish for the population. You will find that if a man dynamites fish a Magistrate will fine him £2 or £5, and dynamiting fish is a more serious offence than if you carry out to sea a boat which has not been inspected. This fine of $240 is definitely too high for an offence under this Clause; I do not know how honourable members, especially those who represent constituencies bordering the sea, feel to sit here and allow this gross imposition to be put on these unfortunate people. I intended to make an amendment for the reduction of this fine, but the honourable senior member for the City has beaten me to it; however, I am seconding this amendment.

It must be remembered that for several years no attempt has been made to show the sympathy which is now being shown either to the fishermen or the fishing industry; the fishermen used to go to sea and whatever happened to them happened. You only read what happened to them in the Press. We do not want to retard the progress of the fishing industry; any imposition must retard the progress of whatever it is applied against, and here you have an imposition because you are asking people to do certain things which they have never been accustomed to do. If you say that the fishermen must register their boats and they cannot take their boats to sea before they are inspected, what is that but an imposition? I think you should see if you can encourage more people to go to sea, because that will mean that more fish will be brought in. If a man is not working at his particular calling for a day or a week and he sees somebody going out to sea to catch fish, he will take the opportunity to go out to sea if it is only for an hour in the hope of catching fish to take home to his family or for sale. While I appreciate any attempt being made to assist the fishing industry, I still do not like to see anything which can be considered as a hardship, however small, being imposed on it.

There are crimes committed in this colony which can be regarded as being more damaging to the well-being of the community than an offence under this Clause, but nothing like $240 is suggested as the penalty for such crimes. Some people are so helpless that they cannot avoid running afoul of the law; but do you mean to tell me that if a man is caught suddenly in an offence under this Clause he must be faced with a fine of $240? I am nothing to do with the words "not exceeding" because you will find that some Magistrates like to impose the maximum penalty; if a fisherman is taken before a Magistrate and that Magistrate does not like his face he could impose this fine of $240 on him. That might mean the loss of his existence because he would have to adopt some method by which to get the money. It is with great pleasure that I second the motion of the honourable senior member for the City; I am sorry that the amount of this fine is not smaller and I am also sorry that more honourable members are not present to agree with this amendment.

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

Mr. LEWIS: The way in which I view this Clause is that the penalty is put at this figure because it may not only be a question of negligence, but it may be a question of criminal negligence; in defiance of certain people some person can cause the death of another person who might have a family to support. I have an idea that the skipper of a boat may be the one who has to look after the repairs of the boat, and he can encourage the crew to go out to sea and they may be entirely ignorant as to the seaworthiness of the boat. From that angle I say that this penalty is quite in keeping with what it should be, and the words "not exceeding" occur before the amount of the fine. Here is somebody who can encourage others who know absolutely nothing about the seaworthiness of a boat, to go out in that boat and lose their lives. I did not hear the honourable senior member for St. Joseph say anything about this point; but if you want to get at the owner of a boat who might cause the skipper to put the boat out to sea, I think you should insert in this Clause a provision to include the person who caused the boat to be put out to sea. I feel it would be right to do that; I feel that the point about the person who caused the boat to be put to sea should be covered, although it is very difficult to cover that point in this Clause unless you know what is going to be put in the Regulations. This Clause speaks about a fishing-boat which has not been inspected or registered, and that may mean a boat which is being put to sea for the first time; however, it seems to me that the onus of inspection should be put on the Fisheries Department. I feel that the onus of inspecting a boat after it has been inspected the first time should lie with the Department; if a person cannot take a boat out to sea because it has not been inspected by somebody who should inspect it, that seems to me to be entirely wrong. I think this Clause should be worded to the effect that any person who wilfully takes a fishing boat out to sea knowing it to be unseaworthy shall be guilty of an offence.

With regard to the fine for an offence under this Clause being made $50, I want to say that the honourable mover and seconder of this amendment are either not as interested in the fishermen as they are making themselves out to be, or they are very shortsighted, because they are reducing the fine from $240 to $50 and leaving the alternative at six months' imprisonment! They have not read this Clause at all; there is also the question of both a fine and imprisonment. On that point I do not think you can inflict both a fine and imprisonment unless you first get the permission of the Secretary of State for the Colonies; at least I was told that when I first became a member of this House. If that is so, I would like to know whether that permission has been obtained.

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

Mr. MOTTLEY: I will begin where my colleague has left off. If it happens that I express the view that this fine of $240 is too much and my colleague has seen that the alternative of six months is still there, should he not have the courage to get up and say that that alternative should not be there? I alone do not represent the fishermen; I do not take credit for everything and I take it that somebody else should do something else. (*Laughter*). The honourable member knows that I would express my view whether it is Election time or no Election time. I do not agree with the interpretation of the honourable senior member for St. James or that of the hon. Leader of the House; my opinion is that the term "put to sea" is a peculiar term used by nautical men; it is a nautical term. I am not opposing this Bill. I am saying that I have attended meetings of fishermen, I have heard suggestions made from experience and I have heard fishermen say that this thing will do and that will not do. We have heard about fishermen losing their lives, but nobody has heard of any

fishing-boat having sunk because it was leaking; the danger is that when fishermen encounter a gale or high seas, because they cannot get rid of the ballast the boats are sunk. If fishermen could get boats which did not have to carry ballast they would not have any disasters. In the tropics it is impossible to have any boat which is made of wood, for a period of three months and which will not spring water. We have had several boats drifting to St. Vincent and whenever you meet fishermen they tell you that it was a gale which caused whatever disaster might have occurred. When you hear the argument about fishermen putting out to sea in an unseaworthy boat, you would imagine that argument being put forward by people who have no knowledge about the fishermen. However, I am assuming that proper Regulations will be made by the Governor-in-Executive Committee.

On the question of the inspection of these boats, as my colleague has said, the onus of inspecting the boats should be placed on the Fisheries Department. Whether it is a big fishing boat or a "moses," if it is taken out to sea to catch fish, it is covered by this Clause. Besides the owners of fishing boats there are hundreds of people who depend upon working these boats for a living. All of us even those who represent the constituencies of St. George and St. Thomas, must come to the assistance of the fishermen; they will want us to credit material for them, or something like that, so as to help them to go to sea. They will stop the leaks in their boats and they will go to sea and, two days after that the boats will spring water. Suggestions have been made about changing the type of fishing boat and using the type which can carry a mast which can be taken out. It is not a question of a leaking boat; we talk about the unseaworthiness of a boat, but it is only 1% of the boats that go down because of unseaworthiness; they go down because of the type of boat they have to use. I have discussed this Bill with the fishermen. I see that here you have a maximum fine of $240 in case a person puts to sea any fishing-boat which has not been inspected. Now I want to be reasonable; you have a Fishery Officer and let us assume that Inspectors will be appointed and the Government will make Regulations to prevent these boats from going to sea without being inspected —I remember that a new fishing boat, not two months old, was taken from the Reef out to sea in perfect order, but in returning the fishermen tacked badly, the sea was high and everything went down. I am a Barbadian; I instance the case where a fisherman has his boat in perfect condition, but the Fishery Officer has not had the time to inspect that boat yet. Somebody whose boat has been inspected says that dolphin is flying off at such and such a shoal; the other man's boat is in perfect order, but it has not been inspected and he has not got one cent in his pocket. I am a reasonable man. That man pushes off his boat in trying to catch some dolphin and one of his friends reports him; under this Clause that man can be fined $240. It is true to say that people should be protected from themselves, but I say that the maximum fine should be $50. Every Magistrate in this island attempts to measure the amount of a fine having regard to what the Legislature says the maximum should be; you have to regard the seriousness of the offence by the maximum which you put in the Act. Those of us who are more fortunate than others will drive anywhere so as to get fish; I repeat that if a man's boat has not been inspected because the Fishery Officer has not got around to him, and that man hears that fish are biting somewhere and he takes a chance and puts his boat out to sea, he can be fined $240. That man catches a few fish so as to help his family, but he can be fined up to $240; that is not good enough. I cannot agree with that if I stand alone. I do not agree that what we have before us here is merely for the protection of the fishermen; this is a question of ensuring that fishermen have registered their boats and that the boats have been inspected. Some people believe that this Bill has been taken from an English Statute; but you must have legislation to suit local conditions. When you think of places where you have deep sea fishing, the boats must be seaworthy; but here you build a boat and put it on the beach, you cannot prevent it from leaking and somebody comes along and tells you that that boat is not seaworthy? That is looking for trouble.

I see that my colleague is only prepared to ask about the matter of both the fine and imprisonment; he has said you cannot have a penalty of both a fine and imprisonment unless permission for that has been obtained from the Secretary of State for the Colonies. I have already made a motion and I am moving in addition that from the words "six months" occurring in line 8 to the end of the Clause be deleted and the words "one month" inserted in place thereof.

Mr. ALLDER: I beg to second that.

Mr. BRANCKER: One of the previous speakers has pointed out that it may happen that some unfortunate person may be waiting to have his fishing-boat inspected and is unable to have it inspected. Of course in Clause 4 of this Bill a period of 10 days is allowed for the inspection of the boat to be carried out following the application for its registration, and I am suggesting to those responsible that they must see to it that there is an adequate staff to have fishing-boats inspected within that time. As a matter of fact, I feel that the period of 10 days is rather long; if a person's boat is ready for inspection and a case is made out that there is dolphin to be obtained and that person's boat cannot go out simply because it has not been inspected—if that person has to wait for 10 days before the boat can be inspected, the dolphin may not be there for that time. The Government must ensure that the Fisheries Department is properly staffed so that any fishing-boat which requires inspection must be inspected within a reasonable time: we have to see that Inspectors are available for inspecting these boats so that the owners will not have to wait for any length of time before the boats can be put to sea. As to the term "put to sea", that may mean just putting a boat in the water; it has not been defined in the Bill, and I must confess that I have not looked it up under any authority.

