

THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1956

HOUSE OF ASSEMBLY

Tuesday, 12th June, 1956.

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

PRESENT

His Honour K. N. R. HUSBANDS (*Speaker*), Hon. G. H. ADAMS C.M.G., Q.C., B.A., (*Premier*), Hon. Dr. H. G. H. CUMMINS C.B.E., 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 & Labour*), Mr. O. T. ALDER, Mr. F. E. MILLER, Mr. E. St. A. HOLDER, Mr. V. B. VAUGHAN, Mrs. E. E. BOURNE, Mr. J. C. TUDOR M.A.

Prayers were read.

MINUTES

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

DOCUMENTS

I have the honour to inform the House that I have received the following from the Barbados Light and Power Company Ltd.

Dear Sir,

Further to our letter dated 29th February, 1956, we have now received copies of our Chairman's Speech at the Annual General Meeting of the Barbados Electric Supply Corporation, and forward herewith a copy for the information of the Members of the Honourable the House of Assembly.

Yours faithfully,

THE BARBADOS LIGHT & POWER
COMPANY LTD.,
J. H. NELSON

PAPERS LAID

Hon. G. H. ADAMS: Mr. Speaker. I am commanded to lay the following:

Hon'ble G. H. Adams, Premier: Message No. 7/1956 from His Excellency the Governor to the Honourable the House of Assembly regarding the

appointment of the Federal Capital Fact Finding Commission.

MESSAGE No. 7/1956

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

His Excellency the Governor has the honour to inform the Honourable the House of Assembly that the Secretary of State has appointed the following persons to serve as the Fact-Finding Commission on the Site of the Federal Capital:—

Sir Francis Mudie, K.C.S.I., K.C.I.E.' O.B.E.
(Chairman)

Professor Myles Wright, F.R.I.B.A.,
(Lever Professor of Civic Design in the University of Liverpool.

Mr. A. E. Cook, C.M.G.,
Formerly Permanent Secretary to the Ministry of Finance, Eastern Region of Nigeria.

2. The Commission's terms of reference will be as follows:—

"In accordance with the recommendations of the Conference on British Caribbean Federation held in London in February, 1956, (Command 9733) to visit those federating territories whose Governments wish them to be considered for the location of the Federal Capital or desire to express a view on the site, to examine the facts concerning the possible site, and, within a period of four months from the appointment of the Commission, to make recommendations for the consideration of the Standing Federation Committee on the three most suitable sites for the Federal Capital in order of preference, bearing in mind *inter alia* the following factors:

- (i) Political and social sentiment throughout the area.
- (ii) The convenience of the site in relation to the Federal area.
- (iii) The availability of land both for immediate building and for future expansion.
- (iv) The cost of site preparation and necessary building on the selected site taking into account availability of temporary accommodation.

- (v) The suitability of communication by sea, air, cable, telephone and road.
- (vi) The services available:—
 - (a) General accommodation including housing for staff; (b) hotels; (c) general amenities; (d) water supplies; (e) electricity and power; (f) educational facilities; (g) the availability of suitable recruits for subordinate posts in the Federal Service."

3. A Resolution to meet this Government's share of the estimated expenses of the Commission will be submitted to the Legislature.

Government House,
Barbados.
12th June, 1956.
(M.P. C. 461/6)

R. D. H. ARUNDELL,

Hon. G. H. ADAMS, Premier: Quarterly Return of Transactions in Rum to 31st March, 1956.

Hon. G. H. ADAMS, Premier: The Public Officers' Loan and Travelling Allowances (Scheduled Officers) Regulations, 1956.

Hon. G. H. ADAMS, Premier: The Civil Establishment (General) (Amendment) No. 15 Order, 1956.

Hon. M. E. COX: Mr. Speaker, I am commanded to lay the following:

Hon. M. E. COX, Minister of Communications, Works & Housing: Annual Report of the Harbour and Shipping Department for the year 1955.

Hon. M. E. COX, Minister of Communications, Works & Housing: Report of the Department of Highways and Transport for the year 1955—56.

On behalf of the Hon. Minister of Agriculture, Lands and Fisheries, A Report of the Cane Fire Board, 1955.

PETITIONS

Mr. GODDARD: Mr. Speaker, I have to present a Petition from the Barbados Light and Power Company Ltd. relative to the laying of pipes from the sea to their Buildings. The Petition is respectfully worded, and I beg that it be taken as read.

GOVERNMENT NOTICES

Hon. G. H. ADAMS: Mr. Speaker, I beg to give notice of the following Resolutions:

Resolution to approve the Order entitled "The Civil Establishment (General) (Amendment) No. 15 Order, 1956".

Resolution to place the sum of \$5,000 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1956—57, Part I—Current, as shown in the Supplementary Estimate 1956—57, No. 7 which forms the Schedule to the Resolution.

Resolution to place the sum of \$9,000 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1956—57, Part II—Capital, as shown in the Supplementary Estimate 1956—57, No. 8 which forms the Schedule to the Resolution.

Mr. Speaker, the Resolution for \$5,000 is a Resolution to vote a sum of money to meet the expenses of the Federal Capital Fact-Finding Commission, and I shall ask the leave of the House to deal with it today as the matter is somewhat urgent, and to move the necessary suspension of Rules.

Hon. M. E. COX: Mr. Speaker, I beg to give notice of the following Resolution:—

Resolution to place the sum of \$10,000 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1956—57, Part II—Cap-

ital, as shown in the Supplementary Estimate 1956—57, No. 6 which forms the Schedule to the Resolution.

