

THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1954—55

HOUSE OF ASSEMBLY

Tuesday 23rd November, 1954.

Pursuant to adjournment the House met at 3 o'clock p.m. today.

PRESENT :

His Honour Mr. K. N. R. HUSBANDS, (*Speaker*), Hon. Dr. H. G. CUMMINS, M.D., C.M., (*Minister of Social Services*), Hon. M. E. COX, (*Minister of Communications, Works and Housing*), Mr. L. E. SMITH, J.P., (*Chairman of Committees*), Hon. R. G. MAPP, (*Minister of Trade Industry and Labour*), Mr. F. C. GODDARD, (*Leader of the Opposition*), Mr. F. E. MILLER, Mr. J. A. HAYNES, B.A., Hon. C. E. TALMA; (*Minister of Agriculture Lands and Fisheries*), and Mrs. E. E. BOURNE.

Prayers were read.

Mr. LEWIS entered the House and took his seat.

MINUTES

The Minutes of the Meeting which was held on the 10th November, 1954 were taken as read and confirmed.

DOCUMENTS

Mr. SPEAKER: I have the honour to inform the House that I have received the Report of the Highway Commissioners of the Parish of St. George for the half year ended 30th September, 1954 also the Report of the Highway Commissioners for the Parish of St. James for the half year ended 30th September, 1954; also the Financial Report of the Accountant General for the month of October, 1954.

I have received a letter from Mr. G. B. Evelyn, C.B.E., the former Speaker of the House presenting a photograph of himself to the House, if they would care to accept it.

Mr. VAUGHAN entered the House and took his seat.

MR. EVELYN'S PICTURE ACCEPTED

Hon. Dr. H.G. CUMMINS: Mr. Speaker, I beg to move that the photograph of Mr. Evelyn, the former Speaker of this House be accepted, and that you take care of its being hung in the gallery of the House.

Hon. M. E. COX: I beg to second that. The motion was put and agreed to.

PAPERS LAID

Hon. H. G. CUMMINS: Mr. Speaker, I am commanded by His Excellency the Governor to lay Message No. 30/1954 regarding the establishment of a Statistical Service for the Island.

The Message reads as follows:—

MESSAGE

MESSAGE No. 30/1954

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

His Excellency the Governor has the honour to refer to the section headed "Department of Statistics" on Page 26 of the Five Year Plan of Development and Taxation and to inform the Honourable the House of Assembly that consultations have taken place with the Chief Statistician at the Colonial Office and Mr. Dudley Seers of the United Nations Secretariat in connection with the establishment of a Statistical Service for the Island. As a result, the Government has asked the Secretary of State to make application to the United Nations Technical Assistance Administration for the services of a suitable expert to advise the Government, establish the Service and train local personnel to carry it on. This application has been made subject to the provision by the Legislature of the funds to cover travel, local expenditure, accommodation and junior assistance, etc., which are expected to be the obligations of this Government under such an arrangement. It is proposed to submit a Resolution for the required amount as soon as a reply has been received from the Secretary of State and it is possible to arrive at an estimate of costs.

R. D. H. ARUNDELL,
Governor.

Government House,
Barbados.

23rd November, 1954.

(M.P. 7479/33).

Hon. Dr. H. G. CUMMINS: (On behalf of the Premier):—

Statement showing Gross Customs and Excise Receipts for five months ended 31st August, 1954.

Statement showing Gross Customs and Excise Receipts for seven months ended 31st October, 1954.

HON. M. E. COX: Statement of Post Office Advances for payment of Money Orders to 31st August, 1954.

Hon. C. E. TALMA: The British Caribbean Meteorological Service Second Annual Report, 1953.

Mr. BARROW entered the House and took his seat.

PETITIONS

Mr. GODDARD: Mr. Speaker, I beg to present the following petitions: Petition from the Vestry of Christ Church praying the House to pass a Bill to authorise them to pay a pension to J. A. T. Coleman, Inspector of Highways.

Petition from the Vestry of Christ Church praying the House to pass a Bill to authorise them to pay a pension to Roland Eversly, formerly Assessor of Christ Church.

The Petitions in each case are respectfully worded, and I ask that they be taken as read.

The Petitions were taken as read.

NOTICES

Government Notices were given as follows:—

Hon. Dr. H. G. CUMMINS: (On behalf of the Premier):—

Resolution to sanction the Regulations entitled "The Petroleum (Amendment) Regulations, 1954".

Hon. Dr. H. G. CUMMINS: (On behalf of the Premier):—

Resolution to place the sum of \$30,000 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1954—55, Part I, Current, as shown in the Supplementary Estimate 1954—55, No. 27 which forms the Schedule to the Resolution.

Hon. M. E. COX: Resolution to place the sum of \$20,000 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1954—55, Part II, Capital, as shown in Supplementary Estimate 1954—55, No. 28, which forms the Schedule to the Resolution.

Hon. Dr. H. G. CUMMINS: Bill to amend the Married Woman's (Separation and Maintenance) Act, 1950.

Hon. R. G. MAPP: Bill to amend the Harbour and Shipping Master Act, 1909.

Hon. Dr. H. G. CUMMINS: Notice of my intention to move the House into Committee of Supply at its next meeting in order to consider the money Resolutions of which notice has just been given.

PRIVATE MEMBER'S NOTICE

Mr. GODDARD: Bill intituled an Act to authorise the Christ Church Vestry to pay a pension to J. A. T. Coleman.

Mr. GODDARD: Bill intituled an Act to authorise the Christ Church Vestry to pay a pension to Roland Eversly.

VACANT POST OF MESSENGER AND LIBRARY ATTENDANT

Mr. LEWIS: Mr. Speaker, I am wondering if I am in order in enquiring under the Head "Committees' Prepared to Report", about the Report of the Committee which was appointed to make recommendations in connection with the post of Messenger and Library Attendant.

Mr. SPEAKER: I should like to inform the honourable member that sub-committees have been appointed as a screening Committee to screen the

applicants, and the last of these Committees only met yesterday.
3.25 p.m.

BILLS READ A FIRST TIME

On the motion of Hon. Dr. H. G. H. CUMMINS seconded by Hon. M. E. Cox the Bill to amend the Married Women's (Separation and Maintenance) Act, 1950, was read a first time.

On the motion of Hon. R. G. MAPP seconded by Hon. C. E. TALMA the Bill to amend the Harbour and Shipping Master Act, 1909, was read a first time.

On separate motions of Mr. F. C. GODDARD seconded by Hon. C. E. TALMA, the Bill to amend the Christ Church Vestry (Eversley Pension) Act, 1954 and the Bill to amend the Christ Church Vestry (Coleman Pension) Act, 1954, were read a first time.

BILL TO PROVIDE FOR ADOPTION OF CHILDREN

Mr. SPEAKER: The first Order stands in the name of the Hon. Minister of Social Services: to move the second reading of a Bill to make provision for the adoption of children.

Hon. Dr. H. G. H. CUMMINS. Mr. Speaker,—The first Order of the Day is the second reading of a Bill to make provision for the adoption of children. As honourable members will know, people now-a-days adopt children of their relatives or their friends, or adopt their God-Children etc. It very often brings dissatisfaction because sometimes, when those children have reached adolescent age, if not maturity, they are sometimes called back by their parents, and all that their adopted parents have done is in vain. This Bill seeks to make provision for the first time, for legislation to sanction the adoption of children.

It will be remembered that Mr. L. E. R. Gill when he was a member of this House representing St. Andrew, produced a Bill of this sort; but before the House had time to deal with it the session came to an end. The Government sees such a need for this Bill, and has followed on where Mr. Gill left off.

This Bill is largely based on legislation existing in Great Britain, Trinidad and St. Lucia; and when the Bill becomes law, the relationship between adopted parents and adopted children will truly be that of parents and children. The Bill seeks to ensure that parents of the child will be made aware of the consequences developing from adoption, and the consent of all persons concerned will have to be obtained. There is provision for a trial period of six months before an adopted parent, or rather a prospective adopted parent can seek legislative authority to adopt the child.

Clauses 3 to 6 seek to make provision that the Social Welfare Officer shall be the person responsible for making all necessary enquiries relating to, and arrangements for the adoption of an infant. The results of these investigations and enquiries shall be made available to the Court having jurisdiction to make adoption orders.

Clauses 7 to 10 provide that before the making of an adoption order is considered by a Court there shall be a trial period of six months during which an infant is placed by the Social Welfare Officer in the care and possession of the would-be adopter. During this time the infant shall be under the supervision of such persons whom the Social Welfare Officer may appoint for the purpose.

Clauses 13 and 14 set out the grounds on which the Court is authorised to make an adoption Order, and in Clauses 15 and 16 are set out the provisions

relating to the consent which is required for adoption from those persons having an interest in the adoption of the infant.

Clause 17 seeks to ensure that the parent or guardian of a child will be made aware of the consequences that result from adoption, and that the consent of all persons having a vital interest in the adoption of a child shall be obtained.

Clause 20 provides for dispensing with the trial period of six months in cases where *de facto* adoptions existed for at least six months prior to the commencement of the Act.

I was surprised to know that the number of cases of adoption that existed in Barbados and the number of people that were interested in the passing of this Bill. Many of them came to me and discussed the Bill.

Clauses 22 to 26 contain the main principle of the legislation and set out *inter alia* the rights, liabilities etc. of the parents of the child, the adopted parents and the child generally in relation one to the other and especially in the light of certain legislation, e.g. Friendly Societies Act, Bastardy Orders, intestacies, wills and settlements.

Clauses 27 to 29 provide for the keeping of an adopted children register and for the making of appropriate entries therein.

Clause 30 incorporates the provisions of the United Kingdom legislation which enables children for whom arrangements for adoption have been made to be transferred under proper safeguards to British subjects registered abroad in cases where such a transfer would be for the welfare of the child.

Clause 31 sets out the purpose for which regulations may be made under the Act, and clauses 32 to 35 contain the penalty clauses for certain infringements of the Act.

Clause 36 prohibits, except with the sanction of the Court, the taking of any payment or other reward in respect of the adoption of an infant. Clause 37 places a restriction upon certain advertisements relating to the adoption of an infant.

As I have said, Mr. Speaker, this Bill is similar to legislation existing in the United Kingdom, Trinidad and one of the smaller Islands. I beg to move that this Bill be now read a second time.

3.35 p.m.

Hon. M. E. COX: I beg to second that.

Mr. BARROW: Mr. Speaker, the Hon. Minister of Social Services in his opening remarks stated that this Bill was introduced by one of the late members for the parish of St. Andrew, Mr. L. E. R. Gill, and I can inform the House that the date of that Bill was 10th July, 1951. Just before the House was prorogued on the last occasion, I gave notice of a similar Bill; because, I considered that a considerable period had elapsed, (more than three years) and Government had taken no step towards implementing a Bill similar to the one Mr. Gill placed before the House. The only reason why I did not proceed to move the passage of that Bill of which I gave notice, was because the learned Attorney General of this island consulted me and said that there were one or two points in the Bill on which he would like to check up, and he would in the fullness of time allow me to proceed with the Bill, provided that some compromise was arrived at. That was a request to which I was willing to accede. There is a line of demarcation between controversial and noncontroversial legislation. I do not consider that the Bill before the House is of a controversial nature. In the same way one can identify a certain sphere for private members Bills and another sphere for Government Bills which would normally emanate

from one of the Ministers who are now holding offices, they are several Bills which private members cannot introduce in this Chamber. We need not go into the list of those specific Bills; but we know for instance, that a Bill which would in a way alter the prerogative of the Crown or a Bill involving the expenditure of monies out of Public Treasury of the island, cannot normally be introduced as a Private Members' Bill. A Bill of the first class, (one which would alter the position or the prerogative of Her Majesty-in-Council) is a Bill like the Crown Proceedings Act. Such a Bill would give the subjects of the Island the right to sue the Crown in tort or contract in the Courts of this Island. That is a highly desirable Bill; because now that statutory powers are being established and there is normally a devolution and delegation of the powers of this Chamber and Ministerial powers of statutory Boards and authorities, it seems to me that citizens should have some redress in the courts of this island against any tortuous actions which may be committed by any of the employees of the Crown, either against the person or the person's property. For example, Mr. Speaker, a man may be run over by one of the motor lorries of the Highways and Transport today, and he has absolutely no redress apart from his right to bring an action against the particular driver of the motor lorry, who like most men in this island, is usually a man who is not enjoying an adequate income and a man who has no substantial means of his own. Therefore, in these days when Government carry on the activities which hitherto were peculiarly a sphere of private enterprise, it seems to me that the Crown Proceeding Act should be passed. The Crown Proceeding Act has been lying down in the Attorney General's Office for a considerable length of time. I believe it was at the invitation of Her Majesty the Queen that this particular department was inspired to even draft such a Bill. It has not been introduced. This very important measure as far as citizens of this colony are concerned, has not yet been introduced. I therefore find it difficult to understand, how important legislation of that nature which cannot with any propriety be introduced by private members of this House, why the Government should be so anxious to usurp the privileges of private members to introduce non-controversial legislation, and to leave undone those things which they ought to have done.

Another example is the Contributory Negligence Act which was the subject of one of the first speeches I made in this Chamber. I suggested to the Government in my maiden speech, that the Contributory Negligence Act should be on the Statute Book of this Colony. I waited for a considerable time for Government to bring it down, and after that was not being done I took it upon myself to draft it; and as soon as I did that, without any prior consultation with the private member who introduced the Bill, the Government then decided that the Contributory Negligence Act, which was substantially the same as the one which I introduced to the Chamber, should be put on the Statute Book, and the Government brought it down. It seems to me, that that was a deliberate act to usurp the prerogative and privileges of private members and to neglect those functions which the Government should properly exercise.