I visualise that in some cases a substantial fine of $240 may be warranted for an offence under the this Clause, but I would counsel those who are responsible for the administration of justice in this island to consider that although the maximum fine is $240, it is only intended for the most exceptional and extraordinarily bad cases; not a case where, for instance, a man has not had the time to get his boat inspected. There is a certain yardstick by which a Magistrate will have to consider a penalty, and if you make the maximum penalty for an offence a fine of $240, it would be very unusual for a Court to impose a fine of less than $24. For assault there is a maximum of £10 and the average fine is £1 because of the relation which £1 is to £10. On the question of appeal, I would remind honourable members that you can only appeal to the Court of Error, or the West Indian Court of Appeal or the Privy Council on a point of law. We must bear in mind that it is essential to provide an adequate Inspectorate to carry out the inspection of these boats because the period of 10 days is really too long. When the Bill becomes law we want to make sure that the Inspectorate will be adequate to ensure that the inspection of these boats will take place. I hope that

this enlightening debate will be read before any penalties are imposed, and it will be considered that a fine of £50 is only intended for the most extreme cases, where, for instance, an owner may compel a fisherman to take a boat out to sea before it has been inspected.

Mr. DOWDING: I was not here to hear the full debate on this matter, but I feel there are certain things in this Clause which can be more detrimental than beneficial. The whole object of this Bill is to encourage the fishing industry so that people can get fish to eat even in St. George, because this matter does not apply only to parishes on the sea-board. This sword which is placed over the fisherman's head—this heavy fine of the sum of $240—is, in my opinion, a deterrent rather than an incentive; it is a deterrent to people from catching fish. Let us really consider the facts; how many fishermen have lost their lives through their own negligence?—Very few of them. The fishermen in this island know more about when a boat is seaworthy than any officer about the place; in the majority of cases when a fishing boat is lost, that is due to something which is absolutely uncontrollable, such as the condition of the weather, a squall, and so on. I say that to impose a fine of $240 on a fisherman if he puts a boat to sea without its being inspected and registered, is, in my opinion, going too far. We want to try and encourage the fishing industry and thereby increase the amount of fish for the people of this island rather than discourage the industry by putting such a heavy fine in a Bill of this sort. I cannot see the reason for putting such a heavy fine in this Bill.

It is amazing to me that honourable members do not seem to realise that this is a Chamber in which matters are debated and they should not merely state their facts, but also try to listen to the reasoning of other honourable members. Has the honourable member who introduced this Bill given us any sound reason as to why this fine of $240 should be put in the Bill? This is not a question of an offence being so detrimental to the people of this island that you need to put the fine up to this amount; is an offence here comparable with other offences of a more serious nature? Is it comparable with some other offence where a fine of $240 would be imposed? Would that fine be imposed in a case of inflicting bodily harm? I do not think that an offence under this Clause would call for such a heavy fine.

Mr. ADAMS: The honourable member has asked about offences comparable to this one. It is true that the old people from whom he has descended — the planters who used to occupy seats in this House—worded the laws in such a way that it was possible for a Magistrate to fine a person £2 for stealing a piece of cane which might have dropped off a cart on the way to a factory, and to fine a person the same £2 for breaking somebody's arm; but there is no reason why we should not pass laws with penalties such as will not merely punish people for offences which are committed, but also to serve as a deterrent to others. You hang people for committing murder so that those who contemplate committing murder will realise that there is the chance of their being hanged, therefore they will keep quiet and not commit that crime. As regards the honourable senior member for St. John, there is something hanging over his head and he keeps more quiet than he did a few weeks ago. However, you must put the maximum penalty for people who will break the law; you fine a man 20/- for driving down Broad Street at 25 miles an hour and tell him not to do it again, but if he drove down Broad Street at 50 miles an hour, the penalty would be a very serious one. I am suggesting to the honourable junior member for St. George that while this is a debating Chamber, let us debate things and not filibuster; he has expressed his view and let us get on with the Bill.

Mr. CRAWFORD: One will readily concede that everything should be done for the fishing industry of this colony, and to protect the lives of those who go down to the sea and fish; therefore much of the information called for in this Clause and in other parts of the Bill will be found necessary for the purpose as stated in Clause 3 of the Bill. At the same time, if a boat is taken out to sea and it sinks and the fishermen get drowned, one wants to have on record all the important details pertaining to that boat and the people who were working it. We are not here to place obstacles in the way of people earning their livelihood. In Clause 7 it is laid down that in case a fishing-boat is condemned by the Fishery Officer, the owner is entitled to appeal to the Governor-in-Executive Committee whose decision shall be final; in the Clause which we are now considering we are imposing a heavy penalty on people who break the law in this respect, but it does appear to me that considering that fishing is not done throughout the year, a man's boat might be certified as being unseaworthy in the height of the fishing season. (A MEMBER: That point has been dealt with). Not the point I am making; in Clause 7 a man can appeal to the Governor-in-Executive Committee, and we know how the Governor-in-Executive Committee works.

Mr. CHAIRMAN: To which Clause is the honourable member referring when he speaks about a boat being unseaworthy?

Mr. CRAWFORD: That is Clause 8. I was saying that Clause 7 permits a man to appeal to the Governor-in-Executive Committee———

Mr. CHAIRMAN: The honourable member is dealing with Clause 7.

Mr. CRAWFORD: There is a case for re-committing Clause 7. Because a man's boat may be condemned———

Mr. CHAIRMAN: If the honourable member is dealing with Clause 7 he will have to ask for the re-committal of the Clause. I am not allowing any debate on that Clause now because it has already been passed.

Mr. CRAWFORD: When you consider the penalty in Clause 8 there is a case for the re-committal of Clause 7. In this colony fishing is done during certain seasons of the year and if a man's boat is condemned at the height of the fishing season and he appeals against that decision, only God knows when the matter will reach the Governor-in-Executive Committee.

Mr. CHAIRMAN: The honourable member is dealing with Clause 7 which has already been passed; let us deal with Clause 8 which is now before us.

Mr. CRAWFORD: I am dealing with the penalty set out in Clause 8, in case a man goes to sea with an unregistered boat, and I say that a case has been made out for the re-committal of Clause 7. A man has the right of appeal to the Governor-in-Executive Committee against the cancellation of his certificate of registration, and the Governor-in-Executive Committee may take 14 days or a month before they reply to the appeal. In other words, when one is satisfied that the appeal will be dealt with expeditiously and there is no temptation on the part of a fisherman to take out his boat because the appeal is taking a long time to be determined, one may be inclined to allow the penalty to remain where it is. However, I am supporting the motion for the reduc-

tion of the fine and the term of imprisonment because it is my conviction that we should do nothing to put any obstacles in the way of these people obtaining their livelihood or earning support for their families.

The question that the words proposed to be deleted stand part of the Clause was put and resolved in the affirmative, the Committee dividing as follows:—

Ayes: Messrs. MAPP, LEWIS, COX, F. L. WALCOTT, Dr. CUMMINS and Mr. ADAMS—6.

Noes: Messrs. ALLDER, CRAWFORD, MOTTLEY, GODDARD and DOWDING—5.

The question that Clause 8 stand part of the Bill was put and resolved in the affirmative without division.

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

Mr. SPEAKER resumed the Chair and reported accordingly.

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

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

Mr. LEWIS: As this House should have a period of adjournment for tea, I beg to move that this House do now adjourn for half an hour. It is all right for honourable members to go out and have their tea, but what about the Chairman of Committees who has to listen to the debate?

Mr. DOWDING: I beg to second that motion.

Mr. ADAMS: I hope honourable members will realise that it is for me, as a member of the Government, to ask for the adjournment. There is a right way and a million wrong ways of doing things. If the honourable member in charge of the Bill is not preventing anybody from leaving the House and having his tea, it is discourteous for any honourable member to go behind the member in charge of the Bill and ask for an adjournment of the House. It is for the honourable member in charge of the Bill to say how long he wants to go along with it.

The question that this House do now adjourn for half an hour was put and resolved in the affirmative, the House dividing as follows:

Ayes: Messrs SMITH, ALLDER, LEWIS, MOTTLEY, GODDARD and DOWDING—6.

Noes: Messrs MAPP, BRYAN, COX, F. L. WALCOTT and ADAMS—5.

Mr. SPEAKER: The question has been decided in the affirmative, six hon. members voting "*Aye*" and five hon. members voting "*No*". I declare the "*Ayes*" have it. This House now stands adjourned for half an hour.

RESUMPTION

On the re-assembling:—

Mr. SPEAKER: On the adjournment the House was in Committee on the Bill to encourage the Fishing Industry in this island.

Mr. SPEAKER then left the Chair and the House resumed Committee, Mr. SMITH in the Chair.

Mr. CHAIRMAN: When the Committee adjourned Clause 8 had just been passed.

Clauses 9, 10 and 11 were read and passed.

Clause 12 was read as follows:—

"12. There shall be a skipper to each fishing boat whose name shall be registered with the Director by the owner or owners of such fishing boat as attached to the particular fishing boat and he shall be one of the crew of such fishing boat; and, in the case of a change of skipper, the owner shall within three days notify the Director who shall record such change in the Register of fishing boats."

Mr. F. L. WALCOTT moved, seconded by Dr. CUMMINS that Clause 12 stand part of the Bill.