I should only like to say that with Your Honour's permission this Resolution was circulated to hon. members over the week-end. As this is also a very urgent matter, I will be asking the House to agree to the suspension of Rules 88 & 89 at a later stage to deal with this Resolution in all its stages today.

Also, I beg to give notice of a Bill to amend the Public Officers Housing Loans Act, 1952.

Hon. Dr. H. G. CUMMINS: Mr. Speaker, I beg to give notice of my intention to move the House into Committee of Supply at its next meeting to deal with the Resolution for \$9,000, taking for granted that the other two Resolutions which the Premier and the Minister of Communications would like to proceed with are dealt with today. At this stage I beg to give notice of my intention to suspend Rules 88 & 89 to deal with these two Resolutions.

PRIVATE NOTICE

Mr. GODDARD: Mr. Speaker, I beg to give notice of a Bill to authorise the Barbados Light and Power Company Limited to construct two or more pipe lines to run sea water to this Company.

BILLS READ A FIRST TIME

On the motion of Hon. M. E. COX, seconded by Hon. R. G. MAPP, the Bill to amend the Public Officers' Housing Loans Act, 1952, was read a first time.

On the motion of Mr. GODDARD, seconded by Mr. HAYNES, the Bill to authorise the Barbados Light and Power Company Ltd. to construct two or more pipelines for pumping sea water to and from the Company's works, was read a first time.

RULING Re WORKMEN COMPENSATION BILL

Mr. SPEAKER: The ruling which has been sought as to whether the motion proposed by the hon. senior member for St. George to amend the Workmen's Compensation Act, 1943, is out of order is as follows:—

The amendments proposed seek to—

enlarge the employer's liability in Clause 2, and to increase the amounts recoverable by compensation in Clauses 3, 4, 5 and 6.

Now in Section 2 of the Workmen's Compensation Act 1943 — 2, page 4, employer includes Her Majesty in Her Government of the Colony.

Again, according to May's Parliamentary Procedure fifteenth edition, Chapter XXVI, under Matters requiring the King's recommendations par. 3, it is laid down that a charge is involved by any proposal whereby the Crown would incur liability or a contingent liability payable out of money to be voted by Parliament, CJ (1920), 102.

It is therefore my opinion that since within the scope of these proposed amendments the Crown is liable to incur the expenditure of money as a result of the possible injury to workmen receiving wages out of the public funds, that the proposed amendments are out of order and I so rule.

SUSPENSION OF RULES 88 AND 89

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I ask leave to move for the suspension of Rules 88 & 89.

There being no objection, leave was granted the Hon. Minister.

Hon. Dr. H. G. H. CUMMINS: I beg to move that Rules 88 and 89 be now suspended.

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

The motion was put and agreed to.

COMMITTEE OF SUPPLY

Hon. Dr. H. G. H. CUMMINS: I beg to move that Committee of Supply be taken as the first Order of the Day, and that it be an instruction of the House when the House is in Committee to consider the two Resolutions for \$5,000 and \$10,000 respectively, of which Notice has just been given.

Mr. GODDARD: Before that is done, I should like to say that we had one Resolution circulated to us. [Hon. G. H. ADAMS: The other one will be circulated later on]. Very well.

Hon. Dr. H. G. H. CUMMINS: I beg to move that Your Honour do now leave the Chair, and the House go into Committee of Supply.

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

The question was put and agreed to.

Mr. SPEAKER left the Chair, and the House went into Committee of Supply, Mr. SMITH being in the Chair.

Mr. F. L. WALCOTT entered the House and took his seat.

MISCELLANEOUS SERVICES (FEDERAL) CAPITAL COMMISSION

Hon. G. H. ADAMS: Mr. Chairman, the first Resolution is for the sum of \$5,000 to be placed at the disposal of the Governor-in-Executive Committee for the payment of Barbados' share of the expenses of bringing the Federal Capital Fact Finding Commission, which was appointed by the Secretary of State for the Colonies, to the West Indies. This Commission will visit the various Caribbean Territories including Barbados. I do not know if it is necessary to remind hon. members of what they are supposed to be doing, but I will remind them of the names of the Commission. In case hon. members have forgotten or did not have time to read, I will point out by reference to the Message which I read earlier, that the names of the Commission are: Sir Francis Mudie, K.C.S.I., K.C.I.E., O.B.E. (Chairman), Professor Myles Wright, F.R.I.B.A., Lever Professor of Civic Design in the University of Liverpool, and Mr. A. E. Cook, C.M.G., formerly Permanent Secretary to the Ministry of Finance, Eastern Region of Nigeria.

These three persons have been appointed as this Commission in accordance with the Resolutions passed by the Delegates to the Federation Conference in London in February. The terms of their reference are to visit the West Indies and those territories which are to be federated whose Governments wish them to be considered for the location of the Federal Capital, or who wish to express a view as to the Federal site. British Guiana has not decided to come in, but wishes to have its rights maintained in respect of West Indian Court of Appeal. The Commission will select the three most suitable sites for the Federal Capital in order of preference, and will submit names to the Standing Committee which is a prolongation of the Committee which met in London in February, this year.

3.35 p.m.

Our share which is computed in accordance with the provision made for shares in regional matters be-

tween the colonies comes to \$5,000. The Commissioners should be here about the 25th or 26th June this month. They are coming to Barbados first, then going on to Grenada, Trinidad and some of the other Islands.