Mr. Speaker, if you look at the Letters Patent which is *fons et origo* of the constitution of this Island, you will see that the Government also introduced a private Bill as a public Bill not very long ago in this Chamber. I am referring to the Bill relating to the installation of tanks for the shipment of vacuum pan molasses from Needhams

Point. I submit, Mr. Speaker, that there is a studied attempt on the part of the Government to make sure that private members do not introduce any useful legislation in this Chamber, or that they do not get any credit for spending six months or more burning midnight oil, sitting up to accommodate the Attorney General.

As was suggested, I would accept any amendment which the Social Welfare Department wanted to insert in the Bill; and furthermore, I would be quite willing to proceed with the Bill in the form which was approved by that department. However the next thing we know was, that the Government had introduced this Bill for the adoption of children. It had done so after we were waiting three years and we were given no indication that Government was on the point of even considering the matter.

3.45 p.m.

I think great tribute must be paid to Mr. Gill, who was the first person to introduce an Adoption Bill in this Chamber in July 1951. I would like to inform honourable members of the Government who are not acquainted with drafting, that it is an extremely technical job and it takes a considerable amount of time to do it, and if private members give up their time to the drafting of Bills which are in the interest of the community, bills which are non-controversial, I feel that they should be given the credit in introducing these Bills as long as a compromise has been reached between the private member and the Government department concerned. I hope it is a practice which will not be pursued in the future, and that the Attorney General of this Island will devote his attention to the presentation of Bills like the Crown Proceedings Act and other Bills which private members would like to see but who cannot interfere with them, and leave matters of this nature to the private members of this House as long as they give some indication that they are willing to assist the Government in this work by preparing these Bills. I would like to say that I agree entirely with the amendment which the Attorney General has put in the Bill. It is an amendment which distinguishes this Bill from the 1950 Act in the United Kingdom; but there are one or two omissions in this Bill which I feel should be drawn to the attention of the Hon. Minister for Social Services.

There is the question of the reciprocal arrangements when a child is being adopted from overseas and *vice versa*, reciprocal arrangements to enable a British Subject who is out of the island say, in the United States of America, who might be willing to adopt a child from this colony so that the status of the child will be established not only under the law the country to which the child is sent, but also in the eyes of Barbados law. The various proprietary rights might accrue to that child with the passing of time. That is a very important provision, which after a very diligent search, I have not seen in this Bill. There are adopted children in this island who were born in the United Kingdom, and there are many more children waiting to be adopted in the United Kingdom who might find good homes in this island of Barbados. Similarly, there are a lot of childless couples in the United States of America who have relatives in this colony and who would be only too willing to provide a home, care and attention which those children so sadly need. I therefore ask the Hon. Minister of Social Services to consider the point as to reciprocal arrangements; not necessarily with foreign countries, but with any country that is willing to enter into these arrangements with us. It may be true that adoption might take place in the United States of America, but the position of the child in respect of Barbados law would not

be clarified until such a provision is embodied in the present Bill.

Hon. G. H. ADAMS and Mr. BRANCKER entered the House and took their seats.

Mr. VAUGHAN: I, like many other citizens of this colony, was hardly aware that we had any children legislation in this island; because on the surface so many children are apparently neglected, that it would certainly become a revelation to us that there is such a thing in this colony as the Children Bill. At least it is a revelation to me. There is need in this island for comprehensive children's legislation. About Bridgetown we can see on days, hordes of little children wandering hopelessly about, and left up to themselves as if they belong to nobody. Neither their parents nor the State seem to care anything about them. However, adults owe a great responsibility to children; and in the larger parts of the world child legislation is a most important item; and many departments of the Home Office have the direct responsibility for the guardianship, (if I may so put it,) both of the children and the care of the adults and the care of those of adopted parents. We have an idea in this country, that a child so to speak belongs to the parent body and soul. That is not true; the child also belongs to the community. Therefore no Government today should be indifferent to the treatment which parents mete out to their children. Broadly speaking, the Barbadian parent is a lovable parent; but, Mr. Speaker, there are degrees of love. Some are so loving until they ruin the children; others are entirely indifferent to the bringing up of the children; others still are cruel in the bringing up of children. While spending time some months ago in a country district, I knew a little girl about 12 years old, and one night of the week I was in Speights-town and to my surprise this little girl was standing on the bridge about 9.30 o'clock or so. I enquired about this and it was perfectly true what she told me, namely, that she was running from her home because her father would beat her. She said that he would tie her to a tree and be seriously cruel to her, so she was running from her home all by herself late that night. That is the position where a child is exposed to something worse being done to it. In these districts the child should be the responsibility of the community. It is important that a parent should correct a child; I do not believe in the modern method of correcting a child. You have to give a child love and correction. If you give it all love and no correction you will ruin it; and if you give it all correction and no love, you will ruin it just the same.

3.55 p.m.

There should be some public authority in these villages who would be responsible for bringing people to justice responsible for such cases of cruelty; and if the cruelty persists, the guilty persons should not be allowed the further guardianship of the child.

There is in this island, an important section of people; how important they are, few of us stop to reflect upon. They are doing an invaluable social service in this community. I am speaking of those people who adopt poor children, children of poor families, and bring them up with as great care and love as if they were their own. There are hundreds of families who have adopted children in this island; and but for those families, God knows what would become of the neglected children who are so prevalent in the community, — unwanted children who are forced to be unwanted by the circumstances of their parents. Those who have adopted such children and have brought them up with care, love and generosity

are performing, as I have said, an invaluable social service.

In my opinion, however, the Government of Barbados has done nothing yet to touch this problem of stray children and neglected children, who will become a charge on the community if they are not to grow up as undesirable citizens. The Government of Barbados must begin to take a greater notice than it has taken hitherto of the neglected children in this community; we owe it to them.

There are parents who have no right with their children. The Social Welfare Officer who will be responsible for this part of Social Welfare (Adoption of Children) must be a most particular person. There are some Social Welfare Officers who will transfer a dirty but happy child to an institution, to make it a clean but miserable child. I do not agree with that. You cannot exchange happiness for cleanliness. The idea of transferring a dirty but happy child to an institution to make it a clean and miserable child must be cut out.

Discipline of the child is important if the child is to grow up to be a valuable citizen; but love is also important. You must avoid institutionalising children as far as it is humanly possible. On the other hand, we have to choose the people selected to be adopted parents with the most careful eye that human judgment can give. Government should bring down some comprehensive legislation where the welfare of children in this island is concerned. I say that because to-day, modern parents do not seem to have as much time to bring up their children as the parents of a former generation. Take the school girls of Secondary Schools: perhaps transportation may be something to do with it, but you very often see these school girls dismissed from school at three o'clock and at six o'clock they are catching a bus to get home. That should not be. They should either be at school or at home, not roaming the streets. Whatever is the cause of that, it should be corrected. I have seen much slackness along our streets, and by girls who instead of going home, remain to play on the School grounds.

I am very glad that the Government has introduced a Bill to provide for the adoption of children; but there is still a lot which remains to be done. This is barely a scratch at the problem, where our Government is concerned. It is all very well to have a medical examination of school children, but that is only one part of the child's life. That is by no means enough. The school cannot be responsible for the entire training and the brain of the child, nor can the parent be entirely responsible for it. The school, the parent, and the Government are responsible for the growing child; and the Government cannot escape its responsibility.

I am asking the Government to introduce comprehensive legislation taken from larger countries like England and America as regards child welfare, and to see what they can do to copy from that legislation to suit this colony.

Mr. E. D. MOTTLEY entered the House and took his seat.

Mr. MILLER: Mr. Speaker,— This matter has been of very great concern to me for a very long time. I happened to be in this Chamber when Mr. Gill gave notice of a Bill of this sort, and I have had some experience with this question of adoption. From the remarks of my colleague I have been left somewhat confused, because his remarks are rather co-incidental or strange. I have been always hoping that this type of legislation would reach the Statute Book; and when my colleague gave notice of a similar Bill. I had a discussion with the Hon. Minister of Social

Services and he told me that such a Bill was not only being discussed, but it was being drafted and was in the hands of the Attorney General. That is why I said this is rather co-incidental.

Now sir, a friend of mine some two or three years ago asked me to make arrangements if possible, for the adoption of a child in Trinidad. Actually I spent four or five days visiting all the institutions in that colony, and I was advised to have a chat with the famous Miss Audrey Jeffers on the matter; and she did telephone one of the homes which accommodated 500 to 600 children. It is a pitiful thing to reflect on, but I believe that this Bill will have a civilizing influence on this community.

I remember, Sir, the remarks of my colleague as regards the question of the taking and sending of children. To return to my experiences in Trinidad, it was at the last moment that we discovered that there was an Ordinance that made it impossible for us to adopt the child and take it out of Trinidad. I can quite understand what was in the minds of the legislators when they made that Ordinance. Adopting a child and taking it away from its native country might be equal to robbing it out of its citizenship; or might be a form of banishment as regards which, the child, would not have a single word. As regards that institution in Trinidad, I must confess that the administration was at pains to make the children happy and comfortable. But it can be a very annoying circumstance in the life of a child, to find itself in a position of this sort.

4.05 p.m.

As I recollect, the three or four hours which I spent in that institution made me to think that what I saw, was more than a civilised heart is expected to bear. I am convinced that this massive document would certainly provide for allowing all the children who would be taken care of by way of adoption, and who would ordinarily be left to founder by the way, if there were not any legislation.

With these remarks I am very anxious to get something further from the Hon. Minister of Social Services, because as a socialist, he would be moved in a circumstance such as this. I would like him to give me some further information on the point to which I made reference.

Mr. GODDARD: Mr. Speaker, it is not generally realised how many persons are waiting on the passing of this Bill. From time immemorial people in Barbados have been adopting children without any legality; particularly grandmothers and aunts, some who have children, others who have none. I may admit, that some may have been doing it for the purpose of security. Some have been doing so in the hope that when they come to a state of life where they cannot do anything for themselves, by their befriending such a child, this child would be their source of support. That is one of the main reasons, and I think it is a very good one too. With the passing of the Bill, it would be possible for those who want to legalise their actions; but I am sure there will be many who would be willing to continue in the present way without taking out legal papers. This is an old Barbadian trait and a very good one too. I think Barbadians stand out far above others in their love for children. It is so whether they are nurses or just friends in a village. This sort of friendliness has been remarked on by strangers who have come and observed conditions.

As I have said, this Bill is being waited on by many people, and many more than we imagine, for the reason that they wish to make adoption of children something permanent. They want when they adopt a child to think of it as their own, and should anything happen in after years, the parents

of that child will not be able to return and take away that child from them, and in some cases, when through their love for that child, they are more suited to be the guardian and parent of that child than the real parent.

As I have said, this Bill took a long time to come down and to be placed on the Statute Book of this island; but apparently, people in Barbados feel that it is unnecessary because they have been making provision for the adoption of children in a way. However, we are in a modern world, and we must keep pace with what is being done in other countries; therefore, an Act on the Statute Book for the adoption of children is necessary. For that reason, I feel that it is time that this Act should be on the Statute Book, and I therefore hope this Bill will be given the blessing of this House.

Mr. E. D. MOTTLEY: Mr. Speaker, I am going to support the Bill, but I am going to say a few things on it. I want the Government to know that I keep my ears to the ground and understand a few things too. First of all, let me say that I am not going to make the sweeping condemnation which the hon. junior member for St. John made because, I believe that in the vast majority of cases the love of the foster mother for her adopted child can be the same—

Mr. VAUGHAN: Mr. Speaker, I rise on a point of explanation. The hon. senior member for the City referred to my making sweeping condemnations of the foster parent. Your Honour will recall that I said no such thing. As a matter of fact, I said that the Barbadian parent is a most lovable parent.

Mr. E. D. MOTTLEY: The hon. member would not wait for me to finish my statement. I said that I am not going to make the sweeping condemnation (if it can be so termed) because I believe myself that the love of the foster mother for her child can be the same as the love of either of all the hon. members on my right or on my left. I will further say that I suppose, that there are those of us who from experience would say, that in the best regulated families there are wayward children; but because there will be very wayward children, there should be no attempt at condemnation. I partly agree with the hon. member when he said that there is necessity for legislation of a greater magnitude for the adoption of children than that which is contained in this Bill. Only today, I tried to get in touch with the Probation Officer because I observed something, (and I have been observing it for the past few weeks) especially when a tourist boat is in port. Quite a number of wayward children, (for the most part children under the age of ten years) I have observed have been making approaches to tourists as they go on their business in the street. I think this should be the concern of some of the departments of the Government. I will not say it should be the concern of the Police. As a matter of fact, I do not like to bring the Police in these things. However, this action on the part of youths in this town is very striking to people who are interested in the welfare of children and this country; and we feel, that it should be the concern of some department of the Government. It is a fact that you see them in gangs of eight and ten approaching tourists. I throw this out to the Hon. Minister of Social Services because busy as he is, he may not have seen it. I think something should be done. I am not asking that the Police hound down these few little boys and get them before a Police Magistrate and eventually get them sent to Dodds.

4.15 p.m.

I feel that this is a question of cause and effect. At the root of all this might be economics; but it is pathetic when you see some of these children actually

approaching people and begging. It is not the job of the Police to put these children before a magistrate, who can then put them up at Dodds or Summervale for four or five years. It is not only on days when we have tourists here that we find a number of children around Bridgetown who, if you had a system of compulsory education, would be in school. I do not subscribe to any of the fancy theories which are propounded, even by some of the extremists of the present Government; but I do subscribe to the idea that there should be some system of compulsory education where the state should see to it, that every child should know how to read and write.