Mr. GODDARD: Mr. Chairman,— I think that some of these clauses are not encouraging to the fishing industry at all. Anyone with any knowledge of fishing in Barbados will realise that this legislation has been copied from that of other places and brought here. Surely the Fisheries Officer who has been in that job for a number of years should know more about it than most members of the House. Why are all these overnight changes necessary? During the crop season you will find that many fishermen are also cane cutters. If he is cutting canes and he hears during the night that there are fish just off the shore, he puts down his bill and goes to sea. When fishing is slow he leaves his boat at the mooring and takes the bill and cuts canes. A man may leave his boat at the moorings and go cutting canes. Fish do not wait; they may be there two or three days and then gone, and there will have to be a sudden change of skipper. I hope that the Inspector mentioned in the Bill will co-operate. I am just drawing to the attention of the Committee that these clauses are not encouraging to fishermen.

Mr. F. L. WALCOTT: Mr. Chairman,— Some honourable members seem to see difficulties in this Bill where none exist. The fantastic argument just adduced by the honourable senior member for Christ Church is beyond me. Let us pay some attention to what he has just said. The fishing season co-incides with the crop season, and a man is a fisherman by night and a cane cutter by day. He will put down his bill when he comes from working in the canes, if he hears that fish are off the shore. It is ludicrous to advance that as an argument that we are seeking to pass restrictive legislation. So as to save inconvenience, the period within which notification is to be made of a change of skipper is three days and provision is made for temporary skippers. What restriction is there on any owner or skipper? Why is this clause necessary? So that if a boat goes out to sea and anything happens you want to have some responsible person at the inquiry. Must we pass legislation to meet extraordinary circumstances? If a skipper is working in the cane field someone else will have to be skipper.

Mr. REECE: Mr. Chairman,— If the skipper is unable to go to sea the boat cannot go out, according to the provisions of this Bill. I think that provision should be made so that in cases of illness a boat could go out for a limited time without a skipper. Suppose a skipper gets ill on the beach when he is ready to go out to sea. The boat will not be able to go out. I do not see why a fisherman or a skipper should be licensed at all. The case of fishermen is quite different from that of lightermen or boatmen. Boatmen ply for hire with a vehicle. It does not make any difference that the vehicle is on water. A man using a vehicle for hire is in an entirely different position from a man who is using a fishing boat. Really, sir, I do not see the use of this registration at all. I was not here when the other section was being debated, but one can readily see that there are many classes of persons who go down to the sea. Some of them, when there are more fish to be caught than they can eat sell some. Strictly speaking, they too will have to be licenced, or they will have to give away the fish or throw them back into the sea. The same thing applies to skippers. If a man has enough ability and experience to carry a boat to sea why should he have to be registered? He is not in the same position as the skipper of a boat plying for hire in Carlisle Bay. There seems to be confusion in the minds of some peo-

plé that the boatman carrying passengers is in the same position as the man in the deep sea looking for fish.

Mr. E. K. WALCOTT: Mr. Chairman,— I have not heard any explanation about registration. Clause 9 has been passed already, and we cannot speak on it now. But even if you say register all the fishermen, what real value do you get from having one man registered as skipper? Everyone on a boat will have to give evidence at the inquiry if anything happens. Someone will always have to take the responsibility, because there is always someone in charge. Today it may be one man, and tomorrow another. There is little value from having registration at all, and I do not see any from having one registered as skipper. It is not like one of the provisions which have great value as regards safety of life. It looks to me as if you are trying to build up a department because you do not have enough for someone to do. The only thing that the honourable senior member for St. Peter did was to get up and use a few objectionable adjectives which he usually does. There is always someone responsible in charge of a fishing boat.

Mr. F. L. WALCOTT: The honourable member has always taken objection to my speeches. As far as my adjectives are concerned I will always be objectionable to him. I will have to be objectionable where many of the things that he likes are concerned. He ruled the roost for a long time and many of us had to swallow things that were objectionable. I said that the argument of the honourable senior member for Christ Church was fantastic, and I will again say that it was. If anyone says anything about this——

Mr. E. K. WALCOTT: Make him address the Chair.

Mr. F. L. WALCOTT: That is a relic of the old days when he could ask that someone be put in his place.

Mr. E. K. WALCOTT: I am appealing to the Chair to make the honourable member conduct himself in a parliamentary manner.

Mr. F. L. WALCOTT: When he said that I used objectionable adjectives what was that to do with the speeches on this clause? He said sufficient for me to reply to him. He was defending the honourable senior member for Christ Church and I am defending myself. If the honourable senior member for Christ Church knows anything about fishing boats today he will know that if a skipper says he is not going out the others cannot go out. The honourable senior member for St. James when he looks across here seems to have the idea that the only person who has the right to say anything to him is the honourable senior member for St. Joseph.

Mr. CHAIRMAN: I am speaking to the honourable senior member for St. Peter. I am asking him to stick to the clause which is before the Committee. I do not know why you are shouting at me.

Mr. F. L. WALCOTT: If you object to the way in which I am speaking it will have to be ruled that an honourable member must speak as softly as the Chairman allows him to speak. My voice is not as loud as that of the honourable junior member for St. George, and you have never told him that he was speaking too loudly.

Mr. LEWIS: Mr. Chairman,— I would like to suggest that it might be a means of protecting fishermen to let them have a skipper class of fisherman, and to give such a fisherman a certificate of competence.

Mr. REECE: I think there is more in the suggestion of the honourable member who has just spoken than meets the eye. One is registered as a captain of an ocean-going ship, and must satisfy the appropriate authorities that he is competent of taking such a ship to sea. So too, in the case of fishermen, I do not see why you could not have a class of persons who could satisfy the authorities that they are competent to take a fishing boat to sea. There should be a class under which such persons should be registered. That would mean that there would be no need to have the owner notify the Fishery Officer of a new skipper.

Mr. ADAMS: Mr. Chairman,— The honourable junior member for Christ Church is opposed to the registration of boats, of skippers, of owners and of two thousand fishermen, and after opposing everything in this Bill he sat down. Yet when the honourable junior member for the City got up and suggested that you register a class of men as skippers, the honourable junior member for Christ Church promptly got up and agreed with it. I sympathise with the honourable member. He knows how he stands.

Mr. REECE: I too sympathise with the honourable senior member for St. Joseph. I do not know if he knows how he himself stands. He thinks he is coming back here with a majority next Session; but I am not so sure about that. He knows as well as anyone else that he cannot frighten me with that mouth of his, neither here, nor in Court, nor anywhere else. I will say, Mr. Chairman, that although I am opposed to the principle of registration, if I hear a suggestion coming from the other side that will make some sense out of this Bill I am entitled to support it. The honourable junior member for the City said let us have a class of men who can be registered as skippers. I do not believe in the registration of skippers at all; but if there is such a class the industry will not suffer as much inconvenience as it would suffer if this clause is passed as it is. Therefore, I supported the suggestion of the honourable member. To infer that because I supported that suggestion I am in favour of the principle of registration could only come from the honourable senior member for St. Joseph. He is good at pulling down; not at building up. He was never good at organising. He is good at breaking down.

Mr. ADAMS: The honourable member will fall without my pulling him down. It would be superfluous for me to go into Christ Church and say a word.

Mr. F. L. WALCOTT: Would not the suggestion by the honourable junior member for the City make it harder for fishermen? You are going to ask some authority to say what type of man should be a skipper. You will have to give a man a certificate for being able to swim, row a boat, scull and put up sails etc., and a man will have to be tested as how you test a man for a driving licence. We know that there are fishermen who cannot swim. We are not telling fishermen that they must be able to swim so as to get a licence to be a skipper. We are not determining what type of man must be a skipper. Any fisherman can be a skipper. We know that in common practice the best man is usually skipper.

Mr. LEWIS: What I would like to explain is this: Whether or not the idea of a skipper class is agreed with, there must be fishermen with a certain experience and competence whom owners will put in charge of their boats, and there will be others whom owners will not give an opportunity to be in charge of their boats. My suggestion is that if you have a man with a certificate of competency he can be put in charge of a boat in the absence of the regular skipper of that boat.

Question that Clause 12 stand part of the Bill was put to the vote and resolved in the affirmative, the Committee dividing as follows:—

Ayes: Mr. MAPP, Mr. LEWIS, Mr. BRYAN, Mr. COX, Mr. F. L. WALCOTT, Dr. CUMMINS, Mr. ADAMS, Mr. BRANCKER and Mr. MOTTLEY—(9).

Noes: Mr. ALLDER, Mr. DOWDING, Mr. E. K. WALCOTT, Mr. GODDARD and Mr. REECE—(5).

Clause 13 was read and passed.

Clause 14 was read as follows:—

14. (1) It shall be lawful for the Governor-in-Executive Committee, out of funds provided by the Legislature, to make loans in such a manner and subject to such terms and conditions as may be prescribed to any owner of any fishing boat or to his duly authorised agent for the purpose of repairing or completing the construction of such fishing boat, and for the purpose of purchasing material, gear or tackle for such fishing boat.

(2) The Director of Agriculture shall cause an advertisement to be inserted in one issue of a daily newspaper and one issue of any other newspaper published in this Island giving notice to the persons holding liens against a fishing boat, of the intention of the owner to obtain a loan from the Governor-in-Executive Committee. Every such advertisement shall state the sum proposed to be borrowed and shall be in such form as may be prescribed. The cost of every such advertisement shall be defrayed out of the funds provided by the Legislature.

(3) At the expiration of one week from the date of the last advertisement, the Governor-in-Executive Committee may make the loan applied for by an owner of a fishing boat if no sufficient objection to the making of such loan has been received.

(4) All such loans shall be a first lien and charge against the fishing boat, material, gear and tackle in respect of which the debt was incurred: provided that where debts have already been incurred in respect of such fishing boat, material, gear and tackle, such loan shall rank as a first lien and charge only with the written consent of the prior creditors.