I do not think it necessary for me to say anything more. I am sure hon. members will remember substantially the terms and reference of the Commission. It will be inappropriate and quite un-Barbadian for me to say anything further as to what we may hope would be their recommendation. I beg to move that this Resolution be now agreed to.

Hon. Dr. H. G. H. CUMMINS: I beg to second that.

Mr. GODDARD: Mr. Chairman, would it be possible for the Hon. Premier to tell us what is the total cost of the expenses? It could be worked out if we had the percentages but we do not have them.

Hon. G. H. ADAMS: I am sorry I have not the files before me, but I do remember when the matter was first mentioned in the Executive it appeared as if there was some confusion as to whether we were using the percentages used by the Regional Economic Committee. I think our share is either 8% or 12%.

Mr. ALLDER: Mr. Chairman, I am going to make a few remarks on this Resolution because I was one of those few persons who was not fully convinced of the benefits which would be accrued to Barbados in a Federated West Indies. I have observed that we have gone too far now to be able to withdraw ourselves, and I realise that the only thing which Barbados stands to benefit from being a unit is the success in getting the Capital here. I make it no secret that is my only hope for Barbados to benefit economically because without such economic benefits we are no where, regardless of what political status might come to these colonies through Federation. That is my feeling.

I am therefore going to make a final suggestion and a final appeal to all concerned and it is this: I feel the lead should be taken by Government in co-operation with the Press and Radio, parochial bodies and the various institutions—social and otherwise—in this colony to come together on this issue and sink all differences, wherever they might have been, so as to assist in creating a favourable impression on those Commissioners who are expected to be coming here in the not too distant future.

The reason why I say these things is because I would be very unhappy myself to know that we have entered on so long a journey without having any tangible benefit brought to us. As it is said, so long as we have entered there is no coming out; but the added responsibilities, financially and otherwise, will be on our shoulders already. I therefore feel it is my duty, even although my voice may be a lone one on this issue, to appeal to the Government and all those concerned to do whatever lies best at their disposal to see if that favourable impression can be created to enable Barbados to be the Federal Capital. We have the Commercial Elements, the Tourist Board, the Publicity Committee, the Orchid Circle, the Museum and other organisations, and I hope Government will through its machinery ask those various bodies to do whatever they can to create that favourable impression which is very much needed.

What is more, the least thing which we can do to help Barbados—we having lost many opportunities already, probably through an attempt to play the management part, and that has caused us to be lacking in certain opportunities which some other colonies have been able to give. I do hope that this Island will be successful in getting what in my opinion it reasonably deserves.

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

SUPPLEMENTARY ESTIMATE, 1956—57 No. 6

Seawall at Princess Alice Field

Hon. M. E. COX: Mr. Chairman, this Resolution is for the sum of \$10,000 to carry out certain repairs to the seawall around the Princess Alice area which was recently damaged by the high seas. The Addendum explains the Resolution quite fully. The Director of Public Works has estimated for this job and intends carrying it out. I hardly think there is anything more I can say on it. In case hon. members want any further information, I will be quite willing to give it.

According to the Addendum, the seawall at the Princess Alice Playing Field has been damaged by the recent heavy seas at its southern section and about 160 feet of the wall has collapsed. The repair of this wall is a matter of some urgency, not only from the point of saving the land now used as a playing field, but also of protecting the new access road to Deep Water Harbour area. I beg to move that this Resolution do now pass.

Hon. Dr. H. G. H. CUMMINS: I beg to second that.
3.45 p.m.

Mr. HAYNES: Mr. Chairman, whereas I see that this Resolution is necessary for the preservation of walls at the Princess Alice Playing Field, I would still like to make a few remarks which might be of use to the Government. One of them is that I see they say in the Resolution they are going to use concrete walls; but they have done that already and it has proved a failure. I know what I am going to suggest is very expensive, but I believe it is the only thing in the long run that can stand these tremendous seas; and it is: interlocking steel piles. They are expensive, but I believe they are used in all parts of the wharves throughout the world. We had to use them here because we used to use green heart and the beating of the waves used to cut out the heart and we were forever putting them back. This is a permanent job and I am suggesting to the Minister that he consider putting this matter before his Head of Department. I think he will find it may cost a little more, but whatever is done will be well done as far as sea walls are concerned. Another thing which arises out of this, though not connected with the Resolution, because it says that this money is to preserve the roads at present being constructed for the Deep Water Harbour. Well, Sir, I am wondering if Government has observed what this sea is doing; and as they have not yet accomplished the entrance of the Deep Water Harbour which will be in that neighbourhood, to my mind they should bring this local difficulty to the engineers when they come here to make final plans to consider this matter, because these seas from there right around the West Coast of this Island are most stupendous. At this time of the year unless we get a hurricane the sea on that coast from, say, Speightstown back to Needham's Point is the calmest sea in the world; but if you take what happened in the period between December and April it is a totally different matter; and I figure Sir, that this has escaped the notice of the engineers or the schemers of this Harbour in considering this. They should certainly make considerable changes to the entrance of the proposed Deep Water Harbour, because if they do not do this, either it would always be sinking up and we would be dredging from January to December to get it cleared, or you will always be replacing the embankments or breakwater

or whatever it is you will have to build to protect the harbour at this end. I put this suggestion to the Government because I happen to know a little about the effects of these seas from various experiences I have had, and I know what it is: that unless you come at the right time and see them, people will not believe you when you tell them about it and the damage that can be done.