In connection with this Bill, I am hoping that the honourable Introducer will take what I am saying in good faith. The late honourable senior member for St. Andrew and the honourable senior member for St. George made attempts at introducing legislation of this nature, and I would like to say that while this Bill is necessary, it is somewhat surprising that it has been given some precedence on the Order Paper. There is so much talk of family planning and birth control, and I am hoping that this Bill has not been introduced now and given such a high place on the Order Paper, because of the fact that the few people in this community want to adopt or are attempting to adopt, or are negotiating for the purpose of adopting a few of the Negro soldier children from English women in England. I would condemn that wholeheartedly. Of course, we read that there are 5,000 unwanted Negro children with white mothers; and that is so in these days of christianity in Great Britain. I am hoping that the pressure to bring forward this Bill is not because a few of our people here, seeing the over population of Barbados and with the talk of family planning, still want further to overpopulate this country by attempting to go to England and bring in these children. Mr. Speaker, I know what I am talking about. If it is for those reasons only, I would say "let this Bill go through the window". But the aims and objects of the Bill are wider.

I want to say that with the number of children in this colony, they are some people who have nothing, but they like to see that their children are happy. I know a mechanic—and I really wanted to know how he managed—I visited his home, and was with his 14 children; we were talking from one thing to the other and I really wanted to know what his personal experience was. He said to me that some of his contemporaries had left this country and had made a lot of money; they have been able to live in lovely homes, and they have been on the face of it, as people who could normally be successful because of their acquisition of a bit of this world's goods. "Normally", he said, "I get something to do, but there is a sense of pride and happiness." I asked him how he managed to keep three children at St. Michael's Girls' School and two at Harrison College and pay for all of them. He said that there was no money to be left for them. I would say that these were not children of black fathers and English mothers and therefore, there was no chance of people adopting them. I believe that this Bill would have been a way down on the Order Paper and it would not possibly have seen the light of day this session, if it had not been for the fact that there were persons ready to adopt some of these children of English mothers and American soldier Negro fathers who on the face of it, must have such lovely complexions and so on as to be brought here. I have not yet seen many Barbadians being taken out. The one institution which was given by a Barbadian of African descent, Dr. Nightengale, is presently filled to capacity and is overflowing; and it is not because mothers have not got a love (or as

the honourable junior member for St. John has said, some of these mothers should not have children) but it is because of economic reasons.

4.25 p.m.

As regards an institution like the St. Michael's Infirmary and other infirmaries in this island, it would be better if some of these so-called well-to-do ladies in this island whom fortune has not favoured to be mothers of children, could appreciate children other than those of Black and White parents for adoption. I am going to be strong on this. It might possibly cost me what on the surface would be called friendship; but that can go to the wind. I speak as I feel. If you go to the St. Michael's Infirmary to-day, you will find children left there by their parents because of economic reasons. They are not unwanted, as there are children in ultra-christian community of the U.K. (so they would have us believe) who are unwanted because their fathers are black American soldiers. In our institutions in Barbados you will find children who are left there because of poverty, bad housing and other social conditions.

I hope that when this Bill becomes law, it will cause a number of those people who are looking forward to adopting children to adopt children of our own community, rather than going to the expense of bringing in children from London; or as I have heard, even going to the Continent to bring them in. We have them on our door-steps, and some of them are less than six months old.

I know it can be argued, and will be argued by some, that the actual background and heredity of these children might prevent them from being adopted. My answer to that is based on what I have read has happened in the U.S.A. You cannot go just by facial value because no one can believe say, that some of the Black American soldiers who have left children in England were not criminals and the like.

This is a plea, sir, in support of this Bill. I am against what I have read in the Press. And it has depressed me and has depressed a lot of other people including the Ministers, although as Ministers, they may not want to say it. But I am saying that now that we have elevated the people economically to certain positions in this community, rather than go aboard to look for children to adopt they should adopt children in Barbados. We are living in a civilized community, and people should be ashamed of themselves to say that because there are 4,000 odd children who are of what they call limited pigmentation, they are unwanted. You should read some of the strong articles by the Churches of the U.S.A. on things like that. It is no wonder that you have some difficulty arising over the question of West Indians settling in the U.K.

I support this Bill because on the face of it, it is necessary for this community. From my experience, it works a hardship on people when they cannot adopt children legally, especially as regards Income Tax etc. When people have expended all their money on adopted children, they find out that they cannot get Income Tax allowance etc. For such reasons, a Bill like this should be welcomed. People adopt their cousins, nephews etc., but cannot get any Income Tax allowance in respect of them. From that angle the Bill is necessary and welcomed, but what I have expressed to-day I wanted an opportunity to express.

I hope that the Hon. Minister of Social Services will not take umbrage at some of the things I have said. I believe that he agrees with much of what I have said and that he feels as I feel on many things. They are people who feel the same way, but who would not get up and say it. I have to say these

things because I realise that it is because of the people, that I have been elevated to this position and the Ministers have been elevated to their position. Therefore, I feel that it is my duty to tell those people who want to adopt children that they can find suitable children here. I want to ask, if certain of my people feel that they must go outside of Barbados to adopt children, what are we to expect if the Hon. Leader of the Opposition or people of his type, want to adopt children.

Mr. HOLDER entered the House and took his seat.

Mr. LEWIS: Mr. Speaker, we have heard that there are many people who are waiting on legislation of this kind to legalise the relationship existing between adopted children and adopted parents. I think it is good that the Government has seen fit to bring in this legislation, even if it may be a little late for some. I would also like to say that we should say a word of thanks for the comparative table that accompanies this Bill, even though we might not have the various Acts of the other places checked especially where modifications have taken place.

I am not in a position to enter into any arguments on the points touched by my colleague. I think that this matter of adoption is something for the people who are going to do the adoption. It is their inclinations which should guide them. What we are providing, I take it, is that where the inclination is present, there should be some sort of affinity established between the person in the position to adopt and the infant needing the adoption. We are therefore seeking to legalise the position, so that the adopted child can benefit where there is benefit to be got; and in addition, any other benefits which may come, will be on a sound basis. The relationship therefore, will not be disturbed by people who have abandoned their children in the early stages and who want them returned to them later.

I am sorry to hear that people will adopt children with a view to these children becoming their supporters in later life. I sincerely hope that there will not be many who will set out with that object in view. If they wish to do a good turn, they should not do it with hope of reward; at least not monetary reward. I say that, because that can make the relation difficult if that is the object of the adoption. I hope that our continued social legislation will make such an unworthy purpose of adoption unnecessary. By that I mean, that persons getting old will receive some form of security and something to look forward to, other than the gratitude of adopted children.

4.35 p.m.

While we can say it is something which we could have admired, I hardly think it is something of which notice should be taken in the stage of adoption. I should not think in terms of adopting a child so that that child can work for me when I grow old, or when it has grown up or something of that sort. It is my belief that no matter how the Social Welfare Officer may try, he will never know the real relation between the child and the person who adopted it.

Mr. Speaker, I would like to say a few things at this point, so that the Hon. Minister of Social Services can refer to it when we go into Committee; so that he can be helpful and would be able to answer the questions that are put to him. First of all, I notice from the Trinidad Act that the definition is given of "child," and not of "infant" as is defined in this Act. I see from the definition in this Act, that "infant" means a person under twenty-one years of age; but does not include a person who is or

has been married. When we turn to Clause 27, we see something of the Adopted Children Register. Then we come to the schedule of the Act and we see that it is a form of entry for adopted children; and in that register, you see the Heads "Date and country of birth of child," "Name and surname of child" and "Sex of child." It seems to me as if we are attempting to improve at one stage on the Trinidad Act; and in trying to do so, we are getting ourselves a bit confused. I do not think when a person has adopted an infant we can go ahead and call that adopted infant an adopted person. Adopted person to my way of thinking, means any person who is over the age of 21 years; and if you are not permitting that, perhaps for obvious reasons, it seems to me to define child would save you of some difficulty. It looks to me inconsistent. It may not be. If you look up the record of an adopted person you would see that the person who is to be adopted, must be defined as an infant. If the Hon. Minister would look at Clause 28, he will see that there is something there to be corrected; and I hope that he will remember it at the appropriate time, if I happen to forget.

Sir, I must say I welcome a Bill of this nature especially in a community like ours. I must say that I appreciate the reference by the honourable junior member for St. John, when he spoke of the absence of legislation dealing with children generally. I refer particularly to the question of the protection of children from cruelty.

Hon. Dr. H. G. CUMMINS: Mr. Speaker, there are one or two things to which I want to reply. The Government is on the one hand, accused of proceeding with indecent haste with this Bill. The word "indecent" was not used by the honourable member who suggested that, but he meant to say that for some sinister reason, the Government refused to place this Bill on the Statute Book. On the other hand we are told that it has taken a very long time, (ever since Mr. Gill introduced a similar Bill in 1951) for a Bill of this sort to come into operation. The honourable senior member for St. George in his opening remarks admitted that drafting legislation along careful lines takes time. He did not say so in those words, but he meant that when he said he is not willing to conceive to other persons etc.; and in his case it took six to eight months to draft that Bill. The honourable senior member for St. George gave notice of this Bill but did not introduce it.

Mr. BARROW: On a point of explanation Mr. Speaker, I do not think the Hon. Minister of Social Services quoted me correctly. The point which I made abundantly clear was that I spent a considerable time drafting the Bill; and the only reason why I did not proceed with the first, second and third reading of the Bill, was because the Attorney General asked me to hold it up so that we could hold a discussion on it; and I said I was willing to do that and to compromise on any insertion which he may want put in.

Hon. Dr. H. G. CUMMINS: Mr. Speaker, let me say that the Crown Law Officer has information on this Bill from many places. He has got information from Trinidad, Jamaica and I believe from Australia and New Zealand as well. It would take time to collate all that information and draft a Bill suitable for Barbados. As I have said, it would take time; and it must also be taken into consideration that the Crown Law Officer has other Bills to draft in the meantime.

Before I go further I want to answer a point put by the honourable junior member for St. John. I would like to assure him that there is comprehensive legislation coming down very shortly in con-

nection with the matter to which he referred. There is only one other point for me to refer, and it is with reference to the point made by the honourable senior member for St. George over the question of the Adoption of Children in Barbados by American citizens. That point was brought to the attention of the Crown Law Officer and he pointed out that this Bill makes provision for the adoption of children of British subjects by British subjects. By that it means that a British subject living in the United States can adopt a child living in Barbados; but an American citizen or a citizen of a different nationality cannot have that privilege, because it would be conflicting with the British Nationality Act of 1948.

4.45 p.m.

That particular point was brought to the attention of the Attorney General by myself and the Social Welfare Officer, and that is the opinion which was given by the Attorney General; but there is ample provision for British people adopting children in Barbados. Of course Barbadians can adopt children in other places, provided that they are British subjects.

I want to support the hon. junior member for the City when he says that the adoption of a child is a matter which rests with the preference and choice of the individual who is adopting the child. I do not think that it is a matter which can be regulated by legislation. Section 30 of this Bill sets out how British subjects living abroad can adopt children of Barbadian parents in Barbados.

The point was made by the hon. junior member for the City about the definition of "child". I do not see any definition of "child". It might have been taken from some other Act, therefore I am not in a position to answer that question; but when we go into Committee the honourable member can make the suggestion and I will see that it is considered in the right quarter. I do not think there is anything more I can add to what I have said before. I think I have endeavoured to answer all the points which have been made.

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

On the motion of Hon. Dr. H. G. CUMMINS seconded by Hon. M. E. Cox, Mr. SPEAKER left the Chair and the House went into Committee on the Bill Mr. SMITH being in the Chair.

Clause I was read.

Hon. Dr. H. G. CUMMINS: I beg to move that Clause 1 stand part of the Bill.

Hon. M. E. COX: I beg to second that.

Mr. LEWIS: Mr. Chairman, I am wondering whether the Hon. Minister of Social Services can just tell me why this Bill is not cited as "The Adoption of Children Act?" This Bill is merely called "The Adoption Act." You do not adopt anything else but children, as the Hon. Minister says *soto voce*. I have another Act here, and it is cited as "The Adoption of Children Act." If this Bill is merely called "The Adoption Act" then can you adopt animals by it?

Mr. BARROW: I quite agree with the hon. member. The Ordinance in Trinidad is called "The Adoption of Children Ordinance" and in the United Kingdom it is called "The Adoption Act". But there is an Act in the United Kingdom called "The Guardianship of Children Act," which is read along with the Adoption of Children Act of 1950, and there are various Acts under which orders can be made for children. There is however no need for us to follow the English designation or title by calling this Act "The Adoption Act, 1954". I think it is

at this time, that it would be inconvenient for me to say whether the Government will call this Act "The Adoption of Children Act" or "The Adoption of Infants Act" because they use different titles throughout the Bill. In the Interpretation Act the only term which is described in that respect is "infant."

The question that Clause 1 stand part of the Bill was put and resolved in the affirmative without division.

Clause 2 was called.

Hon. Dr. H. G. CUMMINS: I beg to move that Clause 2 stand part of the Bill.

Hon. M. E. COX: I beg to second that.