Mr. ALLDER: Mr. Chairman,—This is one clause which I deeply appreciate; but I feel that the Government should have gone a little further in assisting the fishermen and seeing that their safety is guaranteed by helping them with life belts. Government should import some life belts and give them to fishermen at a reduced price. The Government has gone fairly far in making loans by which fishermen can repair their boats or build new ones; but nothing has been said about helping them to get life belts.

Mr. REECE: Mr. Chairman—I would like to remind the honourable senior member St. John that his suggestion is nothing new. That has been on the book for a long time.

Mr. MOTTLEY: Mr. Chairman — I rise to support the view expressed by the honourable senior member for St. John. Too often an honourable member makes a wise suggestion, and because he is a member who talks often, other honourable members feel that no account should be taken of anything that he says. But the most foolish of us can make a wise suggestion some time or the other. The reason why a lot of these fishermen lose their lives when boats capsise is that they go a great distance from land to catch fish, and that is where lifebelts would help guarantee their safety. I think that the Leader of the House should make a note of that suggestion. It would be a bagatelle for the Government to buy life preservers and supply every fishing boat with at least two. The Fishing Industry means a lot to this country, and if you are going to make regulations to control it, you should go all out to help it. It is my considered opinion that the fishermen would appreciate this, and I believe that the Leader of the House will agree that the suggestion is worthy of consideration. For a long time to come, the style of fishing boat which we use will not be changed, and as long as you have this type of boat there will be the possibility of men losing their lives. Can any Fishery Officer show me where a boat has capsised because it was not seaworthy? A boat can be seaworthy and capsise just the same; but if there is a life-preserver or two aboard the men can hold on until a boat comes and picks them up. I hope that the honourable member in charge of the Bill will take this suggestion to the Executive Committee and say that this Chamber would be willing to vote an appreciable sum of money to purchase life preservers for this purpose.

Mr. F. L. WALCOTT: Mr. Chairman,—This cause deals with loans, but honourable members seem to be introducing other things. I will therefore take the opportunity to answer the points that have been raised. Honourable members are asking the Government to give the fishermen life jackets. An address of this nature was passed by the House of Assembly and the matter was discussed by the Fisheries Advisory Committee of which I am a member, and it was discovered that the question was not so much one of the price of this life preserver, but the usefulness of it. It was discovered that the kind of jacket available was not of much use to the local industry, and something of a better nature at that time proved to be very expensive. If you had to provide these you would have had to provide about a thousand. There was another aspect that had to be taken into consideration: The incidence of death from the foundering or sinking of fishing boats is not great, comparatively speaking, and if the Government must provide these things free of cost, the Government, or the Advisory Committee would more or less have to consider what are the other things that the fishermen are themselves asking for at present, and which you could loan them money to do. The Legislature passed a certain amount of money for the director to make loans to the fishermen, remembering that the price of sails, and tackle had risen considerably and the cost was prohibitive to the fishermen if they were unaided. It now costs between $800 to £1,000 to build a new boat as compared with $400 or $500 before. We had to consider those aspects. This other aspect was also given consideration by the Committee, but they do not see their way to recommend at this stage the wholesale buying of life jackets because there were many difficulties about the buying of them, and the Committee as a whole do not feel that the type of jackets available was the type that would be useful to the fishermen They would have lasted for only two or three months, and it would have been money lost. The reason why they would not have lasted longer on fishing boats is that they would have been subject to constant wetting, whereas when they are used on sea-going ships they are protected from wet. I have been on a fishing boat, and I do not think that such a boat is very commodious. Sometimes when you get a squall there is not a dry part. A lifebelt is a different thing. They are light things that you can use under your arm.

Mr. BRYAN: Mr. Chairman—I think that it would have been better to have waited until we had reached clause 16 which deals with the safety and welfare of these fishermen. On June 21, 1948, I moved the passing of an Address which had as its object the provision to fishermen free of charge of life-saving devices apart from life jackets—for example rafts which can be purchased and which are adaptable even to the small fishing boats. I am

still hoping that Government will review the whole question of these life-saving devices, because fishermen are still losing their lives. When you think of the effect that such a catastrophe has on the homes of these men, you must see that it is desirable to consider taking steps for their safety. Another reason is the importance of the industry to the island, and the fact that you cannot make a competent fisherman overnight. If, therefore, we allow them in pursuing this calling to continue to lose their lives with its inevitable consequence on their families, you will find yourself in a sorry plight one of these days. I appeal, therefore,to the Government when they are making regulations dealing with the safety and welfare of the fishermen, to review the question, and see if they cannot find ways and means to purchase lifebelts or the rafts of which I have spoken before.

Mr. REECE: Mr. Chairman,—I must support every word that the honourable junior member for St. Michael has said. I, unlike most of the honourable members of this House, have often been out to sea in boats. I have actually been in a boat which foundered, and I was competent to save myself, while others would have had to depend on other people to put them right. As I was saying, Sir, I agree with the remarks of the honourable junior member for St. Michael. I have been in a boat that overturned about three or four miles out to sea, and if I had not been able to save myself I would not be here today. (Hear, hear,). But I am here, and because I am here, I can speak of the things which the honourable junior member for St. Michael knows about from hearsay, but which I know about from personal experience. I think, therefore, that the Government would be wise to consider the suggestion made by the honourable member. We have heard what the honourable senior member for St. Peter has said with regards to life jackets, but there are other things which can be experimented with. For instance, there are the rafts of which the honourable junior member for St. Michael spoke. When a boat goes from under your feet out to sea anything is useful, even an oar, anything on which you can put your hand and which will give you a little bouyancy. There is one other point which I would like to draw to the attention of the honourable senior member for St. Peter. He mentioned that the cost of sails is almost prohibitive, and that the cost of building a boat and finding sails and tackle is colossal. I think that the time has come when, in order to give the Fishing Industry full support, we should consider subsidising sails, tackle and things of that sort. I just throw out that suggestion to the Government.

Mr. BRANCKER: Mr. Chairman,—I am sure that after this discussion the member of the Government who is responsible for fishery will appreciate that as far as this House is concerned, it is very sympathetic towards the provision of some sort of life preserver for fishermen, and that in this matter we should not look too keenly at the cost. I am advised that a life preserver made of cork would be best, but that is a matter for investigation. If the matter was already considered and no decision was taken, or if it was decided against, then it is a matter that calls clearly for re-consideration. I cannot see this, or any future House indulging in cheeseparing when it comes to the lives of fishermen, nor do I see anything which can claim greater priority than the lives of these people without whom the Fishing Industry would not be possible. This matter should be re-considered by the Government in the light of the views expressed by this House today in favour of life preservers being provided. Automatically when you think about registering fishing boats you should make provision for each registered boat to be supplied with at least two life preservers. There is one other point with regard to sub-clause 2. I am going to move in line 3 the deletion of the words "a weekly." It could be that we are discriminating against one particular newspaper which is neither a daily nor a weekly; so in order that that newspaper may not be excluded I propose the deletion of the words "a weekly" and the substitution therefor of the words "any other" which will leave it free to the Director of Agriculture to insert the advertisement in a daily newspaper, or any other newspaper. The amendment which I have proposed would bring in both weekly newspapers and the tri-weekly one.

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

The clause as amended was read and agreed to.

Clause 15 was read and passed.

Clause 16 was read as follows :—

16. (1) The Governor-in-Executive Committee may make regulations for carrying out the provisions of this Act and without prejudice to the generality of the foregoing any such regulations may provide for———

(a) the form of licence to be issued to a fisherman;
(b) the form of certificate of Registration;
(c) the particulars to be recorded in the Register of fishing boats;
(d) the form of advertisement to creditors;
(e) the particulars to be set out in the application for a loan;
(f) the terms and conditions on which loans shall be granted;
(g) the fees to be charged for services;
(h) the safety and welfare of men working in fishing boats or otherwise engaged in the fishing industry whether on their own behalf or as servants or employees of another person;
(i) promoting and fostering the interest and welfare of the fishing industry in general.

(2) All regulations made under this Act shall be laid before both Houses of the Legislature as soon as may be after they are made and if within a period of forty days beginning with the day on which any such regulations are so laid before it either House of the Legislature resolves that the regulations be annulled, they shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

(3) In reckoning any such period of forty days no account shall be taken of any time during which the Houses of the Legislature are dissolved or prorogued or during which either House is adjourned for more than seven days.

Mr. BRYAN: Mr. Chairman,—I am referring to sub-paragraph (a). In the Address to which I have referred before, I asked the Government to consider the advisability of instituting a scheme of life insurance for fishermen. Government in reply stated that they did not consider that the scheme was not feasible. Now, Sir, nowhere in that Address did I suggest that the scheme should be free. I do not see why the fishermen themselves should not contribute to it in some way. No one can deny the usefulness of such a scheme. Fishermen sometimes lose their lives when boats overturn, as happened recently at Bathsheba. In this case the man who lost his life left a wife and children, and in the Advocate and other newspapers appeals were being made to help these children. If we had this scheme, his family would at least have been given some support, and the hardships that they are now undergoing would have been softened. I am

asking the Government to review the matter and see whether these fishermen would not be advised to contribute their portion to such a scheme. Sub-paragraph (i) deals with promoting and fostering the interest and welfare of the fishing industry in general. In my address I also suggested the provision of cold storage facilities. There are times during the flying fish season when fish are actually thrown back into the sea. That would not happen if you had facilities for cold storage. Now that you are trying to place on the Statute Book a Bill which will regulate the industry, I think that the time has arrived when the Government should give serious consideration to providing cold storage facilities so that fish that are caught in large quantities could be made use of afterwards.