Mr. GODDARD: Mr. Chairman, two weeks ago a Resolution came here for \$1,500 for the repair of Pelican Island and on that occasion I told them that that money would have been better spent on the repair of the seawalls at the Princess Alice Playing Field in view of the fact that the Deep Water Harbour or the work begun on the Deep Water Harbour was in the offing. The Minister of Communications under whose portfolio this falls mentioned nothing about Princess Alice Playing Field at the time, although it must have been drawn to his attention then that it was in need of repairs, because \$10,000 is a lot of money and seawalls that are damaged to that extent must have been drawn to his attention. Well, he did not make any comment on it then, but he made one on the Deep Water Harbour and how soon we might expect it. I wonder if he is prepared to give any further light on the Deep Water Harbour and what progress has been made so far about consulting the engineers arriving in Barbados with a view to getting the contract ready. He did make a bit of a statement then over which he hesitated and then tried to retract, but if he has any improved comment to make we would be delighted to hear. This, I am sure, is necessary because they have already begun to put permanent roads at the back of the Princess Alice Playing Field and unless some protection is made, these are likely to go into the sea as well. But what I would also like to ask him too is, at what point in the Princess Alice Playing Field is it proposed to pick up and go to Pelican Island. As far as I can see from the maps, it seems that if this breakwater, for the damage on the Princess Alice Playing Field, is at a point, at which it might be attempted to be out to Pelican Island, it will be unnecessary to put so permanent a structure in the repair job. Surely, the engineers must have taken that into account: because to go and put down a breakwater of this grandeur and expense at a point within the works to be developed in the Deep Water Harbour would both be unnecessary and a waste of money. I do hope that they have taken that into account.

Hon. M. E. COX: Mr. Chairman, I appreciate the point made by the hon. junior member for St. Andrew as regards the steel piles. The interlocking steel piles as he said are used at present on other parts of the wharf, but it has not been so recommended by the Director of Public Works or the Director of Highways and Transport. It was recommended by the Director of Public Works that we should re-instate the damage area by reinforced concrete and of course, as he knows, they are the technical people and I think we can do nothing else than to take the advice of our technical experts.
3.55 p.m.

I will, however, raise the point made by the hon. junior member for St. Andrew, with the Director of Public Works. With regard to the point made by the hon. junior member for Christ Church, I think that when I was dealing with that Resolution a week or two ago, I said that a part of the wall near the Princess Alice Playing Field had broken away and that we would be coming down with this Resolution. I did not state the extent of the damage at that time because I was getting information as to it, and I could not tell the House what the damage would have

been before I had received the information from the Department concerned.

As to the point made about the damaged wall leading to Pelican Island, I should like to inform the hon. member that the part which we are going to reinstate is no longer near the point where the road leads to Pelican Island. The road which we are reinstating is actually adjoining the point where the old Mortuary was, about 200 feet from the other point. There is no question about that part of the road leading to the Harbour scheme; in this case, we will have to reinstate the wall.

As far as the engineers are concerned, it is expected that they will arrive a little later this month. They are prepared to come and see things for themselves in order to give advice as to the laying out of the roads and so on. I promise the hon. member that as soon as these engineers arrive, and the information is available, I shall report to the House.

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

On the motion of Hon. Dr. H. G. H. CUMMINS, seconded by Hon. M. E. COX, the CHAIRMAN reported the passing of two Resolutions in Committee of Supply.

Mr. SPEAKER resumed the Chair, and reported accordingly.

On motions of Hon. Dr. H. G. H. CUMMINS, seconded by Hon. M. E. COX in each case, the Resolutions passed in Committee were read a first and second time and agreed to.

SUPREME COURT OF JUDICATURE BILL

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I am asking leave to postpone the consideration of Order No. 1, and that Order No. 2 be taken as the next Order of the Day.

There being no objection, leave was granted the Hon. Minister.

Mr. SPEAKER: The next Order of the Day stands in the name of the Hon. Premier: to move the second reading of a Bill for the constitution of a Supreme Court of Judicature and for other purposes relating to the better Administration of Justice in the Island.

Hon. G. H. ADAMS: Mr. Speaker, let me say at the outset that although I did mention a few Tuesdays ago that the Government considered at that time that it may be possible to begin the consideration of this Bill, pass the second reading and then send it to a Select Committee, the Government has had to reconsider its decision for many reasons, the chief among them being, of course the importance of this Bill. It is essential that this Bill be put on the Statute Book as early as possible. A number of things are dependent upon it, both as regards the necessity for bringing our Courts and Judiciary up to date, and then the question of getting suitable personnel will arise. With the Salaries Revision Commissioner coming here soon, the Government feels that it is incumbent on them to appeal to the Legislature to give very serious and speedy attention to the reform of the Judiciary of this Island.

I think I said last Tuesday that for more than one hundred years no serious attempt has been made to bring the Courts really up to date.

4.05 p.m.

Round about 1822—I presumed it was that time because the Commissioners began their work in 1823 a Commissioner was appointed to examine Civil and Criminal Justice in the West Indies. Again it seems to be traditional that they worked on Barba-

dos first; and they found, as one would expect they would find in existence the chaotic conditions which were throughout the West Indies, as they said, in matters of the laws and courts.