Mr. LEWIS: Mr. Chairman, if you look at the comparative table which we have been given here, you will see that this Clause 2 is from the English Act and in the remarks you have it stated "some definitions of E omitted and definition of "parent" introduced." Since some of this Act is taken from the Trinidad Act, it means to a layman that you are confining what you are adopting as an infant. You speak of the person adopted and then the register is not the Adoption of Infants register, but the Adoption of Children register. It seems to me, that you should be consistent. Infant means any person under the age of twenty-one and children can mean the same thing but you have defined infant. Who is the "person" you are talking about if you do not define him? When you come with an Act and you say "adopted persons" there is no adopted persons in the Act. Other people make their definitions. Does the definition mean "child" as used in the Act or "child" as used in the register? When people are drafting Acts they should be consistent about them.

Mr. E. D. MOTTLEY: I do not pretend to understand it. Sometimes you hear that the term "infant" must be a person over a certain age. That is the position in the law court; does this mean up to 21 years, under 21 years or what? I would be glad if that particular point was explained to us, because it must have its bearings on the English statutes. We should really like to have that point made clear.

4.55 p.m.

None of us will attempt to put any obstacles in the way of the passing of this Bill; but I must agree with my colleague that when you are dealing with a matter of the adoption of children, these things should be made clear. I have seen in the American emigration laws that a child is a person up to a certain age, and an infant is a person up to a certain age. That should also be made clear in this Bill, because we are going to have certain difficulties which will arise when people might want to take certain legal steps. My colleague has raised a point which has left the issue very much in doubt.

I am a layman, but I am speaking from my scant knowledge which I have gained by listening to legal arguments put up from time to time. Up to what age is a person an infant? Up to what age is a person a child?

Mr. LEWIS: Clause 3 talks about anyone desiring to adopt an infant, and the whole Act hinges on that. We have a register for the adoption of children.

Hon. G. H. ADAMS: Where else but in this House, and who else but the hon. junior member for the City would you find getting up and debating this point? Section 2 says that an infant is an unmarried person under twenty-one years of age, and Section 3 says that anyone who wants to adopt an infant can do so. What difference does it make if the registry speaks of the adoption of children?

The hon. senior member for the City raised a reasonable point when he said that since you described an infant in Section 2, you should go on and refer to infants. But suppose you said the adoption of person or the adoption of human beings you can only refer to the type of person mentioned in the Interpretation Act. You cannot adopt a married person even if that person is fourteen years old. (Mr. E. D. MOTTLEY: You can adopt a woman with five children if she is under twenty-one years.) I am glad to see that the honourable member, considering our population problem is looking forward to adopting a woman with five children. There is nothing in the Act to prevent that. A woman of twenty with five children can be adopted as long as she is not married. (Mr. E. D. MOTTLEY: You do not call that adoption). You call that seeing after!

Mr. LEWIS: The hon. member has said that only in this Chamber and only by the junior member for the City, you will get this point debated. There were nineteen amendments to the Entertainment Tax Act, and the hon. sen. member for St. Joseph got up and defended every one of those mistakes in here.

Mr. CHAIRMAN: We are not dealing with the Entertainment Tax Act now.

Mr. LEWIS: Do you mean to say, that the hon. sen. member for St. Joseph can get up and say this type of thing and I cannot defend myself? This is the same type of argument that I have heard here before, and it turned out to be wrong. That is what I am saying. Is that irrelevant? There were nineteen amendments in the Entertainment Tax Act, and twenty or more to the Income Tax Act, and the hon. member, when those Bills were before the House got up and defended everyone of those mistakes.

Hon. G. H. ADAMS: There is not a single word of truth in what the hon. member has said. If any Bill has been corrected in the Other Place, it is because it contained a mistake which we overlooked. I have sometimes gone and asked members of the Other Place to amend something which we had overlooked. Let the hon. member or his sponsor mention one thing in the whole course of my public life that I have defended, (with respect to draftsmanship) and it turned out to be wrong.

Mr. LEWIS: The hon. member has constantly told us not to criticise a particular matter, because it would look as a reflection on him and on the Attorney General who are the two lawyers on the Executive Committee.

Hon. G. H. ADAMS: I have never said that. Over and over again I have said that the cleverest lawyer in the world may be a fool when it comes to draftsmanship. When I drafted the Divorce Bill I had to correct a particular section seven times because of an error in draftsmanship. A draftsman with the best will in the world may forget something, and have to go back and correct it. What I have said more than once, is that even a lawyer may misunderstand that such and such is unscientific drafting. Who else but some one in the Mental Hospital would say, do not do a thing because it is the reflection on them and then it turns out to be something wrong? The hon. member has a bad habit of saying things and not proving them. Let him give chapter and verse of any occasion that I have stood here and defended a mistake, and when the Bill went to the Other Place it had to be amended. I am speaking of the draftsmanship.

While the Lord Chancellor might be an excellent Lord Chancellor, he may be a fool as a draftsman. I am not saying that, because something is drafted by a lawyer, it is bound to be right. That would not be true. It takes almost a particular

type of brain to draft accurately. A lawyer who is a good advocate is hardly able to be a first-class draftsman.

MR. LEWIS: I have in my hand a copy of the Trinidad Ordinance which deals with the adoption of children. It defines a child and it refers throughout to a child. This Act defines an infant then it goes on to refer to a child. It is inconsistent. I feel that some member of the Government should be able to get up and explain the position. Clause 27 refers to an adopted person. The Trinidad Ordinance refers to a child throughout. The hon. member has talked about people inside the Mental Asylum; but there are some things that I hear in here which could be said in the Mental Asylum. I am not arguing any case with the hon. member. If you give me time to look up the Debates, and they have not been changed, I will show the hon. member what he said.

5.05 p.m.

MR. BARROW: Mr. Chairman, I would just like to say that even with the vehement accusations levelled at the hon. jun. member for the City, I agree with him; and if he is not on the side of the angels of this House, I am on his side on this occasion. I can draw many instances to show that this Act for the adoption of children is not in keeping with other Acts in the Colonial Empire.

What has happened in this Chamber is that when we draw the attention of the members of the Government to mistakes in drafting of measures, they take it that we are accusing them of some crime; but we are only trying to be helpful. I think it is the President of the Other Place who has said that there is a large number of Bills coming to that Chamber with numerous mistakes. The honourable junior member for the City has asked various questions on this matter, and I think it is very unfortunate at this stage to introduce an atmosphere of controversy in a non-controversial debate of this nature.

What I would like to point out, is that Section 26 refers to "adopted child", and that is not referred to in the preamble of this Bill. I believe I should know something about this matter because, as I have said, I have spent eight months in drafting a Bill of a similar nature and bringing it to this House; and it is only on the invitation of the Attorney General for a conference on it that it was not proceeded with. Mr. Chairman, I have the Trinidad Ordinance on this measure at my right hand. There is no mention in it of the word "infant", the word "infant" is already defined in law. I think what is remarkable about this matter is, that the skilled technician who drafted this Bill did not deem it fit to be consistent in the phraseology and terminology which he used. There is no point of having an interpretation clause and then for one to use terms which do not indicate the Act of itself.

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

Clause 3 was called. It reads as follows:—

"Any person desirous of adopting an infant may make an application in respect thereof to the 'Social Welfare Officer.'"

Hon. Dr. H. G. CUMMINS: Mr. Chairman,—Before I move that this Clause stand part of the Bill, I just want to say that this Bill was drafted by the Crown Law Officers and subsequently submitted to the Chief Justice, who eventually, would have to administer it, and he made no comment. They are the legal luminaries of the island and if they are satisfied about it, why then should there be this difference over its terminology? I beg to move that Clause 3 stand part of the Bill.

Hon. M. E. COX: I beg to second that.

MR. BARROW: Mr. Chairman,—I would just like to suggest to the Hon. Minister of Social Services that we may just as well bring in the Attorney General and the Chief Justice and let them deal with all the legislation.

Hon. G. H. ADAMS: I would only say that the older a lawyer you are, the more foolish you are of the law. The lawyer who has just left his book,—he is a Solomon.

MR. E. D. MOTTLEY: Mr. Chairman,—I am neither a lawyer nor a judge; but I represent the point of view of the layman. All I am saying is how it strikes me as a layman. When people of this colony talk about an infant, they think in terms of an infant, not an adult person. When we talk about an infant, we do not think of any person up to the age of 21 years. It therefore seems to me that if you refer in one part of the Bill to a person as a child and then as an infant, it cannot be right. I do not care how learned a Chief Justice or an Attorney General might be; they are not super-human. I am asking: if you refer to a person as a child, is there any harm? I think if you refer to a person in this Bill as a child, it would be better. You can have an infant child, a grown-up child or an adult child. I feel if you make it consistent and leave out using the term "Infant" it would be better. The term "child" seems more reasonable.

What I may tell my colleague is that this Chamber, so far as I know, has no control over the Other Place. If he is correct, (and it is a fact that the Honourable President of the Other Place has talked about Bills coming to that place and being rushed through and members not having sufficient time to deal with them) then let us wait and see what happens with this Bill. Let us see whether the Other Place will make any amendments to it. If certain amendments are made to it by the Other Place, I am sure that the Hon. Minister of Social Services is going to accept them.

Hon. G. H. ADAMS: I quite understand the honourable member who has just sat down. What the honourable member said may be perfectly true. But does he see the absurdity, (from a lawyer's point of view,) to talk about an adult child? An adult is a person above the age of 21 years; a child is a person under the age of 21 years. What the honourable member said is colloquialism. People of this island talk of a rock stone; but what is a rock stone? People of this island talk of a fowl cock; but what is a fowl cock? Barbadians do talk about an adult child. But is not that a contradiction in terms?

When the term "infant" is used in law, it is something that every lawyer understands. Under English law, a Vice-Chancellor is a guardian of infants, and that can mean a person who is married or not married.

5.15 p.m.

On the other hand you say "an infant under 21 years not married." As soon as you put in the definition Clause as to what an infant is, it covers the rest of the Act. When you come to Clause 26 and Clause 27, hon. members may raise the point as to whether the definition may not be made clear. I want to say that any fool now can be called to the bar; in my time I found it extremely difficult for anybody to pass a bar exam; but that did not necessarily mean that you did not know the law. Anybody who knows any law, knows certain fundamentals; he is bound to know those fundamentals or he is not a lawyer. But he does not know that expressions have gained by judicial interpretation, a particular mean-

ing. Often in draftsmanship for the purpose of clarity so that some judges may not interpret according to certain cases and other judges interpret in other cases and leave it to be fought out in the House of Lords, you clarify the definition. We have said that infant means a person under the age of 21 years but not married; no judge could make any mistake with this Act, because he will look at the interpretation section and see what it means. A child may be a person a 100 years old. A father who is still alive and 187 years as happened somewhere in Turkey, can have a child 100 years old but he could not be a child under this Act. Although a child is 100 years old he is still the child of his father, but under this Act he could not be adopted because he is not under the age of 21 years.

It is easy to sneer at people. The hon. senior member for St. George is not speaking as a lawyer today, but purely as a parliamentarian desirous of throwing stones at the Government. I am not saying, for obvious reasons, whether he is a lawyer or not; but as this Clause reads, it could not give any human being on a Bench the slightest bit of trouble because when he sees the word "infant," it is given a special definition. You define it here because you are limiting anybody under 21 years to unmarried people, otherwise it need not appear in the definition. For instance, if you use the word "bitch" a magistrate will not ask whether that means a male or a female dog; it would only mean a female dog.

I say again that the greatest difficulty would be the draftsmanship, and anybody may ask whether this is correct draftsmanship. Nobody complains if a layman asks questions. Of course the law is stupid at times; you wonder why all these phrases are used and therefore you ask questions; but having got the explanations, what is the point of wasting the time of the Committee.

Mr. LEWIS: The hon. member started off chiding my colleague by saying, that you cannot have an adult child; and then he admits that you can have such a thing. While he was on his feet he discovered that he was wrong, and therefore he had to make a long speech. When I was making my speech on the second reading of this Bill, I asked the Hon. Minister of Social Services to help me when we went into Committee on this Bill; do you want a more reasonable attitude than that? But somebody says that we are in a lunatic asylum, and that it could only mean this and that. I told the Hon. Minister that these apparent inconsistencies are worrying me. The Hon. Premier now says that you can define an infant as being under the age of 100 years, and that at any age your child is your child. What does he want people to think of him when he acts like that? He is supposed to be a lawyer of long standing. Of course he says that you can be a lawyer of long standing, and not know what you are doing. I did not wait until we are considering a word in a Clause and then spring a surprise; I informed the Hon. Minister of Social Services on the second reading of this Bill that there were inconsistencies in this Bill. Is that not a decent way to ask for advice? The hon. member should know better than to get up and behave as he has done.

Mr. BARROW: Speeches such as the one made by the Hon. Premier, do no good to people who have the interest of the community at heart. The Hon. Minister of Social Services is always willing to listen to advice and even if he does not agree with it, he makes mention of it to the members of the Chamber, that he would consult the proper authorities in connection with it. I would like to say this: perhaps I did have a selfish motive, because it is a matter of embarrassment to me to think of either the Presi-

dent of the Other Place or a nominated member of the Other Place from week to week sending back Bills to this Chamber, saying that there are certain amendments, and then these amendments are accepted without any suggestion that the members of the Other Place are only hurling stones at the Government. The Officer of the Government who is responsible for the drafting of this Bill should be the Attorney General but we have no clear indication that it was the Attorney General himself who drafted it. However, I think that all the law officers in his Department, with the exception of the learned Solicitor General, are junior to all of the legal practitioners in this Chamber; and in the United Kingdom it is recognised that persons who are engaged in certain vocations are entitled to make suggestions on Bills, while other hon. members make enquiries. I am suggesting that in its present form this Bill does not make sense and it is connected with the Trinidad Ordinance.

5.25 p.m.