Mr. F. L. WALCOTT: Mr. Chairman,—This question of insurance has been considered by the Advisory Committee, but it is not an easy matter. It is a case of big money, and it is a case where the men would have to pay. I believe that what you need is a fishermen's co-operative society. It would be difficult for the Government to run an insurance scheme alone. Government would find themselves in this position: You cannot run an insurance scheme for one class of workers to the exclusion of others. You would therefore have to go into the whole question of social insurance. You will have to face the question of whether you will also have an insurance scheme for other workers.

Clause 16 was then agreed to.

Clauses 17, 18, 19, and 20 were read and agreed to.

Mr. LEWIS: Mr. Chairman,—I would like to ask for a re-reading of Clause 20.

The clause was re-read as follows:—

20. (1) The Police Magistrate making an investigation under section eighteen of this Act may enquire into any charge of incompetency, negligence or misconduct, arising in the course of investigation, against the skipper or any member of the crew of a fishing boat as well as into any charge of a wrongful act or default on his or their part causing any such loss, abandonment, stranding, damage or casualty.

(2) The Police Magistrate, if satisfied that the skipper or any member of the crew of a fishing boat has been guilty of incompetency, negligence, misconduct or a wrongful act or default, may suspend the licence of such skipper or member of the crew for such time as he may think fit and may also impose a penalty not exceeding one hundred and twenty dollars or imprisonment not exceeding six months or both such fine and imprisonment.

(3) The Police Magistrate in inquiring into any charge of incompetency, negligence or misconduct against the skipper or any member of the crew of a fishing boat shall apply the rules set out in the First Schedule to this Act.

Mr. LEWIS: These fishermen must have some degree of competency. I think that this clause bears out my argument on Clause 18.

Mr. REECE: Mr. Chairman,—I agree that this clause shows up the contention of the honourable junior member for the City that you should have a skipper class. Here in this Clause you are giving a Police Magistrate authority to suspend a skipper's licence. A skipper of a boat should have some knowledge of fishing boats. You give a Police Magistrate authority to tell a skipper that he is not a competent person to take a fishing boat out to sea. The honourable junior member for the City was arguing that you should have a skipper class. The honourable senior member for St. Peter said that the Government was not going into the question of ability. But this section does exactly that. You are giving a police magistrate the right to say to a skipper: "This has happened because of your incompetency." Further in the Bill the skipper is required to know certain rules and regulations. It seems to me therefore that the skipper is a person who will have more knowledge of the boat than the man registered as an ordinary fisherman. I suggest, Sir, that it is better to re-commit Clause 18 and deal with this class which the honourable junior member for the City talked about.

Mr. F. L. WALCOTT: Mr. Chairman,—I think that if you look at this Clause you will see that this deals with where there has been a casualty on a boat. When a man goes before the Police Magistrate the latter will take evidence from him. He is not going to ask him what he knows about rowing a boat. The Magistrate can only take evidence if something happens under Clause 18. There is no means of determining whether the man is competent or not until he gives evidence. If you transfer this power to the Fisheries Officer you will be giving him too much power. A man may have Counsel to represent him before a magistrate; but he will not have Counsel to represent him before the Fisheries Officer. Honourable members will see that this clause deals with an investigation which takes place after something has happened. I would object to giving the Fisheries Officer the power to tell a fisherman that he is not competent. After something has happened and all the evidence has been taken, that is a different matter.

Question that Clause 20 stand part was put and agreed to.

Clause 21 was read and agreed to.

Clause 22 was read as follows :—

22. (1) In every case of collision between two fishing boats it shall be the duty of the skipper or person in charge of each fishing boat if and so far as he can do so without danger to his own crew, to render to the other boat, her skipper and crew, such assistance as may be practicable and may be necessary to save them from any danger caused by the collision.

(2) If the skipper or person in charge of a fishing-boat fails to comply with this section and no reasonable cause for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect or default.

(3) If the skipper or person for the time being in charge fails without reasonable cause to comply with this section, he shall be guilty of a misdemeanour.

Mr. F. L. WALCOTT moved seconded by Mr. Cox that Clause 22 stand part.

Mr. E. K. WALCOTT : Mr. Chairman,—If the honourable junior member for the City looks at this clause he will see in it some justification for his remarks about a skipper class. Take sub-clause (3). It says, "If the skipper or person for the time being in charge etc." I understand the words "person for the time being in charge" to refer to a man who is holding on for someone else. Sub-clause (2) makes him responsible for a collision if he fails to comply with this section. But according to sub-clause (1) the only thing that he is to do is to render assistance to the other boat and her crew. How can that cause him to be deemed responsible for the collision? To come back to the point about the suggestion of the honourable junior member for the City: If you are going to put this responsibility on the skipper, you should ensure that he is a little more than *prius inter pares*. I think that we are making a much too complicated bill. This section will make a man frightened to become a skipper. You are not

seeing that he has special training, but you are putting that risk on him alone.

Mr. F. L. WALCOTT: I said earlier, Mr. Chairman, that in registering skippers it was not easy nor fair to call on them to produce certificates. You would be calling on them to pass a test. There are some men who own a boat and who skipper it themselves. They will refuse to allow anyone else to skipper it. The Fishery Officer will find it difficult with this set up as it is. But so far as this clause is concerned, it is as a result of the previous clauses. When a collision takes place you say the skipper should have done certain things. It is not the Fishery Officer who will be saying that; it will be a magistrate, and the magistrate will listen carefully to the evidence before he convicts.

Mr. E. K. WALCOTT: Sub-section (2) will make the skipper civilly liable as well.

Mr. F. L. WALCOTT: Honourable members will bear in mind that when you are out to sea it is different from when you are on land. I do not see that this clause imposes the hardship that some honourable members think that it does.

Mr. MOTTLEY: Mr. Chairman,—It is sub-section (2) that has me worried. They always tell you that "a little learning is a dangerous thing." But this is what I infer: This is French Law. I agree with the provisions of the section when it is a matter of International Marine Law. In that case, if a captain fails to render assistance etc. he loses his licence. But then you come back in this section and say that in the absence of proof to the contrary the skipper shall be deemed to have been responsible for the collision, I do not understand that at all. I remember when we were discussing the Bill to regulate the running of Elections there was a particular section that many honourable members did not agree with, and although the Leader of the House as a lawyer saw nothing wrong with it, he agreed that the argument from the layman's point of view was correct, because you should not do anything that would not allow the layman to be sure of his position. In that Bill it was a case of making a candidate prove that he did not know that his agent had over-spent. I considered then that that was French Law and I think that the same thing is true where this present Bill is concerned. I do not mind being put right.

Mr. ADAMS: Mr. Chairman,—As the honourable senior member for St. James has pointed out, this section makes the skipper liable civilly as well as criminally. If it did not have the words "in the absence of proof to the contrary" it would be rather drastic. It does not say that at all costs you must rescue the fishing boat with which you get into collision. The law today says that everytime there is a collision on land you must stop and render assistance. Everybody will agree that that is only human. It is the same thing when you come to a collision on sea. Suppose a skipper is at fault — say he rams another boat. His men are going to stick to him, and dead men tell no tales. They may say, "We are not going to stop; let them drown." The owner of the rammed boat has lost his property, and the crew have lost their lives. There is nothing hard in saying that if a skipper had a chance to stop and help without danger to his own crew, and he did not stop and render that assistance and the boat sinks that he should be liable for the lives of those people, and for the value of the boat, unless you prove that it was not your fault. As the law stands today, if there is a collision and you are on the wrong side of the road, the law says that you are liable unless you prove that the other man was more liable than you; unless you prove that in the circumstances you could not help yourself. Under British Law, if Johnny Weismuller is sitting by a river and he sees a child fall in and he makes no move to save it, he has committed no crime. Therefore you put in this section the provision if you can do certain things without danger to your own crew, and you do not do them, you have committed a crime. Sub-section (2) goes to the central part of it. Suppose a skipper could have saved the lives of a crew of another boat with which he collided, but did not although he could have done it without danger to his own crew, and one of the crew of the damaged or sunken boat manages to swim ashore and proves that skipper guilty of negligence; what harm is there in that; or what hardship? That is the law on land to-day. The section does not say that the skipper is automatically guilty of negligence. There has to be proof that he could without danger to his crew, have stopped and rendered assistance and did not do so. It is merely determining something on *prima facie* evidence. In Barbados if there is a collision on land the plaintiff has to prove negligence. He has to prove that the man driving your car was your servant. Often you cannot prove it unless it is a public vehicle in which case the law presumes that the driver of, say, a bus, is the servant of the bus owner. The law says that you must drive on your proper side. If an accident takes place and you are not on your proper side, you are negligent. If you do not prove that you were not negligent, then you have to pay damages. When, *prima facie*, a skipper could have stopped and saved the other man or men and did not, he is deemed guilty of negligence. But he is given an opportunity to prove that he is not. When I first read this section I too had the view that it seemed illogical. But it is not.

Mr. E. K. WALCOTT: Mr. Chairman, — No question of negligence arises. It would be an inhuman thing if after a collision between two boats the skipper of one could have stopped and rendered assistance to the one in distress and did not do so. Therefore you say in sub-section (3) that if a skipper does that, he is guilty of a misdemeanour. But then you turn around and say that he is liable for the accident. Under the Admiralty Act there is a law by which ships that have collided have got to stop and render assistance. Both sides write a report of the accident and seal those reports. Then the case is heard by a Court. This is nothing to do with misdemeanour. It is to do with stopping and rendering assistance. This section seems to be illogical. It is like saying that if two motor cars collide and one does not stop and render assistance, that the driver who does not stop is guilty of having caused the collision.

Mr. ADAMS: It is inhuman. But why is the skipper acting inhumanly. Because he fears that he is the guilty person. If you are innocent, why not stop? When people hit and run, they run because they know that they are guilty.