In fact, those were the days when the Chief Justice was a layman, those were the days when the Governor was Vice Chancellor; these were the days when practically everybody who was a Magistrate was not learned in the law. Those were days when the system of courts as was brought in by the early British settlers in Barbados and other West Indian colonies persisted to a great extent. We have still remnants from the earliest settlers, as hon members are aware, and which will continue until the Maude Bill comes into operation, that is, Poor Law is still administered by a Statute of Elizabeth of 1602 or 1608. In many respects it may be said that our procedure in our law courts and the method of constituting courts are still relicts of the early 17th century.

When the Commissioners came here in 1823, they reported on the state of the law and the state of the courts and their report is almost like the Objects and Reasons which honourable members have before them. They enumerated and said this:—

“The courts, established for the administration of Civil justice in the island of Barbados are—the Court of Chancery; the Court of Error, or Appeal and Error; the Court of Ordinary; five Courts of Common Pleas, one being held in each of five districts; the Court of Exchequer; the Court of Admiralty; and the Court of Escheat. Besides these general Courts, there is, by a local act, a power vested in the Governor, to appoint a special court of merchants and mariners; as also a Court to take cognizance of cases of persons about to quit the island, in debt (which Court I believe never sat). There is also what are called warrant actions; these are excrescences, growing out of the authority, given to a single justice, to decide claims for service, or for work and labour, by servants and labourers, and extended very mischievously, to those who exercise any manual labour, as shoemakers and tailors; as well as to all demands, arising from the sale of the produce of the Island; and actions for cattle under the amount of £25.

The Courts for the administration of Criminal justice are the Court of Grand Sessions, held twice a year; the Court of Quarter Sessions, which does not sit regularly at present; a Court for the trial of slaves for capital offences, consisting of two magistrates and three freeholders, with an appeal to the Governor in Council; and the Admiralty sessions held *pro re nata*.

Well, if hon. members turn to the “Objects and Reasons” of this Bill, they will see an enumeration almost as pristine as that. The “Objects and Reasons” of this Bill read as follows:—

“At present the judicial system in Barbados consists of the following hierarchy of courts:—

1. Eight superior courts of record viz: the court of Common Pleas, the Court of Chancery, the Court of Ordinary, the Colonial Court of Vice-Admiralty, the Court of Grand Sessions the Court of Error, the Court of Escheat and the Court of Divorce and Matrimonial Causes.”

In short, we have not in over 100 years made the progress we should have made in the establishment and administration of superior courts in this Island. Barbadians, even now they are under the benevolent guidance of a Socialist Government, are fundamentally conservatives. It takes us a long time to change; but we easily can see why it has taken us so long to bring our courts into a single Supreme Court and to abolish such anomalies and anachronisms as still exist in the law of administration of justice in Barbados.

The "Objects and Reasons" go on to read as follows:—

"Each of these courts is established under a separate Act and exercises a distinct and separate jurisdiction and has its own rules of procedure. Each court is presided over by the Chief Justice except that, since 1951 under the Chief Judge and Crown Law Officers (Amendment Judge) 1951, provision was made on a temporary basis for the appointment of a Puisne Judge vested with all the powers of the Chief Justice. This provision has been renewed from year to year and still continues in force."

As hon. members of this House will know, the institution of Puisne Judge to assist the Chief Judge in the excessive work which has fallen on him was established in recent years.

The Assistant Court of Appeal consists of two two Judges now. There was a time when there were three. For the sake of economy we have for many years been having the Court established by two judges. This Court was originally established in 1838 as a Court of Appeal for hearing appeals from Police Magistrates and subsequently Petty Debt Judges.

I do not know if hon. members will remember, but almost immediately after emancipation it was necessary to have a Court to which people could appeal because the Magistrates of those days were obviously slave owners, and it was felt that with the coming of emancipation it was necessary to give the free slaves a sense of being tried in a Court that was not necessarily presided over by their recent masters.

Later on, towards the end of the nineteenth century, about seven or eight years after, an original jurisdiction in legal, equitable and probate matters was conferred on it, along the lines of the jurisdiction of the County Courts in England. This original jurisdiction and the jurisdiction under the Workmen's Compensation Act, 1943, may be exercised by one Judge sitting alone.

In respect of jurisdiction, this has been of great benefit to the people of this Island inasmuch as it is in the County Courts in Great Britain that you get this jurisdiction which enables a person by a low standard of cost and low legal charges to go to the Court and have as abstruse a point of law proceeded with as would fall to the Court of Common Pleas or any Supreme Court in any part of the British Empire. In short, by establishing a Court of this sort with a jurisdiction limited to £50, persons who had debts or law of contracts say to the extent of £50, can go into that Court with the assurance that their lawyer's fees and the costs of the Court would be considerably less than if they were forced to go to the Supreme Court.

We have also in this Island as inferior Courts to the Assistant Court of Appeal, seven Police Magistrates and a Judge of the Bridgetown Petty Debt Court.