I have already raised that point. I would like to deal now with what transpired not ten minutes ago, when the Hon. Premier asked whoever heard of an adult child. I wonder if the Hon. Minister for Social Services could not enlighten him on that point. What I would like to know is, whoever heard of an adult infant; because even at Common Law, you cannot be an infant if you are under twenty-one years of age. It is therefore, an Act of supererogation on the part of the Minister of Social Services or the Attorney General himself.

This is an Act for the Adoption of Children, and we feel that it is better to use the term "child" as they did in the Trinidad Ordinance. In that Ordinance a child is a person under twenty-one, who has never married. The wording is very clear, and is almost Biblical in its simplicity. You cannot have an adult infant, but you certainly can have an adult child.

Hon. G. H. ADAMS: I was amazed when I read what the President of the Other Place said, when he made what were to my mind, some rather unfortunate observations on this House. He should not have done it. (A MEMBER: Why?) If this House sends up to the Other Place a matter which they think is done in too much of a hurry let them postpone it; but to quote what the President said means nothing to me. When I read it, I personally was indignant. The Other Place has privileges and they can do what they like, as long as what they do does not infringe on the privileges of this House. To suggest that this House by passing a Bill is unmindful of the Parliamentary proprieties which one Chamber owes to the other is, to use a mild word, very unfortunate.

To return to the matter of this Bill: what I was endeavouring to say is, that there are certain expressions with legal interpretations which you do not have to put in an interpretation Clause. If in an Adoption Act you speak of a child, it obviously means a person under twenty-one. What is to be gained by the Government if when an obvious mistake is pointed out to us, we defend it?

I do not care who says that I am blowing my own trumpet; but the honourable member asked for a legal explanation and then someone with the ink hardly dry on his books, suggests that I do not know what I am talking about. When that happens, it is time enough to say that because a man is called to the Bar, it does not necessarily mean that he knows law. In order not to hurt the practice of the honourable member I refrained from saying certain things, when he got up in here and talked nonsense about contributory negligence.

Mr. BARROW: Mr. Chairman,—

Mr. CHAIRMAN: I have allowed a certain amount of latitude in this discussion; and I am not allowing any more.

Mr. BARROW: You cannot invite members to stop me from talking. When you allowed the latitude to which you referred, I am afraid you allowed too much. When the honourable senior member for St. Joseph said what he did about the Bar examinations, I would like him to refer to the records and compare the examination at the time he took it and when I took it, and ask him what he was trying to do then. Power has gone so much to his head, that he has done his best to try to ruin many people; so he does not know what he is saying when he refers to not wanting to ruin my practice when I talked about contributory negligence. Let him come into court and fight a case of contributory negligence. Because you do not agree with another lawyer's views on contributory negligence, it does not mean that you can ruin his practice. I would like to go further and say, that there was no contributory negligence when the honourable member took his Bar exams; so it is out of the mouths of infants and sucklings that you have to look for the correct interpretation of these things. I was the first person in the history of Barbados to introduce contributory negligence in this Chamber.

I repeat, sir, that I agree that you gave some latitude; but you gave too much when you allowed such vituperation on something as trivial and unimportant as this. After all, we were only trying to save the members of this Chamber from embarrassment. If the Trinidad Ordinance is wrong I will admit that I am wrong, and that the honourable senior member for St. Joseph is right; but I prefer in this instance to be on the side of the qualms of the honourable junior member for the City, and on the side of the Attorney General of Trinidad and the old British Parliament prior to 1950.

Hon. Dr. CUMMINS: I have been looking through the British Act, and I see both infant and child used. Some sections used the term "infant" and others used the term "child."

Hon. G. H. ADAMS: That was drafted by a Parliamentary Draftsman who gets thousands of pounds a year for his skill.

The question that Clause 3 stand part of the Bill was put and agreed to without division.

Clause 4 was called.

Hon. Dr. H. G. CUMMINS moved seconded by Hon. M. E. Cox that Clause 4 stand part.

Mr. E. D. MOTTLEY: On the question of Clause 4, I hope that what I am going to say, is not going to be offensive to the Hon. Minister of Social Services and the Premier. This is not a question of draftsmanship here, but a question of pure Barbadian commonsense. This Clause provides that the Social Welfare Officer should be the beginning and end of all things. I am asking the Hon. Premier and his Government to say one thing. This Section says that if a person wants to adopt a child, the Social Welfare Officer should be the person to determine whether or not you are suitable to adopt a child. It strikes me that the Government might not like to adopt suggestions from the Trinidad Ordinance, but that provision is found in the Trinidad Ordinance.

I think that this is an opportune time to say what I am saying. I do not think that the fate of a child should be left in the hands of one person. There should be a Board or Committee to deal with it; and at least it should be, that the Social Welfare Officer should be the Chairman of that Board or Committee. Throughout this Bill you are dealing with children and with enquiries into the suitability

of people to adopt children. We should not pass an Act which says that such important decisions should be left in the hands of one person.

There are those of us who have had to come into contact with the present Social Welfare Officer. Her views might suit South Africa but they might not coincide with ours.

5.35 p.m.

Of course, the Hon. Premier might argue that I criticise the Social Welfare Officer and the like too much. At any rate, with all seriousness, I am making the suggestion to him that we should not put ourselves in the position where we would have the Social Welfare Officer as the only person making these decisions. Let the Social Welfare Officer be the Chairman of some Board or Committee to decide these matters. The Clause reads as follows:

"The Social Welfare Officer may make or
"cause to be made such enquiries, obtain or
"cause to be obtained such reports and carry
"out such interviews as may be necessary or may
"be prescribed for the purpose of making ar-
"rangements for the adoption of infants and
"for the consideration of the court."

As I think on this Clause, I am fully aware that the Hon. Minister of Social Services has many things to do, and he cannot do this; but I am asking him not to leave this matter to one person to do.

I am going to move that this Section and the others relating to the same matter be postponed, and I hope the Hon. Minister will agree to it. Let us say that we differ as to the suitability of the present Social Welfare Officer. I think we should have our Act worded in this particular instance as that of Trinidad, that is, that this thing be done by a Board or a Committee. I am therefore moving that Section 4 be postponed.

Hon. G. H. ADAMS: Read a little lower down. you will see that you have the right to appeal to the Court of Appeal.

Mr. E. D. MOTTLEY: I quite appreciate that the honourable member is a lawyer, but why place poor people in that position? Of course we can appeal to the Court of Appeal; but you must have the legal fees to do so. What is wrong with having a Board or a Committee to decide this matter? The effect of having a Board and not having one person making enquiries is, that you give the person the feeling that no one person is taking sides. I am of the opinion that you should have a Board or a Committee, (call it whatever you like) making these enquiries. There are numbers of people in this country who are interested in Social Welfare work and who would be willing to sit with the Social Welfare Officer acting as Chairman. Those of us who have experience in these matters, realise that it is necessary to have a Board or a Committee. I am sure honourable members will agree with me when I say, this would be a farce if it is done by the Social Welfare Officer only. Let us do it in such a way that the Social Welfare Officer can be the Chairman. Is there anything wrong with that suggestion? The Hon. Premier has said that the person is given the right to appeal to the Court of Appeal. In presenting your case you may need a lawyer. Let us enact legislation without having to give a person the necessity for bringing in lawyers. I feel this Clause should be postponed.

Hon. Dr. CUMMINS: Mr. Chairman, for the benefit of the honourable member. I will point out that I have before me a Minute from the Minister of Education and Social Services in Trinidad; and it says that the work arising from the particular Ordinance is carried out by the staff of the Social Welfare Department in conjunction with their nor-

mal duties, and therefore, the cost of this work is small.

Mr. E. D. MOTTLEY: You have said nothing like that in this.

Hon. Dr. CUMMINS: You will see a little later in this Bill that the Social Welfare Officer has the power to delegate.

Mr. E. D. MOTTLEY: You make it worse when you say that. This Clause deals specifically with the Social Welfare Officer. I think the Hon. Minister would have done well if this Clause were quoted in the same way as that of the Ordinance of Trinidad. I am not criticising the draftsmanship of this Bill. Do not let it be said that because this clause is not worded as we would like, that the Bill is completely wrong and therefore we should vote against it. The interpretation of this Clause is that the Social Welfare Officer will act. If you are saying that the Department will act, make it clear that it is the Department.

5.45 p.m.

The Hon. Minister of Social Services has actually confirmed what I said, that the matter is confirmed by a department; yet the matter should be made clear in here. Of course the Hon. Premier will say that the Social Welfare Officer means the Department. (Hon. G. H. ADAMS: Of course it does). It does for you but not for me. (Laughter). The Social Welfare Officer is monarch of all she surveys. The trouble in this country is that when people get into power they forget things; It is not how officials treat you or how they treat me; it is how they treat other people who come in contact with them. You must put the other man in your position, because some people would think twice before they became rude or gave unnecessary trouble to the member of the Government. What on earth is there wrong in making this definition absolutely clear when the Minister of Social Services admits that it is done by the department in Trinidad?

Mr. BRYAN entered the House and took his seat.

Mr. BARROW: In Trinidad the decisions are made by a Board appointed by the Government of Trinidad, and the actual investigations and periodical checks and administration are carried out by the Social Welfare Officer. I understand the honourable senior member for the City to be objecting to the Social Welfare Officer having the power to say who is or who is not capable of adopting children. I think the Hon. Minister of Social Services has the Ordinance there. I have worked for eight months on this Bill in my hands. The decisions are made by a Board of five persons, and the Social Welfare Officer is not necessarily mentioned as one of these persons or at all. There is a Public Assistance Board in Trinidad and various Boards of that kind, but the post of Social Welfare Officer has been abolished in Trinidad.

Mr. LEWIS: We have a similar set-up in Barbados. You have Boards and the actual day to day work and administration is done by the department. You have many Boards, the Transport Board, the Board of Health and so on, and my colleague is merely asking why should we leave the decision as to the suitability of a person to adopt the children to a foreigner or one single person for that matter. What I have heard is not true; they know it is not true; we will not entrust this matter to any one person if we can have a Committee of four or five persons.

Mr. E. D. MOTTLEY: I am not saying anything about the question of leaving this matter to a foreigner, although in this particular case it is so; my argument is why should it be left to one person?

Hon Dr. H. G. CUMMINS: Can I help the honourable member if I change the words "officer" to "department"?

Mr. E. D. MOTTLEY: Nobody is saying that the Social Welfare Department will not be the proper department for making the investigations; but the right to say "yes" or "no" rests with one person, namely the Social Welfare Officer. If this Bill had said that this right should rest with the Hon. Premier I would also say "No", not one person. I do not want to be forced to say much on this subject, and I know the Hon. Minister of Social Services would not want me to say much on it either. I repeat that we should have a Committee to deal with this matter; and it is not beyond the Hon. Premier and his Minister to provide an amendment to put in this Clause saying that where they have made an investigation, the ultimate decision rests with two, three or five people (Hon. G. H. ADAMS: With a Ministerial set-up?) I do not mind what you say about a Ministerial set-up; I cannot see that if you realise that you are doing something which you say must help social improvements, you could really say that one person must have the final say in this matter. The Hon. Minister of Social Services has intimated or rather suggested the use of "department" instead of offices but I do not know if there is such a department. Does the honourable member contradict what the position is in Trinidad? Is the Hon. Premier ready to accept my suggestion?

Hon. G. H. ADAMS: I apologise to the honourable member if I seemed to have given the impression that I was listening to him.

5.55 p.m.

Mr. E. D. MOTTLEY: I know you are not listening to me; you are not capable of listening to what makes sense.

I am afraid that we need not go any further, if the Hon. Minister of Social Services feels that with his majority he can push this through to-night. I am not going to worry to argue with the Premier or anyone else over this. If I get into any argument I will say some very strong things. What I will say is, that if there is no chance of the Government accepting the suggestion to postpone this part of the Bill so that we can put our heads together and get a workable amendment, I will vote against it. There is no idea on our part of postponing for the sake of postponing. It would mean postponing down to Section 9. We can do that and have a workable amendment which will show definitely that the power will not rest with one individual. If the Government feels that they are so strong that even if the "T" is upside down they are still right, I will go on further.

I have refrained from saying certain things to-night. I know that the Hon. Minister of Social Services would not like me to say them. I am not dealing with the Social Welfare Officer personally; I am dealing with the question of leaving this power in the hands of one person. you can make it any one person you like and I will still challenge the principle of it. In a small country like Barbados where everyone knows the other, you are bound to get the feeling that there is prejudice on one side or the other, if this power is put in the hands of one person. There will not be that feeling if it is more than one person. Good God, what is wrong with what I am suggesting? Why pin your faith on one person? Age makes some people stubborn; that is what makes the Premier defend the provision in this Bill. Normally he would amend it.

Now the Hon. Minister of Social Services says he will amend it and put the Social Welfare Depart-

ment. A department cannot make a decision of this kind. It can only investigate. However, as far as I am concerned, if the Hon. Minister wants to put in the Department, the Minister who is in charge of that department is responsible to the people, and if a mistake is made, he will pay for it. But if you start to criticise the Head of a Department, the Premier, the other Ministers and the Governor, (even if you make out the best case in the world) will get behind closed doors and say, "do not mind them; they only get on their hind legs and bray."

However, I will leave the Social Welfare Officer to the Premier. When she starts to snob him, he will know that what I have been saying has come on his door step. The Hon. Minister of Social Services knows that I had the courage and guts to fight her over her treatment of Barbadian coloured girls in the service, when she referred to them as inferior. That was not on the Minister's doorstep or he would have challenged it. I feel these things as a person in public life.