Mr. REECE: Mr. Chairman, — The question here is not whether or not the skipper who fails to stop and render assistance is guilty of a criminal offence; because everyone will agree with that. But when you go on to say that he is guilty of the collision unless he can prove to the contrary, that is a different matter. It might be difficult for him to prove to the contrary. I have no sympathy for the skipper who does not stop and render assistance; but what is the position of the owner of the boat? What can he do? What evidence can he give? That may be the real difficulty from the owner's point of view. The owner would most likely be on land when the collision occurred and would know nothing about how it happened or what happened.

Mr. E. K. WALCOTT: I beg to move that sub-clause (2) be deleted.

Mr. REECE: I beg to second that.

Mr. DOWDING: Mr. Chairman,—It may seem that for me to speak on this is like fools rushing in where angels fear to tread. But I am still not satisfied. It strikes me that we are pre-supposing that the majority of skippers are inhuman, and will not stop, whereas I am of the other opinion. I feel that practically 100 per cent of the skippers are human and will stop, and by stopping they may put themselves in a situation where in the absence of proof they may find themselves in trouble.

Mr. F. L. WALCOTT: Now that the lawyers have had their say, I will talk the fisherman's way. Two boats have collided; one goes down and the other is leaking. The skipper of the one that is leaking cannot save anyone from the other boat; he tells the Fishery Officer the circumstances, and as far as that was concerned he has committed no offence.

Mr. REECE: I do not believe that anyone would have any sympathy with a fisherman in charge of a boat, or with a skipper who after a collision fails to assist those who are in trouble if he can do so without any danger to his own crew. But suppose he had a good reason for not stopping. Suppose he and the owner of the boat have had a quarrel, and he does not go into court to help the owner. The owner has got to pay. It is the owner's position that has me worried.

Mr. LEWIS: Mr. Chairman,—I would like to say that I do not believe that fishermen are so inhuman that they would not render mutual aid in the case of a collision at sea. But I do think that it would be a good thing to provide for making it compulsory for them to do so, and for them to render some account if they fail to do so. I am not in a position to go into the question of whether he has to get away from conviction in French fashion, but I think he should be made to account for his action with regard to the loss of life. The honourable senior member for St. Joseph said at one time that a collision might occur and one of the parties might fail to comply with the rules of the road at sea. Someone said that one boat might ram another. That could only happen to someone ignorant of the rules of the road. Those who are in charge of fishing boats should have the rules of the road put before them, and should be tested on them, and they should be able to answer questions on them with some degree of competency before they are allowed to skipper a boat.

On the motion being put that sub-clause (2) stand part of the Bill the question was decided in the affirmative, the committee dividing as follows:—

Ayes: Mr. SPEAKER, Mr. F. L. WALCOTT, Mr. MAPP, Mr. LEWIS, Mr. BRYAN, Mr. COX, Dr. CUMMINS and Mr. ADAMS—(8).

Noes: Mr. DOWDING, Mr. E. K. WALCOTT and Mr. REECE—(3).

Clause 22 was then passed.

Clause 23 was read and passed.

The first Schedule was read and passed.

The second Schedule was read and passed.

On the motion of Mr. F. L. WALCOTT seconded by Mr. ADAMS the CHAIRMAN reported and Mr. SPEAKER resumed the Chair and reported the passing of the Bill in committee.

On separate motions of Mr. F. L. WALCOTT seconded by Dr. CUMMINS the Bill was read a third time and passed, and the title was read and agreed to.

DINNER ADJOURNMENT

Mr. ADAMS: I beg to move that the House do now stand adjourned for three quarters of an hour.

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

Mr. SPEAKER adjourned the House accordingly.

On re-assembling;

ACCIDENTS AND OCCUPATIONAL DISEASES (NOTIFICATION) BILL, 1951

Dr. CUMMINS: Mr. Speaker,—I ask leave to take Order No. 11 as the next Order of the Day together with Order No. 17 which is the consideration of the Report of the Select Committee in connection with that Order.

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

Mr. SPEAKER: The next Order of the Day stands in the name of the honourable senior member for St. Thomas:—To move the House into Committee on the Bill intituled an Act to provide for the notification of accidents and occupational diseases.

Dr. CUMMINS: This Bill was given its second reading and referred to a Select Committee. The Select Committee has reported and the consideration of the Report of the Committee is Order No. 17 on the Order Paper as honourable members will see. The Select Committee has amended Clause 9 of the Bill. That Clause, as it originally stood, provided for the making of Regulations and the laying of those Regulations "before the Legislature as soon as possible after they are made and if within the period of forty days beginning with the day on which the regulations are so laid, either House resolves that the regulations be annulled, they shall thenceforth be void but without prejudice to the validity of anything previously done thereunder or to the making of any new regulations."

That Clause was amended by (a) deleting the words "laid before" in line 2 of Sub-clause 3 and substituting the words "sanctioned by"; (b) by deleting the words commencing with the word "as" following the word "Legislature" in line 3, to the end of the Sub-clause, and substituting therefor the words "and be published in the Official Gazette before the same shall have the force and effect of law"; and (c) by deleting Sub-clause (4) entirely. I beg to move that Your Honour do now leave the Chair, and the House go into Committee on this Bill and that it be an instruction to the Committee that the Clauses of the Bill be taken as read on their numbers being called.

Mr. ADAMS 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.

Clauses 1 to 8 inclusive were called and passed.

Clause 9 was called.

Dr. CUMMINS: Mr. Chairman,—In moving that Clause 9 stand part of the Bill, I should like to state that it has been drawn to my attention that the amendments made by the Select Committee need not be considered inasmuch as Clause 18 of the Interpretation Act already makes provision for these matters. I beg to move that Clause 9 stand part of the Bill.

Mr. Cox seconded the motion which was agreed to.

Clauses 10 to 13 inclusive were called and passed.

The three Schedules were called and passed.

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

Mr. SPEAKER resumed the Chair and reported accordingly.

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

LEASE OF LAND TO THE VESTRY OF CHRIST CHURCH

Dr. CUMMINS: Mr. Speaker, I ask leave to take Order No. 14 as the next Order of the Day.

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

Mr. SPEAKER: The next Order of the day also stands in the name of the honourable senior member for St. Thomas:—To move the passing of the following Resolution:—

Resolution to make it lawful for the Governor-in-Executive Committee to lease to the Vestry of Christ Church that parcel of land containing by admeasurement one acre, two roods ten perches, part of Kent Plantation, situate in the parish of Christ Church for the purpose of establishing a Playing Field.

Dr. CUMMINS: As honourable members will see, this is a Resolution to authorise the Governor-in-Executive Committee to lease to the Christ Church Vestry this parcel of land containing 1 acre, 2 roods 10 perches formerly part of Kent Plantation for the purpose of establishing a Playing Field. I am sure that the honourable members for Christ Church will welcome the passing of this Resolution so that they can start with the establishment of this Playing Field, the erection of the pavilion, the making of roads and the installation of water, and the premises will be well established when the work is finished. I beg to move that this Resolution do now pass.

Mr. GODDARD: In seconding the motion for the passing of this Resolution, I would like to let honourable members know the progress which has been made with regard to the Playing Field at Sargeant's Village. It is situated in a most suitable place in Christ Church because it is in a built-up area; we are now erecting the pavilion which will look right on to the Playing Field. When the premises are opened in January, we expect as many honourable members up there as possible and Christ Church will extend its hospitality to them and any public-spirited person. This is one of the Playing Fields which we hope to erect in Christ Church, and we hope to have one in the Silver Sands district. We hope that the other Playing Field will be larger than the present one and that it will be just as ideally situated as this one is. Water has been installed, roads have been made and levelling has been done; anyone who is passing Sargeant's Village can easily see the site as it stands on a hill.

Mr. REECE: I would like to support what my colleague has said. It is very fortunate that we have obtained this site; there is only one difficulty and that is due to the water which comes down from the higher levels after a heavy rainfall, but that difficulty can be overcome by the sinking of proper wells. I do not think that that is any insuperable difficulty although it will entail a certain amount of expense. The people in the district are pleased to have the Playing Field and I hope that when it is to be opened, some honourable members on that side of the Table will still be members of the House and they will be able to accept our invitation to attend the opening ceremony. As my colleague has said, we would very much like to have another Playing Field and we hope, in the near future, to be able to ask for money with which to purchase a Playing Field in the Silver Sands area, and the Government will be willing to send down the necessary Resolution in connection with it.

Mr. LEWIS: I feel it should be stated that these lands are now the property of the Governor-in-Executive Committee and they were bought with money out of the Labour Welfare Fund. I know the statement was made that these lands were formerly lands of Kent Plantation, but I still feel that the present position should be stated, that is to say, that the lands are vested in the Governor-in-Executive Committee and they were bought with money from the Labour Welfare Fund. In that way we will have for the purpose of the record, how the Government came into possession of these lands.

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

PREVENTION OF FLOODS BILL, 1951

Mr. SPEAKER: The next Order of the Day stands in the name of the honourable senior member for St. Peter:—To move the second reading of a Bill to make provision for the execution of works necessary to prevent and control flooding and inundations caused by excessive rains and by high tides and by reason of low level of various places, causing inconvenience to persons and injury to health and property and to authorise the Governor-in-Executive Committee to take all reasonable steps in connection therewith.

Mr. F. L. WALCOTT: This Bill is one to make provision for the prevention of flooding. When it is remembered what took place on that fateful night in September, 1949, every hon. member will agree that it is the duty of the Government to prevent a recurrence of the disaster which took place then. Normally speaking, if the Government had taken it upon itself to bring forward this Bill in 1949, many an hon. member would have objected to it on the ground that we were taking away the rights of individuals to put their houses where they pleased; but the occurrence of September, 1949, has provided such an unhappy experience with regard to living conditions in the low-lying areas, that everybody is wise after the event. However, this is a matter which was engaging the attention of the Government prior to 1949.