As hon. members are aware the Police Magistrates are also judges in the country districts. They take both criminal and civil cases, and make preliminary enquiries with indictable cases. They are in fact doing the work of the Police Magistrate; plus the work done in Bridgetown by the Judge of the Petty Debt Court. We are not unique in the persistence of arrangements which could be improved on, if I may phrase it in that way. It is notorious that in Great Britain the system of Equity existed for a long time and only by way of inferences of novelists like Dickens or sarcastic criticisms by judges like Lord Brome did England eventually begin to set its own House in order. Only, as lawyers will remember, in the year 1873 the system of having a number

of separate courts independent of each other was abolished and a Supreme Court of Judicature was instituted. I need hardly remind hon. members, whether lawyers or not, of the farcical position which existed that the Courts of law and equity existed side by side, and where a Court of law would give you judgment, because in strict law you are entitled to judgment; (but you might have succeeded in getting judgment contrary to the dictates of morality and equity;) the Court of Equity sitting alongside the law courts would restrain a successful plaintiff from taking advantage of the fruits of his judgment which he had obtained. In that year the Supreme Court of Judicature consisting of the High Court of Justice was instituted and in the High Court of Justice was vested all the jurisdiction of the pre-existing superior Courts. Nowadays, Barbados being the last to do it—there is a Supreme Court existing in all the British Dominions and colonies and even conservative Barbadians will find the time is long overdue for us to put our house in order and have a Supreme Court without branches. The Bill as appearing as No. 1 on the Order Paper together with this Order, Mr. Speaker, is an attempt to replace the existing arrangements and, of course, to bring up to date and when I have finished I hope the House will agree to pass this Bill, and I shall then proceed with the other Bill dealing with the jurisdiction of Magistrates. It is proposed that the summary criminal jurisdiction of Magistrates will be increased. I shall not say more about it now, Sir, in as much as members would not have had the Bill, except that instead of having a separate Petty Debt Court—provided that I shall be allowed to introduce this, because it is bound up with our consideration of the new Supreme Court of Judicature—they will have separate jurisdiction increased beyond what it is today, and the details of what we propose to do will be found in the other Bill.

Now, in the Objects and Reasons, the Government has been very careful to give in every detail the chief provisions of this Act in order that hon. members, especially those who are not lawyers, might see at a glance even before reading the Bill its chief provisions. It is modelled on the Supreme Court of Judicature Act of 1925 which consolidates the Supreme Courts of Judicature Acts from 1873 which have been passed from time to time and from the time when law courts in Great Britain, the Courts of Law and Equity were fused, with subsequent amendments down to 1910. I hope hon. members of the House will bear with me while I repeat some of them.

The system is that the court shall consist of a Chief Justice, who shall preside and at least two Puisne Judges, but if necessary the Governor-in-Executive Committee may provide for more than two Puisne Judges. The Chief Justice and all Puisne Judges shall have equal powers.

Only Barristers of ten years standing shall be qualified for appointment to the Supreme Court and no Judge may be a member of the House of Assembly. Although it seems preposterous to have to say that, yet it still exists in different parts of the world, even in Great Britain itself. As hon. members are aware a Judge who is head of a judiciary may sit on one or other of the Houses of Parliament. I do not know whether it is still so—I have not taken the trouble to look it up, Sir—but just as with the Lord Chancellor in Great Britain who is the Head of the Judiciary and also Head of the Upper House, so there is in Bermuda a Chief Justice who is a Speaker of the lower House of Parliament. It may seem a matter of abundant caution but it is best to put it in. It is perfectly true of distinguished judges who were legislators at the same time, but there is no reason in

the 20th century why we should perpetuate it. Some hon. members may feel that the period of ten years is not enough for the appointment to the Supreme Court especially since it is not always found in legislation the definition of what is the meaning to "so many years standing." Many persons are called to the Bar but have not had ten days of proper practice although they may have been called to the Bar for more than ten years. At any rate, I know and I feel that hon. members will express their views over every section of this Bill on which they feel they have ground for criticism or have suggestions to make as to how that may be amended in order to improve what the Government has attempted to do in this Bill. Naturally, some provision is made for acting appointments in the full Court of at least two judges, and we have again avoided the ancient anomaly of having a judge sit on his own appeal which, it is true, has not taken place in this Island for a number of years. The jurisdiction of all the existing Superior Courts is vested in the Supreme Court and the judges of that Court, as well as in the jurisdiction previously vested in any judge or in the Chief Justice. That will cover cases, apart from the existing ones, and also cases where the Chief Justice tries objection to Vestry rates and things of that nature; and what is not normal, in Clause 13, except for matters expressly reserved for the full Court, any judge may exercise in Chamber or in Court as the case may require, all or any part of the jurisdiction of the Court; and any judge sitting in the Court shall constitute a Court. It is not always remembered by laymen that when you say Court you mean a full Court, but you may say jurisdiction of the Court can be exercised by a single judge of that Court and that is all that Clause 13 states. Normally, of course, and certainly always, as far as we are concerned, original jurisdiction will always be exercised by a single judge.

4.25 p.m.

There are a number of provisions in Clauses 18 to 25 which are almost inevitable, as one might say; they are merely a repetition of what is the practice today. In respect of legal or equitable rights, there are certain circumstances in which the exercise of one's right would be creating a hardship. I do not think is necessary for me to refer to each Clause set out in the "Objects and Reasons" because I have little doubt that honourable members have read them; they are the normal things for which provision should be made — where the Courts should sit, what process should be adopted in order to carry out the judgment of Courts and so on.

At the present moment, I am dealing with appeals, and generally speaking, all appeals from the High Courts go to the West Indian Court of Appeal. The full Court, however, shall hear appeals from orders by a Judge in certain specified matters, and all appeals from decisions of Magistrates. With leave of the Court, there shall be an appeal from the full Court to the West Indian Court of Appeal.

I think it is appropriate that I should remind honourable members of what is proposed in the Federation. The West Indian Court of Appeal is to be abolished, and appeals will lie with modifications which I need not deal with in detail now, to the Federal High Court. British Guiana, if I may say in passing, although that Colony is not coming into Federation immediately, will have the right to take its appeals to the West Indian Court of Appeal. While agreeing to the constitution proposed, and having the right to go to the Federal Court of Appeal, it is necessary that we should, in this Act, make appeals to the West Indian Court of Appeal, and when the proper time comes, the Federal

High Court will take its place. All the circumstances have to be taken into consideration when we come to Federation.