If we have the Hon. Minister of Social Services or the Government responsible for making these decisions, we can get up and ask why did he do so and so. In this Bill we are dealing with children, not with chattel. We are dealing with people's children. I shudder when I think that these things can go on and then all that you will hear is, that the Social Welfare Officer is good enough.

In a bigger country like Trinidad where there is less chance of people knowing each other, they decided to have a committee of some sort. If the Government took that Ordinance to guide them, why have they left out that part of it? (Hon. G. H. ADAMS: Read right through the Bill). Of course I have read right through the Bill, and the point that I am making is the one thing that I noticed from the time that I took the Bill up. I cannot see how the House could agree to leave it in the hands of one person.

I am going to speak on this. It is worthwhile making any issue of. My motion is to the effect that this section be postponed; and I repeat that I am doing it in good faith and not to hold up the Bill. I believe that the Minister of Social Services would like to adjourn for Tea. We can put our heads together and find the most workable amendment to put in. I am prepared to talk on it and say what I have to say, regardless of who gets up on the other side to say that I am saying things about people who can not reply. I know people who said things about me when I really could not reply. This is a matter of trying to make the Government see the wisdom in putting in an amendment. As the Hon. Minister wants to adjourn now, Mr. Chairman, I will move that we report progress and ask for leave to sit again.

Mr. BRANCKER: I beg to second the motion.

Hon. G. H. ADAMS: Speaking on that motion, I ask the hon. member to read the Bill. A more carefully drawn bill is difficult to conceive. What brought me to my feet is an aside that I heard about Ministerial Status. We have a Ministerial set-up. Read the Section dealing with regulations. Read everything.

6.05 p.m.

Mr. LEWIS: Mr. Chairman,—I rise on a point of Order. When a motion is made that you do now report progress and ask for leave to sit again, you can only debate the question before the House. It is a rule in the Book.

Hon. G. H. ADAMS: Mr. Chairman,—I am speaking on the motion that you do now report progress. I am asking the hon. member when we are

adjourned for tea, to read the Act. He will then see that with the present set up, the House, after passing a Bill which says that the Governor-in-Executive Committee may delegate its duty, it is obvious that the particular Minister is responsible. Can you run Ministerial Status without the particular Minister being responsible though the Government is ultimately responsible? I can hardly think of an Act which makes more careful provision than this. Read the first few lines of this Clause. It says, "The Social Welfare Officer may make or cause to be made such enquiries, obtain or cause to be obtained such reports and carry out such interviews as may be necessary." Therefore, the Social Welfare Officer as Head of the Social Welfare Department has to send out the enquiries.

Mr. E. D. MOTTLEY: I have read that. I have already said that the Department should make the enquiries, but the Social Welfare Officer should not have the final word. That is all I am saying.

ADJOURNMENT

The question that Mr. CHAIRMAN do now report progress and ask for leave to sit again was put and resolved in the affirmative without division.

Mr. CHAIRMAN reported to Mr. SPEAKER and Mr. SPEAKER assumed the Chair and reported accordingly.

Hon. Dr. H. G. CUMMINS: Mr. Speaker,—I beg to move that this House do now adjourn for half an hour.

Hon. M. E. COX: I beg to second the motion.

The question was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly.

6.10 p.m.

On re-assembling,

ADOPTION BILL CONTINUED

Mr. SPEAKER: On the adjournment the House was in Committee on the Bill intituled an Act to make provision for the adoption of children. Mr. SPEAKER left the Chair and the House resumed Committee on the Bill Mr. SMITH being in the Chair.

Mr. CHAIRMAN: When we were last in Committee on this Bill, Clause 4 was being considered.

Mr. E. D. MOTTLEY: Mr. Chairman, I do not think it would serve any useful purpose in going on to debate this matter any further. I have not changed my view on the matter, and the Government has not changed its view either; and therefore it remains only for me to vote against the section. I felt that after we had passed Clause 3 the Hon. Minister of Social Services would see that there was no idea that the actual Social Welfare department should not make the investigations. Having passed Clause 3 it shows that we were cognisant of the fact that the proper authority to make the investigations would be the Social Welfare department. The Hon. Premier is actually trying to convince me that it would serve no useful purpose in an amendment to this Clause, by appointing a Committee to deal with this matter. If we used the words "Subject to the approval of the Minister of Social Services" although it might appear to be frivolous, I am still convinced that we should have a Committee to deal with this matter after the investigations are made; and I believe myself, that would prevent any ill feeling from arising from time to time. In a small community like Barbados it is felt that when investigations are made,

in certain quarters, people will feel that there is something unfair being adopted; and it will be infinitely better to have a Committee dealing with this matter. However, the Government is not prepared to amend this Clause or insert some Section to that effect. In the absence of that I think we should compromise by saying that we have a Minister of Social Services and when we come to deal with these matters, the matter of Social Services is a part of the Government and whatever policy is enunciated by him is the policy of the Government. In the absence of that, my motion would be to postpone the consideration of this section in the hope that when we get to the end of this Bill, there will still be seen some sanity and reason on the part of the Ministers by which they would be able to add some workable Clause or make some amendment to this Clause. I therefore beg to move that the consideration of this section be postponed so that it can be dealt with more fully.

Hon. G. H. ADAMS: I am sure the Hon. Minister of Social Services will not get the impression that I am handling this matter. I am only dealing with a point which he may not have to handle. I agree entirely that the layman has to be satisfied, and the way to satisfy the layman is to tell him something simple. You do not have to say "subject to the approval of the Minister of Social Services"; that is implied under the Ministerial system. When you say that the Director of Public Works or the Director of Education shall do so and so, he cannot act on his own. He, personally cannot do everything; but you do not have in our system to write in an Act the words "Subject to the Minister". We have not yet changed the Executive Committee Act which says that the Governor shall appoint four people at the beginning of every session. You do not have to say that the Social Welfare Officer shall get the approval of his or her Ministry; that is the only point I wish to make. As soon as you say "Social Welfare Officer" it is the same as if you say that the Director of Highways and Transport shall repair the tenantry roads. He cannot choose whatever tenantry roads he likes to repair; he has to listen to what the Minister of Communications has said; but you do not set that out in an Act.

Mr. Chairman, if I have intervened in this debate it is merely an attempt to allay the fears of the hon. member who has just sat down. The hon. member is right in saying that the layman has to have the Act quite clear, but the way to clear it is just how the administration works.

6.55 p.m.

Mr. LEWIS: I do not know if my colleague would accept an assurance like that. The hon. member is saying that under a Ministerial set-up you are ready to ride roughshod over the laws of the island and so on; but that is not the correct interpretation of a Ministerial system or any other Government system.

On what ground could he override a decision of the Social Welfare Officer? If the Social Welfare Officer has caused investigation to be made about the suitability of someone to adopt a child and he comes to a decision, can someone ask the Minister of Social Services to undo something which the Act says must be done by the Social Welfare Officer? Do you mean to say, that the same hon. member who has just spoken will get up and tell me that he will interfere with the Social Welfare Officer doing his or her duty? Can the Minister of Agriculture tell the Director of Agriculture that he has recommended the wrong manure?

After all, the people in Trinidad who drafted the Trinidad Ordinance are Barbadians. The Crown

Law Officer who is responsible for advising the Government of Trinidad is a Barbadian. I am saying that the Barbadian element in that department in Trinidad would have advised them on their Ordinance. They had a Barbadian drafting their Acts in 1950. The Barbadian that drafted that Ordinance was one who has drafted Acts here, which were approved by this House.

How can anyone say that it would not be better if someone who wants to adopt a child could apply to a committee who are charged with making the necessary investigations? The committee could include the Social Welfare Officer and other social welfare workers. It could be composed of from three to five persons. But under this Bill as it stands, the Social Welfare Officer is the sole authority for making the investigations and sifting the evidence, and coming to a decision that A, B or C are suitable or not suitable to adopt a child. We who have been accustomed to having a more democratic form of government for all these years are saying now, that we are placing Barbadians in a position of going to the Court and saying publicly that "I have been deemed unsuitable to adopt a child and since that is a stigma on me I am forced into public to disprove it."

This is nothing to do with Ministerial Status. The relationship between an adopter and a child does not cut across any Ministerial set-up. The Bill that was introduced into this House before said that you could appeal to the Court and get an adoption order made. But the present Bill makes provision for someone to go behind another person's back and make enquiries, and to be the sole arbiter as to whether that person is moral or immoral in the eyes of the public. We are not accustomed to that sort of thing in Barbados.

It would do no harm if a committee of three to five persons were appointed by the Minister of Social Services (not by the Governor as in the Trinidad Ordinance) and charged with the responsibility of making this decision about Barbadians. If they are aggrieved with the whole committee let them then appeal to the Courts. The Department of Science and Agriculture and the Department of Medical Services have committees. The Hospital has an advisory committee. This is the first Act where we have one sole arbiter and from this arbiter there is an appeal to the Court. Suppose we were doubtful of the Social Welfare Officer in the present instance and we appealed to the Courts, would we not be appealing from Caesar to Caesar? Let us have a multitude of council so that we can get as much wisdom as possible. Let us have someone who can say, "are you sure you have investigated the character of that person correctly?" If a miscarriage of justice can be carried in an open court what about behind closed doors with someone sitting and saying, "I sent someone to investigate it". The person who was sent to investigate may have brought back a particular report, because they did not want to say that they did not do their work properly. They may for that reason deem a person unsuitable without having even seen the person.

The Government is asking this House to pass an Act and to read into that Act that the Minister of Social Services must come into the Act. I never understood Ministerial Status in that way. We are passing a law giving the Social Welfare Officer certain powers and then saying that the Minister can undo what the officer has done. I am not dealing specifically with the present Social Welfare Officer. I do not suppose that any committee would allow her to adopt a child anyhow. I am saying that in Barbados we have a more democratic way of doing

things. It is strange that we have sent these democratic ideas to Trinidad and now we are abandoning them. You are placing a member of this House or anyone else in a position, of publicly going to court to prove their suitability to adopt.

In making this criticism we are merely trying to put this adoption business on a sound footing. Children have been adopted in Barbados for 300 years before we had Ministerial Government. We are now placing it on a sound footing, and the Government is giving one person the authority to say that a person is immoral, and will make that person go into court to prove his or her morality. Even in the Court of Appeal we have more than one judge sitting.

When we read clauses 3 and 4 and read the comparative list, we see that this idea is a brand new one. We did not copy that from anywhere else. We should allow no such thing to happen. I am surprised to see that members of the House let clause 3 pass. I am not saying whom the Minister should appoint as a committee, but let there be a committee and let the Social Welfare Officer be at least on the committee. If you have a committee of five intelligent persons they will know everyone in Barbados. There is no guarantee that that will be true of the Social Welfare Officer.

This Act places the responsibility squarely on the shoulders of the Social Welfare Officer. That is wrong. I am seconding the motion for the postponement of this clause. I am sorry that hon. members who feel about this clause as they do, did not say that in the course of the debate on the second reading, and let us send the Bill to a Select committee and save the time of the House.

Hon. G. H. ADAMS: I merely want to correct some misquotations. I do not know if something is wrong with my brain. I said to read the whole Bill. The Bill makes provision for the making of regulations. Under the old system the Governor-in-Executive Committee was responsible for making the regulations. With Ministerial Status the making of regulations becomes the duty of the Minister, otherwise you are not running a Ministerial Government. This House passed an Act giving the Governor-in-Executive Committee the right to delegate its duties. If you did not do that, you could say, strictly speaking, that the Act says the Governor-in-Executive Committee and it is the Governor-in-Executive Committee.

7.05 p.m.

If the Executive Committee has to decide which tenantry road is to be done first, it delegates it to the particular Minister to make the decision. How would you run a Ministerial system if you did not allow the particular Minister concerned to make that decision? Each Minister is responsible for his department, though the Government collectively is ultimately responsible.

The hon. member has completely misquoted it. The law says the Social Welfare Department; and that would mean that the Minister can override the decision of the Head of that department. When you mention the technical head of the particular department, does not the hon. member see that you must say somebody? If the Chief Justice postponed sentence on somebody in order to find out something of that person, what does he do? He uses somebody of the Social Welfare Department to go out and make the enquiries into the background of the person's family in order to see whether that person can profit by leniency, or whether he should bind that person over or send him to jail. Equally is that so, if somebody makes application to adopt a child. What is the title of the Head of the Social Welfare Depart-

ment but the Social Welfare Officer? And you must begin by saying that. We made it clear by saying that the Social Welfare Officer may make or cause to be made such enquiries, obtain or cause to be obtained such reports and carry out such interviews. Does the Commissioner of Police go out to see whether a man can drive a motor car or not to know whether he should give that man a driving licence? The Commissioner of Police, according to the law, is the person to do it. The Commissioner of Police only signs the driving licence. Some corporal of Police goes out with the man to see whether he is good enough to get a licence, and if the man is good enough to get a licence, the corporal comes back and says so and the Commissioner of Police signs the licence.

For the effective carrying out of this Act the Minister can make regulations. These regulations will say what persons are fit to be guardians; but you must enquire in order to find out whether the people are married, whether they are religious, whether they are able to support the adopted person or whether the person is using the means of adoption to counteract his employment of someone. Some people make a racket of adoption. Even in Great Britain and in Metropolitan countries, there are many people who want to adopt a child rather than to employ a domestic servant. You must therefore have somebody to make enquiries in order to find out whether those people who want to adopt children love children, or whether they want free domestic servants; therefore, you make regulations whereby the particular department making those investigations has to be guided. Human beings being human beings, anybody can make a mistake. What is better therefore, than a judicial tribunal when a person makes a mistake? What is wrong in going to the Court of Appeal or to the Chief Justice, should anything not meet with your satisfaction.