The provisions contained in this Bill are not such that hon. members would want to dilate on them; this is one of those simple enactments to give authority to the Government to prevent people from living in certain areas. This is a bit of legislation which we can describe as something by which the Government is saving people from themselves. If any hon. member says that the Government is making restrictions or impositions on people, we will say that this is an imposition which is in the interest of the community as a whole.

This Bill gives authority to the Director of Highways and Transport to enter certain places and carry out certain work and it provides for the payment of compensation where any owner is deprived of any financial benefit. The Bill is a short one and I believe that hon. members have given it the attention which should be given to it. I doubt very much if we will hear the plea from members of the Opposition that they would like to have this Bill postponed. Without any more ado, Mr. Speaker, I beg to move that this Bill be now read a second time.

Dr. CUMMINS: I beg to second that.

Mr. MOTTLEY: The principle of this Bill is one with which, as the honourable senior member for St. Peter rightly implied, even the members of the Opposition will readily agree; we all agree that there is the necessity for a Bill such as this. I do not think I stand alone when from this side of the Table I say that there must be some legislation enacted in

this colony to control and prohibit the occupation of lands which are subject to being flooded. In this Bill the powers granted to the Director of Highways and Transport are fairly wide and I am hoping that those powers will not be misused. I say that for this reason; any heavy rainfall such as the one we had in 1949 will cause areas to be flooded unless they are at the tops of hills. There are those of us who do not live in what are recognised as flood areas, but everyone will agree that due to heavy rains at any time, the various districts become impassable. However, for generations we have had areas which are known as flood areas. The hon. introducer has said that this matter has been engaging the attention of the Government for some time; it is not a very popular thing to say, but although you may hurt somebody, you must call a spade a spade. I think in terms of Delamere Land which has been a housing area for many years; after the Government had to spend thousands of dollars in removing people from that area to an area where there would not be any flooding, it was, in my considered opinion, unkind and rather hard on people to have them putting back houses in that area. I have on many occasions been approached about this area. I do not like to think that anything is done to deprive any individual of his property, but as a member of this Assembly, I must realise my responsibility as one to whom people will look for leadership and guidance. I consider that people should not be encouraged to live in the Delamere district in the circumstances; that is my conscience although people may not like me to say so. I repeat, I do not think it is fair, after the Government spent so much money in removing those houses from that area, that people should be allowed to go back to that area and live because they could not find anywhere else to live.

I am glad to see that this Bill has been brought forward. There are certain amendments which we will suggest, but it must not be taken that because we offer those amendments, we are in any way opposed to the principle of the Bill. It is not only Delamere Land that I am concerned about; it is a fact that in this island we have natural watercourses and in these watercourses for many years we have had suck wells which were opened by plantation owners or other people, because it was felt that those wells were the means of taking off some of the storm waters before they reached the City area. But those wells have been closed due to the neglect of somebody who should be looking after them, and I think that some of those wells should be re-opened, or the persons responsible for looking after the flood areas should make a survey of the areas in order to see what can be done before we actually declare them to be flood areas. The right of appeal will have to be given in this Bill and I repeat that when we go into Committee on the Bill we will make certain suggestions and observations.

There must be two different points of view in respect of this Bill; there is land which is rented to people for the purpose of erecting houses and there is land which is owned and occupied by people, and consideration must be given to those people. You will find that within years roads have been built up and that has caused flooding in the various areas. I think that very careful consideration should be given by the Director of Highways and Transport before areas are declared to be flood areas; on the other hand, there are areas which must be declared as flood areas and the erection of houses in those areas must be prohibited. It would be wise for the authorities to find something profitable to do with the land on which the erection of houses is prohibited because while land may be most unsuitable for human habitation because of flooding, it may well be fit for the cultivation of trees or the production of bananas or anything of that sort; but I see that even in respect of cultivating trees in a flood area permission must be obtained.

The points of view which I have expressed must be borne in mind by the authorities which are set up to deal with this matter. Originally owners of houses erected those houses in the various places there was no question of flooding, and I will say that Broad Street or Speightstown can be considered as a flood area if you have a good rainfall. I am not defending people who own land and rent it out in tenantry and then the tenantry is unfit for human habitation; the Government should come in not only to protect the people from themselves, but also to see that they do not allow people to live in places which are not conducive to their well being. Where the Government makes land low-lying, where the land is made into a flood area, then very careful consideration must be given to that matter. There are in this colony people who, as soon as they reach a certain position and are in authority, make laws like those of the Medes and Persians and nobody must question them. It must be borne in mind that roads have been raised to such an extent that where people's lands were above the road they are now below the level of the road. I remember well a flood area which my colleague and I happened to visit immediately after the flood in which a lot of people lost their lives; I refer to Chapman Lane. I got the Director of Medical Services to visit that area along with us and it was felt that the only thing which could be done was to get a survey of the area and have levels taken. At one time Baxters Road was much below Kensington area and today it is above that area; as a result of the building up of the road the water from the higher level floods the Kensington area. As I say, all these things must be taken into consideration before you declare an area to be a flood area. Many of these areas can be regarded as flood areas as a result of the development of the road by Government; it is not so in every case, because there are some areas which have been flood areas from time immemorial.

In late 1949 there was a tremendous loss of property; while you must enact legislation for the protection of people there are areas in which you cannot pass after two or three inches of rain and there are areas which, without an abnormal rainfall, you cannot say are flood areas. I do not think that there should be any fear in the mind of the hon. senior member for St. Peter as to any opposition to this Bill because one would be out of his mind not to support a Bill which is for the safety and protection of the people of this colony, who cannot protect themselves, people who can be led to live in certain places because they cannot find other places in which to live, and then when it rains the Government will have to find money to remove them from those places. The owner of Delamere Land should not have been allowed to let people go to live in that district; after the Government spent money in removing people from this area you find people saying that there is no other place for them to go and they will remove to this district. I have much pleasure in supporting the motion for the second reading of this Bill and I again repeat that when the House goes into Committee on the Bill there are some amendments which we on this side of the House will offer.

Mr. LEWIS: Mr. Speaker,—This is a Bill that concerns to some extent the constituency which I have the honour to represent. I regard it as a most necessary piece of legislation, and I compliment the

Government on having brought it down. There are people in this island who feel that something could be done to prevent the flood area from flooding. I remember that even early in the regime of Sir Grattan Bushe there was a speech from the throne and it was said that the Government had under active consideration the canalisation of the Constitution Swamp. I feel that Government thinks it is sufficient to declare this area a flood area so that no one can live on it. In the city as well as in St. Michael it is good to have some open spaces. There are people who feel that it is possible to make the whole area free from flood. I feel that the Government in carrying out certain works to prevent flooding is following the line of least resistance.

Motion that the Bill be read a second time was put and carried *nem. con.*

On the motion of Mr. F. L. WALCOTT seconded by Dr. CUMMINS His Honour the Speaker left the Chair and the House went into Committee on the Bill, Mr. SMITH in the Chair.

Clauses 1 to 3 inclusive were read and passed.

Clause 4 was read.

Mr. DOWDING: Mr. Chairman,— I would like to ask to what does the clause refer when it says that a Vestry may be required to pay the cost or part of the cost of such flood works.

Mr. F. L. WALCOTT: I can only take it that it means what it says.

Clause 4 was then agreed to.

Clauses 5 to 9 inclusive were read and agreed to.

Clause 10 was read as follows:—

10. (1) No compensation shall be payable in respect of any of the following provisions in a flood area, namely any provision which—

(a) prohibits or restricts building operations permanently on the ground that by reason of the situation or nature of the land, the erection of dwellings thereon would be likely to involve danger or injury to health or to the life and safety of the inmates of such dwellings; or

(b) prohibits (otherwise than by way of prohibiting building operations) the use of land for a purpose likely to involve danger or injury to health or to the life and safety of persons resorting thereto or restricts (otherwise than by way of restricting building operations) the use of land so far as may be necessary for preventing such danger or injury.

(2) The fact that any land was used or was capable of being used for the erection of dwellings prior to the commencement of this Act, shall not be taken into account in the assessment of compensation and no account shall be taken of the rental value of such land.

(3) Any enhancement of the value of other land shall be taken into account in the assessment of compensation.

(4) Where the Governor-in-Executive Committee has declared an area to be a flood area and plans have been approved by both Houses of the Legislature in respect thereof and it is proved to the satisfaction of the Governor-in-Executive Committee that the owner or occupier of any land or building in such area was given due notice prior to such declaration to the effect that no building should be erected thereon, no compensation shall be payable in respect of any building in such flood area, the erection of which was begun after due notice was given as aforesaid.

Mr. ADAMS: Mr. Chairman,—Before the question is put I am proposing the following amendment: that the words "whether before or after the passing of this Act" be inserted in line 7 of sub-clause (4) after the word "declaration." I am proposing this amendment because I want to make it abundantly clear for this reason: In September of 1949 when we came to the House for approval to move houses to the Bay Land I said clearly then that people were not to think that they could put back other houses there and then expect a vote of money to get them off again. When the houses began to go back to the area, Mr. Lashley the Housing Board Secretary, spoke to the people, and in one or two cases they said they could not help themselves. But undoubtedly some people feel that the Government should pay them for moving these houses to the Bay Estate. I gave the warning when we were moving houses from there that if we found people putting back houses on that area we would bring down a Bill to remove them. There will be individual cases where the owners could do no better; but it would not be fair to take £50 and move each of those houses after they got that warning. Some, I have no doubt, deliberatcly moved their houses there hoping that we would then move them to the Bay Estate. I am suggesting that we should make it abundantly clear. Sub-section (2) of Section 6 provides for cases where the Government will pay compensation. But when we are satisfied that people deliberately moved there we will pay no compensation because we warned them as far back as 1949.