In subsequent Clauses, provision is made for the appointment of a Registrar, Deputy Registrar and Provost Marshal of the Supreme Court. An important point which is new to Barbados, is contained in Clause 41 to 43. Provision is made for the establishment of a Judicial Advisory Council consisting of the Chief Justice as Chairman, the Attorney General, the Puisne Judges, the Queen's Solicitor, a Magistrate appointed by the Governor, and a member of the Law Society, either a Barrister or a Solicitor, nominated by the Society. This Council will sit at least once a year for the purpose of reviewing and examining the working of the Supreme Court and Magistrates' Courts and of recommending to the Governor such amendments or alterations to the Law relating to the administration of justice generally as may appear desirable.

A very important Clause of this Bill is Clause 45, which deals with contempt of Court. I regret to say—I would say it even if I were a practising barrister—in the presence of strangers that the respect due to the Courts is sadly lacking in the Courts of Barbados, and it has been found necessary to review the law relating to contempt of Court. Clause 45 gives the Supreme Court the same powers to deal with contempt as may be exercised by the Supreme Court in England, that is to say, by attachment or committal. Under the Contempt of Court Act, 1891, the trial of a charge of contempt of a superior Court not committed in its presence is by way of an application heard in the Court of Common Pleas before a jury who are judges of both fact and law. Today the most common form of contempt consists of comment upon pending legal proceedings; and under the present Act proceedings in respect of such offences would, by reason of the inevitable publicity, probably do more harm than the offending comment. For this reason in particular it is considered desirable to repeal the Contempt of Court Act, 1891, and restore the Common Law.

I regret to say again that there is a great lack of respect shown to Judges sitting in superior Courts, the Judges of the Court of Appeal and to the Police Magistrates in Barbados. I never thought that I could have lived long enough to make a statement of this sort; it is with shame and sorrow that I have heard expressed by visiting Lawyers to this Colony the extreme surprise with which they noted the proceedings in the Courts of Law in Barbados, having always heard that Barbados was a country of stiff-shirted men with Victorian ideas of propriety; having the Law Courts filled with starched wigs and that there was all of this dignity; then when they came to Barbados, they found that the opposite was the case. I am not one of those who think that the country gains any dignity by people conducting themselves in this way; I would be failing in duty in presenting this Bill not to draw the attention of the Legislature and thereby the attention of the public to what is a regrettable diminution of respect shown by the Bar to the Bench of this Colony, and I do hope that this is one of the means of restoring to Barbados its reputation not merely for respect to law and order as regards obeying, but respect to the Courts which administer law and order.

4.35 p.m.

The remaining provisions are more or less consequential on all that I have said. They are questions more on procedure than on any substantial Act. One minor point appears right at the end of the "Objects and Reasons." The opportunity is taken to amend, the Third Schedule, section 17 of the Grand Sessions and Criminal Law (Procedure) Act,

1891, so as to enable the deposition of a witness, taken at the preliminary enquiry into an indictable charge, to be read at the trial of the accused before the Supreme Court in cases where the witness, at the date of trial, is either dead, insane or no longer in the Island. The Act at present only permits this where the witness is too ill to travel. Similar provision exists in England under the Criminal Justice Act, 1925.

I think Mr. Speaker, I have covered pretty substantially the points in this Act. I repeat: the Government no longer considers that it would be right, with the matters which were brought to its notice a week or so, to appoint a Select Committee because this Bill has been discussed for many years now. We have had the good fortune of having in recent years the Law Society re-established and it has enabled the Government the opportunity of canvassing the views of Barristers, Solicitors and Magistrates under the Chief Justice in order to know what the profession considers about this matter. In addition, I am glad of seeing the hon. junior member for St. James in his place because none of us in this House has had the education as the hon. member has had both as a Crown Law Officer and a practitioner in the Courts for a great number of years. Because of that, I do not propose, as was suggested, that this matter should be dealt with other than by the House in Committee, section by section. I will just remind hon. members that if they need a particular section to be read out when this House goes into Committee, as apart from the normal procedure, that they can so indicate and I will be happy to agree to any such request; but I do ask the House for reasons which some of us know quite well to see to it that this Bill gets on the Statute Book as soon as possible. I am not suggesting that we should be skimpy in our work in considering it Clause by Clause, I beg to move that this Bill be now read a second time.

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

Mr. E. K. WALCOTT: Mr. Speaker, I thank the Hon. Premier for the kind words he said about me. They are unusual but naturally I am glad to hear him say so because I believe they are sincere. I would like to tell the hon. member that I am very sorry he proposes going on with this Bill today because I was given to understand that he would have sent it to Select Committee; and although I can appreciate the fact that he would like this Bill to become law and to be put on the Statute Book as soon as possible, yet having heard what I have just stated, I was of the opinion that we would not be going through it Section by Section or dealing with it in Committee today.

I believe that the absence of certain other members of the profession who are well acquainted with the procedure and the working of this Bill may be due to the fact that they were under the impression that the Bill was not going to be proceeded with in all its stages today. I say so also for another reason. The Hon. Premier said that the views of the lawyers have been canvassed through the Law Society. So far as I know, this Bill was sent only recently to the Law Society and it was only dealt with by the Council of the Law Society because the council of the Law Society not very long ago by means of a Resolution passed decided that any Bill sent down to it for consideration, such as this, will be only reviewed and dealt with by the Council. Therefore, I do not believe that members of the profession have had the opportunity to deal with this Bill section by section and therefore they would be unable to say on which section they agree and disagree.