Every member is wrong if he does not question or criticise; but having been given an explanation, I appeal to hon. members to make use of their commonsense and to see things for themselves. In this particular case the department would make the enquiries but there is nothing wrong if the Social Welfare Officer cause enquiries to be made. What would be wrong if you ask a Sanitary Inspector: "Tell me what you know about such and such a person?" Or of a sergeant of the district making out a report of those people. As I have said, the Social Welfare Officer does not have to do it herself. But although she may ask a sergeant or anybody else she may still make a mistake. I say "she" because obviously the person in charge of that department is Miss Arne. However, it is no good talking of one person making these enquiries, because as soon as you say one person, you kill the whole essence of Ministerial system. You might remember that last week when we were debating the Resolution for a sum of money to refurbish Government House, the minute that I pointed out to the hon. sen. member for St. Philip although he is obstinate, that he was wrong in asking that the Executive Committee would have to see if a carpet is worn out before it was replaced, he backed down immediately from what he was saying. I pointed out to him that the Public Works Department has to see after it. The Head of the Department may not necessarily have gone into all details of the matter himself, and that is what I mean when I talk of Ministerial system.

In this matter the Hon. Minister of Social Services has to say what is to be taken into consideration before approving or disapproving of adoption. He will put on the Agenda of the Executive Committee all the regulations which are made about it. The regulations will come up and we will then say whether we agree with them, and the Social Welfare Depart-

ment would be guided by those regulations. The Hon. Minister of Social Services is the person in this particular case, who will draft regulations for the approval of his colleagues on the Executive Committee as to the procedure that you must adopt. A person of his own sweet will cannot say, "I do not want you to be a guardian." As I have said, because of collective responsibility, all these things come before all of us; but the Hon. Minister of Social Services in this particular case is going to be in the position of over-ruling a decision of the Social Welfare Officer. I repeat that with Ministerial system, the Hon. Minister of Social Services will be the person who will make the regulations to guide the Social Welfare Officer in making her decisions.

7.15 p.m.

When Mr. Rex Gill was a member of this House he drafted a Bill for the Adoption of children and I was asked to see after it; but it is wrong to give the impression that we are doing something haphazardly, and that we are not considering all the sections which have come before this House. We have got all the information we could get in connection with this Bill; we have compared the Trinidad Act and the English Act, and I say that there is no danger under the present set-up of any sole action being taken by the Social Welfare Officer.

Under the Public Utilities Bill the House said that even on the question of fact, matters should be referred to the Chief Justice. When licences to sell liquor are being issued, the Magistrate makes a decision and you have the right of appeal. I ask: what is wrong with the principle underlying this Bill? — Nothing. And as far as having an adjournment of this matter is concerned, do we want to leave an adjournment to come back with the same thing?

Mr. LEWIS: I am asking the hon. member not to confuse the two issues; on the question of making the investigation the Hon. Minister of Social Services read out a note from Trinidad concerning the working of the Act, and it says that the Social Welfare Department has rendered valuable service in connection with the working of the Trinidad Act. He is stressing the investigation too much. I am saying that right in the Act you have that the Social Welfare Department must make the investigation. I say: let the Clerk of the Committee be a member of the Social Welfare Department and let the Chairman of the Committee be the Social Welfare Officer. Under this Act it is the Social Welfare Officer who makes investigations and it is the Social Welfare Officer alone who has to make the decision about the suitability of persons. If that is not meant in this Bill I would like to know what is meant. Clause 6 of this Bill says this:

"Where the Social Welfare Officer for any reason decides that an infant should not be placed in the care and possession of a person desirous of adopting the infant he shall give notice in writing to that person of his intention not to place the infant in his care and possession."

The Social Welfare department in Trinidad investigates this matter; I am not saying that it should be any Probation Officer, and it is not a matter of Government policy as to who should adopt a child. It is not a case of repairing this tenantry road and not that one. It must not be Government policy for saying that So and So should not adopt a child. The interference by a Minister does not come in, in the same way the policy of the Government is, to permit the adoption of children; their policy is embodied in this Act. But do not let the hon. member say "who under the sun is the better person for making investigations?" The Social Welfare Department in Trinidad is making the investigation; if

you have a Committee the Social Welfare department makes the investigations, but when a decision is made nobody can blame the Minister of Social Services or the Minister of Education; there is a Board before which the investigation is made. In Trinidad after the Social Welfare Department has made its investigations, it is a decision of a Board of five persons appointed by the Governor and the Social Welfare Officer can be one of those persons. We know more about that system in Barbados than anybody in the outside world. This is not a question of a Committee investigating a money vote for carpets at Government House or anything like that; this is a decision as to the suitability of the person. It is not Government Policy at all. If you leave this decision to one person, you might find that person giving a child to an undeserving person. That is another danger. I am only making capital of the negative results, because the person who is decided against by this one person, has to appeal to the Court to establish their suitability, and I feel that is wrong. We are not accustomed to that sort of dictatorial policy in Barbados. One can readily imagine a man like Mr. John Beekles and many other persons being interested in the very type of work; they might know intimately the person who is doing the adopting and the infant to be adopted. If there is one Committee you want, it is a Committee for making recommendations for adoption. Let us know that more than one person is responsible for a decision so that we can say that somebody is "for" or "against," because if there is only one person, there is only one point of view and the thing is done.

Mr. VAUGHAN: I realise that the Hon. Premier's emphasis on the constitutional issue is rather sincere; but there is one weakness in his argument. It is a weakness of all people to forget the weakness of human nature. The Hon. Minister is responsible for regulations; the Social Welfare Officer has to be guided by the regulations which the Hon. Minister is responsible for, but the Social Welfare Officer is not bound to be so guided. The Social Welfare Officer is a human being. You cannot leave one person to make the decision and be satisfied that he or she is going to be guided by those regulations. How many people who ought to have been guided by regulations have not been guided by those regulations? That is the weakness of the Premier's entire argument; I appreciate his argument, but we are safe in having a Committee appointed to make the decision. It is more liable for a Committee to be guided by regulations than for any one person to be guided by them.

7.25 p.m.

I can see that the argument about the Public Works used by the honourable member is not on all fours with the present case. I can envisage that on many occasions the Social Welfare Officer may be guided by his or her own opinion and not by the Regulations. There is no provision made in the Bill for a committee; and it is wrong to suggest that the Minister will be referred to, and that the Minister can override the Social Welfare Officer. If the Minister can override the Act that will be unconstitutional.

That is dangerous, Sir. You cannot establish a law and then override it. The Minister can make regulations but the actual Bill has no provision made for that. The House is right to suggest that you put in the Act the power of the Minister to appoint a committee. He should appoint a committee. That is within the Minister's power or it should be.

Mr. BRANCKER: Mr. Chairman, I believe that before the adjournment I heard the Hon. Minister

of Social Services appear to concede to the point of view expressed by the honourable senior member for the City when the Minister enquired across the table whether putting in the Social Welfare Department would be more acceptable than the provision to put the sole power in the hands of the Social Welfare Officer.

If I heard the Hon. Minister aright on that occasion, I think that his mind is proceeding along very sound lines. The Bill that is before us, if it passes through all three branches of the Legislature, (that is, if it passes this House and the Other Place and is approved of by the Queen's representative,) will become an Act; and there can be no denying that if this becomes an Act, despite any conventions, you cannot prevent the Social Welfare Officer under this section from deciding that so and so should not be placed in care of a child. If the would-be adopter is grieved, he or she has the privilege of going before the Assistant Court of Appeal.

I pass over any criticism which one may hear or read now-a-days of that venerable institution. Much as the overcrowded Bar might appreciate this further source of income or revenue, I do not myself regard this Court as the best tribunal or the most fitting instrument to decide a matter of this kind; or to review the decisions of whomsoever will be the authority to arrive at those decisions.

That an Adoption Act is necessary, few will disagree. That the present Bill is substantially a reasonable and workable one, few will disagree, for as will be remembered, it passed its second reading without much difficulty. But there is no denying the fact that as regards this placing of power and this granting of legislative sanction to the Social Welfare Officer to make certain decisions and to do certain things, one cannot help feeling that even if the present Social Welfare Officer were not, as it is alleged, a South African, and even if she were not a person who for some reason or other has made herself almost universally unpopular in this country, one cannot help feeling, as I have said, that whoever the person was holding this post, it would be much better and one would feel much happier having an elected representative of the people (the obvious one being the Minister of Social Services) granted the legal power which this Bill seeks to grant to the Social Welfare Officer. That power, I say, should be in the hands of the Minister and an advisory committee.

There is nothing wrong with that suggestion. We have read of the appointment of the Hospital Advisory Committee, or rather, its continuation. Obviously if the Minister is advised by such a committee which will be composed of local people, a man like Mr. John Beckles will be on such a committee. Mrs. Symmonds, J.P., is another obvious person; and if it is suggested that such a committee could not advise and decide on who is fitting to be an adopter, no one else, whether from South Africa or elsewhere, would be fitting to give such a decision. Persons who have been dealing with little children for so many years, and who belong to this country, are the obvious persons to arrive at decisions in a matter of this sort.

I would not for one moment say that the Social Welfare Officer should not be on the committee. She should be on the committee by reason of her office, if for no other reason. But there are Barbadians who would know the people and who would easily find out about people, because they will be able to get evidence from people who know the would-be adopters.

Although, as I said, I heard the Hon. Minister enquire about putting in the Social Welfare Department, I am not sure that it is a department. I do not think that we can go further than to say the Social Welfare Office. Under Head 41 of the Colonial Estimates it is referred to as Social Welfare; but on the other hand, if the Hon. Minister regards it as a department and if that nomenclature is proved to be correct, I have no objection.

It is a matter of not putting this decision solely in the hands of the Social Welfare Officer. There again, Mr. Chairman, if we just leave it to the department and the department has a Head, we know how it is with Heads of Departments and subordinates, and it will still be the decision of the officer who is the Head of the Department, and who is responsible to no one.

When this Bill becomes law it will give certain powers which cannot be taken away, except by other acts of legislation. So if the Hon. Minister of Social Services will give this matter consideration I see no reason why he should not agree on further reflection that it is not desirable that we should give legislative authority to any particular officer to come to certain decisions subject only to appeal to the Court.

As I have said before, the Court of Appeal is not the best tribunal to give a decision on a matter of this kind. Their time is spent or should be spent in looking up points of law and deciding on facts. The matter that we are discussing would be somewhere off their beaten track. I can really see no harm in the proposal that this matter be postponed further, and that the Hon. Minister give more mature consideration to the point raised. The purpose of having the 24 of us here is that from a multitude of counsel, a certain amount of wisdom will be mainly forthcoming.

7.35 p.m.

Leaving out the personality of the Social Welfare Officer, it should be conceded that it is not the most admirable thing to give the particular officer legislative power. Despite whatever are the conventions in the constitution of Ministerial system, you still have your laws some of which even run counter to your system. You might risk dismissing someone or you might risk controversy.

Hon. Dr. CUMMINS: Mr. Chairman, this section (Clause 4) has been thoroughly ventilated. You have heard arguments from all sides of the Committee. I do not want to repeat, what the Hon. Premier has said very forcibly from his knowledge of the law. Members should be convinced on the point he has raised; but I see the force of the argument that there should not be a single individual who should be given this authority, and I will give the undertaking that in the framing of the regulations a regulation be made for the appointment of an Advisory Committee. (Cheers).

Mr. E. D. MOTTLEY: Whether that is workable or not, the Hon. Leader of the House has shown courage. I have always found him willing to co-operate. Under the circumstances, Mr. Chairman, I beg leave to withdraw my motion.

Mr. LEWIS: Mr. Chairman, I wish merely to say that I have never known of any regulation which can be made to override a statute. I hope something will be put in Section 31 to give you authority to set up an Advisory Committee.

The question that Clause 4 stand part—was put and resolved in the affirmative without division.

Clause 5 was called and passed.

Clause 6 was called.

It reads as follows:—

"Where the Social Welfare Officer for any reason decides that an infant should not be placed in

the care and possession of a person desirous of adopting the infant he shall give notice in writing to that person of his intention not to place the infant in his care and possession."

Hon. Dr. H. G. CUMMINS: I beg to move that Clause 6 stand part.

Hon. M. E. COX: I beg to second that.

Mr. LEWIS: Mr. Chairman, so far as Clause 6 is concerned, I am wondering if in order to carry out the promise made by the Hon. Minister, he would be willing to insert something like the following in this Clause:—

"Where the Social Welfare Officer *on the advice tendered him by any Committee appointed under any regulation made under this Act* for any reason decides that an infant should not be placed in the care and possession of a person desirous of adopting the infant he shall give notice in writing to that person of his intention not to place the infant in his care and possession."

Let us put in something like what I have put in between the words "Officer" and "for any reason." Certainly, if you are going to appoint an Advisory Committee you should put it in the Act.

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

Clauses 7 and 8 were called separately and passed.

Clause 9 was called. It reads as follows:—

9 (1) Any person given a notice by the Social Welfare Officer under the provisions of sections six or eight of this Act, may within five days of the receipt of a notice so given appeal to the Assistant Court of Appeal in its appellate jurisdiction.

(2) Section fifty-one of the Assistant Court of Appeal Act, 1900 shall, with the necessary modifications, apply in relation to an appeal under this section as if the notice given by the Social Welfare Officer under the provisions of section six and eight of this Act were the decision of a Police Magistrate

(3) Where the appeal relates to a notice given under section six of this Act and on the determination of the appeal it appears to the Court that the infant concerned may be placed in the care and possession of the appellant, the Court may so order and such order shall have the same effect as a decision taken by the Social Welfare Officer to place an infant in the care and possession of a person desirous of adopting the infant.