Mr. F. L. WALCOTT: I will accept the honourable member's amendment.

Motion that the clause as amended stand part was put and agreed to.

Clauses 11, 12, and 13 were read and agreed to.

On separate motions of Mr. F. L. WALCOTT seconded by Dr. CUMMINS the Chairman reported and Mr. SPEAKER resumed the Chair and reported the passing of the Bill in Committee with one amendment.

On separate motions of Mr. F. L. WALCOTT seconded by Dr. CUMMINS the Bill was read a third time and passed, and the title was read and agreed to.

BILL TO AMEND PENSIONS ACT

Mr. ADAMS: Mr. Speaker,—I am asking leave to take Orders Nos. 5. and 6 as the next Orders of the day.

There being no objection leave was granted.

Mr. SPEAKER: The next Order is in the name of the Honourable senior member for St. Joseph—to move the second reading of the Bill to amend the Pensions Act, 1947.

Mr. ADAMS: Sir,—As honourable member will see from the Objects and Reasons this Bill seeks to amend the Pensions Act, 1947.

If honourable members will look at the Pensions Act they will see those grounds of ill health etc. referred to. It is reasonable, one might say, that if an officer accepts another job while he is a pensioner, that it should not be left to the discretion of the Government whether his pension should be cut down or suspended during the time that he is holding that other job. Cases of appointing an officer on pension will be very few. The other things speak for themselves. This is a general provision which is being made in the Services throughout the British Empire. If a man does not leave a widow, but his father or brother were dependent on him, they would benefit in the same way as if it were his widow or mother. I move, Sir, that the Bill be read a second time.

Dr. CUMMINS seconded and the motion was put and carried *nem. con.*

On motion of Mr. ADAMS seconded by Dr. CUMMINS, HIS HONOUR THE SPEAKER left the Chair and the House went into Committee on the Bill, Mr. SMITH in the Chair.

The four clauses of the Bill were read and passed.

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 motions of Mr. ADAMS seconded by DR. CUMMINS the Bill was read a third time and passed and the title was read and agreed to .

PENSIONS (AMENDMENT) REGULATIONS, 1951

Mr. SPEAKER: The next Order stands in the name of the hon. senior member for St. Joseph — to move the passing of the following Resolution:—

Resolved that the House of Assembly approve the Regulations entitled "The Pensions (Amendment) Regulations, 1951, made by the Governor-in-Executive Committee on the 30th day of August, 1951, under the provisions of Section 3 of the Pensions Act, 1957 (1947-20).

Mr. ADAMS: Mr. Speaker,—In moving that the House approve these regulations, perhaps I should say a few things. Under the Pensions Act, 1947, the Governor-in-Executive Committee is empowered to make regulations for the better carrying out of the provisions of the Act. Now, Sir, these regulations, as honourable members will see have as their object the increasing of pension and gratuity in cases where people retire with less than 20 years' service. People who served for 10 years but for less than 20, will by these regulations be entitled to pension as if they had served for 20 years. This will come about as a result of an amendment to Regulation 5, and the provisions of it will be deemed to apply to officers who retired from service anytime after the 1st of April, 1951 or who retired on or before that date and were living at the time of the commencement of the Regulations. Regulation 8 is also to be amended in order to include officers who have originally served with the Governments of Ceylon and Palestine. This is a result of the bringing up to date in all the colonies of the Empire provisions for persons who may have been transferred from one colony to another. Honourable members will remember the Schedule to the principal Act setting out the colonies in respect of which—but honourable members do not seem as anxious to hear as I am to say. I take it that they have already read the Regulations and agree with them, and that this is why they are not listening at present. I beg to move that the Resolution do now pass.

DR. CUMMINS seconded, and the motion was put and carried *nem. con.*

BILL TO CONTINUE TEMPORARILY CERTAIN EMERGENCY ENACTMENTS.

Mr. ADAMS: Mr. Speaker,—I am asking leave to take Order No. 12 as the next Order:—

There being no objection leave was granted.

On the Order being called for Mr. ADAMS to move the seconding reading of a Bill intituled an Act to continue temporarily certain emergency enactments:

Mr. ADAMS: Mr. Speaker,—The object of this Bill is to continue to the 31st of March — and then it can be considered whether to put permanently on the Statute Book or in the Expiring Laws Act — the Export and Import Registration Act and the Aliens Registration Act of 1939. Both of these Acts provide that they should be continued for the duration of the war; but it is a debatable point among lawyers whether the official end of a war is the armistice, or whether a war can be said to be legally ended until the Peace Treaty has been made by the parties and signed by the Governments of those parties. I am one of those who believe that until the latter is done the war is not legaliy ended. When the Governor-in-Executive Committee sent this down it seemed as if everything would be concluded in a short time and a peace treaty would soon be arrived at and signed and ratified by the British Government on one hand and by the two Governments of Germany on the other. That has not yet been done. As I have said, I am one who feel that we are still at war. We were advised by the people who advise in matters of this sort in Great Britain, that notice of the termination of a state of war would soon be published. The Government feels that out of abundance of caution, since what we were told has not yet happened, we should proceed with this Bill. I have heard unofficially that there are members of the Opposition who felt some months ago that these Acts should not be continued. I do not think that anyone today could be of that opinion whether he is a merchant or otherwise. Things are in much the same position that they were in in 1938 both as regards rumours of war and of uncertainty in the production of consumer goods, especially things which are of such importance to a colony that has to depend on importation for its foodstuffs. Therefore, I suggest to hon. members that whatever their views might have been six months ago, they should readily agree with the view that this is merely to the end of the financial year, and it is the height of wisdom to pass this Bill. By the end of the financial year we will know more clearly where we are. I am not normally a pessimist; but I do not think that things will get any better. At any rate when we are dealing with the Expiring Laws Continuing Act at the end of the financial year and by some miracle the war clouds have lifted we will be able to know whether or not we should discontinue the Acts. I now move, Sir, that the Bill be read a second time.

DR. CUMMINS seconded.

Mr. E. K. WALCOTT: Mr. Speaker,—I am in the unhappy position that at the time this Bill was given notice of I was ill, and could not attend the House, and no copies of it are now available. I have listened carefully to the honourable senior member for St. Joseph. I understood that this Bill has been on the Order Paper since the 24th of April. During my absence, as far as this side of the table is concerned, some decisions were taken about it, and there were some talks or discussions. It is strange that the Bill should be taken tonight like this. I do not even know what decision was arrived at by this Party. I have had no consultation with regard to it. I have never had a copy of the Bill. I understand from what the honourable senior member for St. Joseph has said that it is a question of certain wartime emergency powers which we extended by subsequents Acts. Today I understand that the honourable senior member for St. Joseph takes the view that the war is not yet over, and that these measures should still remain in force. Maybe that is so. I have not been in a position to give the matter my attention. I am very sorry that the honourable member is going to take it tonight. We have gone all over the Order Paper like mixing a hodge podge. No order is maintained. I really did not expect that we would be faced with a controversial matter like this tonight. I am not in a position to debate it. If the other members of my party who are here are in a position to do so it is a matter for them.

It must have been fairly controversial that it was left over. If it is not necessary that it be passed tonight it can be put first on the Order Paper for next meeting so that we will know that we will be dealing with it.

Mr. REECE: Mr. Speaker,— I feel, like the honourable senior member for St. Joseph that the war is not yet officially ended, and that these enactments should remain in force. I agree too with the honourable member that the world condition at this time is such that there is no likelihood of these peace treaties being immediately brought into force. We are tonight proposing to limit these Acts to the 31st of March. When that day comes we will do one of two things: either put them on the Expiring Laws Act and pass them annually, or bring down a Bill to give them life for all time. That will depend on the Government in power. I do not think that legislation of this type should be permanent. At the most it should be considered annually. As things stand, no one will suggest that these enactments should be repealed. I would suggest that nothing should be done at the present to restrict these powers. When the 31st of March comes they will automatically cease. With conditions as they are today I agree with what the honourable senior member for St. Joseph has said. I do not think that there is a member of this House who will seriously suggest that these restrictions should be abolished — not even merchants. If the war ended with the armistice, I suggest that many people must have been wrongly convicted by Police Magistrates under the provisions of these enactments. The war is still on, and these enactments will continue in force until the war is over.

Mr. ADAMS: While it is perfectly true that these measures may be deemed to be in operation until the war is over, on the other hand it is almost inconceivable that there will not be a Peace Treaty before the 31st March, so that we are putting this off until the end of the next financial year. I suggest to hon. members that anybody, however blind, must see that it is more likely for the war to be over before late next year and we had better be on the safe side. It is a good thing to anticipate trouble rather than wait until trouble takes place and then try to remedy it. It was only an act of the Government which prevented the exportation of fancy molasses by tanker. I counsel hon. members to vote for this Bill.

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

On the motion of Mr. ADAMS, seconded by Dr. CUMMINS, Mr. SPEAKER left the Chair, and the House went into Committee on the Bill, Mr. SMITH being in the Chair.

The Preamble was read and agreed to.

The two Clauses of the Bill and the Schedule were read and passed.

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

Mr. SPEAKER resumed the Chair and reported accordingly.

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

THE ADJOURNMENT

The Order Paper having been fixed.

Mr. ADAMS: I beg to move that this House do now adjourn to Tuesday next, the 16th day of October, 1951, at 3 p.m.

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