(4) Where the appeal relates to a notice given under section eight of this Act, and on the determination of the appeal it appears to the Court that the infant should be returned to the care and possession of the appellant, the Court may so order and such order shall have the effect of preventing the Social Welfare Officer from again removing the infant from the care and possession of the appellant.

(5) If on the determination of any appeal under this section it appears to the Court that any notice given by the Social Welfare Officer was in the circumstances justified, it shall make an order confirming his action.

(6) Any order made by the Court under this section shall be final.

Hon. Dr. H. G. CUMMINS: I beg to move that Clause 9 stand part.

Hon. M. E. COX: I beg to second that.

Mr. LEWIS: In sub-Section (1) you are talking of appealing against a notice. In my opinion Mr. Chairman, you do not appeal against a notice. You appeal against a decision and you have just said that you are appealing against a decision.

The question that Clause 9 stand part was put and resolved in the affirmative without division.

Clauses 10 and 11 were called separately and passed.

7.45 p.m.

Clauses 12 to 15 inclusive were called and passed. Clause 16 was called.

Hon. Dr. H. G. CUMMINS: I beg to move that Clause 16 stand part of the Bill.

Hon. M. E. COX: I beg to second that.

Mr. LEWIS: Mr. Chairman,—I would like to know what is meant by these words which are in brackets in sub-clause 2 of this Clause. The words are: "Or, if executed outside the island by a person of any such class as may be prescribed." I know it says that something can be signed by the Chief Justice, but I do not understand what is meant by "class" of person, in the words in brackets. In spite of anything you might hear in this House, sometimes after a year or two has elapsed, the opportunity is taken to correct an error; but everybody thought it was quite all right when it was passed.

Hon. G. H. ADAMS: Our Evidence Act says that certain things being attested in a particular way, shall be deemed to be properly attested. If you make a Power of Attorney in the United States of America you identify yourself as having made it, and the Court on seeing the Seal and the signature of the Consul accepts it. There may be some countries in which there is no Consul, and certain documents are deemed to be attested. If a document is executed outside the island the Evidence Act already describes how it should be done. In China I think you have to go before a Priest or something like that. However in this case all you have to say is "here is the seal." In this case it means that whatever class may be prescribed in a particular country, if the document is attested in that way, it will be accepted by a Court without any further proof.

The question that Clause 16 stand part of the Bill was put and resolved in the affirmative without division.

Clauses 17 to 25 inclusive were called and passed.

Clause 26 was called.

Hon. Dr. H. G. CUMMINS: I beg to move that Clause 26 stand part of the Bill. Under this clause the hon. junior member for the City raised some objection to the use of the words "adopted person" I think it was. I would like to ask the hon. member what his point was under this Clause.

Mr. LEWIS: Mr. Chairman,—I wanted to know whether we should not use the term "adopted child" instead of "adopted infant". (After a pause). I would suggest that we postpone the consideration of this Clause and get on with the others.

Hon. Dr. H. G. CUMMINS: Mr. Chairman,—I ask leave to postpone the consideration of Clauses 26 and 27.

There being no objection, leave was granted the Hon. Minister to postpone the consideration of these Clauses.

Clause 28 was called.

Hon. Dr. H. G. CUMMINS: I beg to move that Clause 28 stand part of the Bill.

Hon. M. E. COX: I beg to second that.

7.55 p.m.

Mr. LEWIS: Mr. Chairman,—We must remember to change this word "probably" which occurs in line 4 of paragraph (a) of Sub-Clause (2). I think that the word is intended to be "probable".

Clauses 28 to 30 inclusive were called and agreed to.

Clause 31 was called.

Hon. Dr. H. G. CUMMINS: I beg to move that Clause 31 stand part.

Hon. M. E. COX: I beg to second that.

Mr. LEWIS: Mr. Chairman,— I am asking the hon. member now, whether he would agree to add a paragraph "E" setting out exactly the promise that he made to the House. I want to know whether he would add a paragraph "E" to the effect that regulations would be made for the setting up of an Advisory Committee. Such Committees are specially mentioned in Acts. In this Section you have a generality and without prejudice to that generality you have paragraphs "B", "C" & "D". I think that "E" should be inserted to say that you are making provision for the appointment of an Advisory Committee to assist the Social Welfare Officer in the proper working of the Act. I think the Government would be on safe grounds to do that, and I am now making that suggestion.

Hon. Dr. H. G. CUMMINS: Mr. Chairman,—One of the things that we have to learn is, that we should not make *ad hoc* amendments to anything. I am not a draftsman, and I might do something which is quite improper. I have given this Committee an undertaking that I will see that provision is made for such a Committee when the regulations are being drafted. It seems to me that the hon. member is afraid that I will not honour my undertaking.

Mr. LEWIS: It is no such thing. I am only reminding the Hon. Minister that when he comes to set up the Advisory Committee under the regulations, he may find himself in a corner. I did not say that I doubted him. If my suggestion is superfluous or ignorant the Other Place will cut it out. I think that when he mentions his intentions to the Law Officers of the Crown he will find that they might tell him that it would have been better, if he had made provision for so doing in the Act. That is all. If the regulations do not come here, or if they come here I will still have an opportunity of telling him that he did not do what he promised to do if that is the case.

The question that Clause 31 stand part was put and agreed to with division.

Clauses 33 to 39 inclusive were called and agreed to.

The Schedule was called and agreed to.
8.05 p.m.

Hon. Dr. H. G. CUMMINS: I suggest that we now revert to Sections 26 and 27. I think that the fears of the hon. member are set at rest by the definition of "infant." The definition says "infant" means a person under twenty-one years of age; but does not include a person who is or has been married. It seems to me that the word "person" as used in these two Sections also refer to that.

Mr. LEWIS: Mr. Chairman, I am not questioning that. I am very glad to hear that it is quite in order; but I would like to say that from my reading, if I am to understand it, you will have to define the word "person" not "infant." It is said that an infant is a person under that age, but it does not say that a person means an infant or a child under that age.

The question that Clause 26 stand part was put and resolved in the affirmative without division.

On motion of Hon. Dr. H. G. CUMMINS, seconded by Hon. M. E. Cox, the CHAIRMAN reported the passing of the Bill in Committee.

Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. Dr. H. G. CUMMINS, seconded by Hon. M. E. Cox in each case, the Bill was read a third time and passed.

LEAVE GRANTED TO TAKE ORDER NO. 7

Hon. C. E. TALMA: Mr. Speaker, I am asking leave to take Order No. 7 as the next Order of the Day.

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

RESOLUTION TO APPROVE ALLOCATION OF BALANCE OF STABILIZATION FUND

Mr. SPEAKER: Order No. 7 stands in the name of the Hon. Minister of Agriculture, Lands and Fisheries:—To move the passing of the following Resolution: Resolution to approve the allocation of the balance of the Stabilization Fund, 1954, among producers of Fancy Molasses.

Hon. C. E. TALMA: Mr. Speaker, this is merely a formal Resolution implementing the decision of the Fancy Molasses Control and Marketing Board. Under Section 10 of the Barbados Fancy Molasses Production and Export Act, 1937, as has been set out in the Addendum, the Board has recommended that the balance of the Stabilization Fund, 1954, should be allocated among producers of Fancy Molasses, as set out in the Resolution.

The Governor-in-Executive Committee agrees with the recommendation of the Board, and this Resolution is placed before the Legislature in accordance with the provision of the Act.

As I have said, this is merely a formal matter. All the mechanics in connection with this particular Resolution have been worked out by the Board, and the Board has recommended that the balance of the Stabilization Fund of 1954 shall be allocated among producers of Fancy Molasses at the rate of .6164 cents a gallon on every gallon produced. This is the usual annual Resolution which comes before this Chamber, and I think all honourable members are fully conversant with it. I beg to move that this Resolution do now pass.

Hon. M. E. COX: I beg to second that.

Mr. VAUGHAN: Mr. Speaker, I do not know who is responsible, but I feel a meeting should be called soon so that the allocation of quotas to the various Syrup Factories may be made as early as possible. I would like that meeting called before January.

Mr. LEWIS: Mr. Speaker, the honourable member who has just sat down is a member of the Fancy Molasses Control and Marketing Board. I am suggesting that he see the Director of Agriculture or the Clerk of the Board about the matter he referred to, because the calling of a meeting of that Board is not the concern of this House.

THE ADJOURNMENT

Hon. Dr. H. G. CUMMINS: Mr. Speaker, in fixing the Order Paper for the next meeting, Committee of Supply should be made the First Order of the Day, and the rest of the Order Paper should be as the House do now adjourn until next Tuesday the 30th instant at three o'clock p.m.

Hon. M. E. COX: I beg to second that.

Replies To Questions

Mr. LEWIS: Mr. Speaker, I am taking the opportunity on the motion for the adjournment to enquire, whether it is in order under Ministerial set-up for virtual answers to Questions to be published by way of a statement of Government policy in the Press before those answers are laid on the Table of the House. I make this observation, because

the Government may discover that it is doing what I regard as a discourtesy to honourable members. I heard in this House recently that the honourable junior member for St. John wanted to speak on something and he was ruled out of order, because the subject on which he wanted to speak was a Question which was given notice of in this House.

While I am all for the giving of information to the Press and giving it freely and as fully as possible. I am asking whether it is in order for the subject of a Question asked in this House to be printed in the newspaper as something of the policy of the Government, before the question is answered. I do not know all the conventions; we are adopting them as we go on. The Question that I am referring to was given notice by my colleague and it was in respect to people of Barbados emigrating to England. I am merely drawing attention to it, so that if it is an oversight it may be stopped. As I have said, I am in agreement with the giving of information as soon as possible; but if the information was the subject of a Question in this House, I am asking if it is the right and proper thing to publish a statement in the Press before the Reply is laid in the House. I think the member asking the question should have got a copy of the published statement sent to him by the particular Minister. I do not like to see us accepting conventions, and then the Government breaking them 8.15 p.m.

I do not want us to adopt conventions and then break them; we hear that a matter is the subject of a question and it is ruled as out of order to discuss it before the answer is given in the proper way, but then you see the virtual answer to a question is put in the newspaper. We have started Ministerial Status and it does not seem to be the policy of the Government to have Ministers on the various Boards; it did not seem to be the policy of the Government to appoint a Leader of the Opposition. Mr. Speaker, the Marshal has just referred me to Rule 142 but I would like to know exactly to what that applies now.

Hon. G. H. ADAMS: I do not see that there is anything wrong in the Government announcing policy, even although honourable members may have asked questions. I heard a statement of policy made in the House of Commons before I left London. It has been made clear to the honourable senior member for the City, that no specific policy had yet been laid down by the Government although the Government attitude was that it had to await the decision of the British Government in connection with people going to England; and that we are sympathetic with the idea of lending people money to go to England, but we had to work out details. I told the honourable senior member for the City that I intended to make a personal statement on the floor of the House in this connection. I also told my colleague that I would make that statement on an appropriate occasion like the motion for the adjournment of the House; therefore the honourable senior member for the City knew before he asked the questions which he has asked, that I would make the statement. However I just forgot last Tuesday night and it was thought advisable to make that statement in a Press communique. I could even anticipate the honourable member asking those questions. I want to say that it is not a question of his having asked those questions and

being treated with discourtesy; I would have anticipated his questions by making a statement before he asked the question.

To-night I intended making a statement dealing with certain educational matters; I have not however completely drafted what I intended to say, and therefore I have postponed the making of that statement until next Tuesday.

Lord Simon's Report

I merely want to say while I am on my feet, that as a result of his visit here Lord Simon felt that the population question was so important that he would like to hear the views of honourable members on it; and I suggested that we should get copies to members of both Houses of the Legislature and he has also sent copies of the Report to the Editor of the Advocate. (Mr. LEWIS: I hope that those copies have been circulated with your permission, Mr. Speaker). I want to say here that the trouble with the honourable junior member for the City is not that he does not know a lot of things, but he knows them wrong. I merely draw to Your Honour's attention that this Document is not an official document, but it is considered that both Houses of the Legislature being so interested in the question of population, they would like to have the Report made; and he thought that Barbados and India were the two places which could teach the world most about the population problem. That is why he came here and made that Report, so that whatever can be given in the way of advice might be given. I would say that the honourable junior member for the City knows the Rules of the House backwards.

Mr. LEWIS: I am prepared to bow to what the honourable member has said; but I want to point out that nothing can be put before honourable members of this House whether it is laid as a document or otherwise, without Your Honour's permission. No Marshal or Clerk can lay anything before honourable members unless they do it with Your Honour's permission.

Mr. GODDARD: I should like to say that when the honourable senior member for the City asked those questions, he actually intended asking them the week before; but he came in the House too late to ask them. I only mention that by the way; it is not that the honourable member prepared the Questions after consultation with the Hon. Premier. I know the facts.

Selected Committees Discharged

Mr. SPEAKER: Before I put the question for the adjournment, I have the honour to discharge the following Select Committees:—

The Select Committee appointed to consider and prepare a Draft Reply to His Excellency the Governor's Speech; the Select Committee appointed to consider and recommend the names of persons to serve on the various Boards and Committees; and the Select Committee appointed to consider and prepare a draft Reply to the Governor's Deputy's Message No. 26/1954 regarding an Intra-Regional Shipping Service.

The question that this House do now adjourn until this day week at 3 o'clock p.m. was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House Accordingly. 8.25 p.m.