We did hope (people like me) that this Bill would be sent to Select Committee so that the measure

could be thrashed out section by section. So much so was my belief that although I knew it was coming up for discussion this afternoon, my own Bill which had been sent to me sometime ago and on which I made certain notes, I did not think it was necessary to bring out today. I would therefore like to suggest that although we may do some part of it today that we need not necessarily complete it today. We can leave it in such a way —

Hon. G. H. ADAMS: Mr. Speaker, if I may interrupt the hon. member, I am suggesting that we go on with it but I can give him the assurance that we will not complete it today. Any hon. member may be at liberty next Tuesday to ask for a recommitment of any clause on which he wants to make a suggestion.

Mr. E. K. WALCOTT: Mr. Speaker, the Hon. Premier knows because he was the person who dealt with it, that at one time the shape of this Bill was not what it is now. There has been a change of feeling amongst the majority of the professional men, particularly among the younger members of the profession, and they have suggested certain alterations which are undoubtedly in the present Bill. But with all that, I doubt very much if the matter has been completely canvassed as has been suggested by the Hon. Premier so that one can say that all members of the Law Society agree with everything that is in the Bill.

I think it is necessary to make certain changes. As a matter of fact, there is so much in the Bill that it is both good and necessary that one should hesitate to complete the Bill tonight. For example, as far as I am concerned, I do not agree as is contained in the Bill that we should follow Trinidad or the West African colonies in saying that the Civil Work should be put into the hands of a magistrate. I think that should be separate from the criminal jurisdiction and it should be provided for in the necessary court. I understand, for example, that in Trinidad there was the agitation by the Chief Justice himself that there should be the establishment of a County Court to relieve the congestion which has been brought to bear in the High Courts when the High Courts undertake largely, as is in this Bill, doing work which is now done in the Original Court of Jurisdiction, what we choose to term as the Assistant Court of Appeal in its Original Jurisdiction. They think it would be cheaper and more efficient if in the long run they establish a proper County Court as those in England without necessarily calling them by the name "Court of Appeal."

4.45 p.m.

As has been stated here, when the Assistant Court of Appeal first started, it was merely a Court of Appeal, and afterwards given certain original jurisdiction and for my part I think it would be wrong if we did away with the County Court. Instead we should keep the County Court calling it by its proper name and have it do the work which is to be done and will have to be done by the Supreme Court. As regards the point made by the Hon. Premier of making them one, well, it is one jurisdiction that is long overdue and we have agreed to that, and in the notice before us it is six of one and half a dozen of the other. This would be important and would be a more correct position of what happens in Court. Instead of having a Court of Chancery which can use legal rights and legal defence and having a Court of Common Pleas which was our case, the Act says we can use equitable defences and rights. It is much more correct to have it, as it will now be one Supreme Court having equitable divisions as distinct from common law division; all that is decidedly and necessarily important, but in truth

and in fact you now have two judges and one Chief Justice; and all you are doing is adding one other Puisne Judge having really the same work you have to do plus other work you will have to do today and only having one judge added to them: and I think we are going to find, if you are going to do it as suggested in the Act, it is not going to be able to be done by one Chief Justice and two Puisne Judges, not at any rate until Federation comes into action and you will be able to relieve the Chief Justice and other Puisne Judges from having to travel to the West Indian Court of Appeal and be absent from the Island for some time. These are really some of the things which I wanted brought to attention, because I did not come prepared to take it section by section, but merely to agree that we have to pass the Bill and therefore a second reading must be voted for and dealt with because the changes are necessary. I had hoped that we would have been able to decide on certain other matters. We cannot deal with the other Bill because it is not before us yet, but in truth and in fact if we are going to have the Police Magistrates you will have to consider all of these Puisne Judges under which they are going to sit in Court of Appeal and in the High Court are set up distinct from the value which you have in the Assistant Court of Appeal of having a Court of new trials. I myself have never been among those who like the idea of having one Puisne Judge sitting on the Chief Justice's decision in his own Court of Appeal, and although you may have it in Trinidad, I am not prepared to admit for one second that the rules are more up to date, and that the system of the Supreme Court in Trinidad functions better than ours do. I would like to say before I forget, Sir, on the point which the Premier referred to in connection with the behaviour existing in our courts, in truth and in fact you will always have instances where men will forget themselves in court; but as age and experience creep on, you find they adopt the correct honour and obedience and respect for the Chair and in that case to the Judge which they should have; therefore do not let us make too much of the omissions and sins of commission of junior members of the Bar who only for a time and a short time do sometimes forget their demeanour. There is power in the Courts, definite power, which I think could be used and I think the Premier will agree that any such charge is entirely wrong. There is power in all the Courts to deal with all witnesses or Counsel or members of the Solicitors' profession or any other person in Court for any contempt which is done in their presence: and if it is not done and the Barrister or whoever is the offender is not put in place, it is not so much the fault of the person who does it, I think, as the fault of the Court who should take the power in his hands and correct anything which may be done. But I think hon. members will agree that although strangers from other colonies who visited the Courts may have made one or two remarks, the consensus of opinion of American and English lawyers who visit our Courts and saw them working, is every much to the contrary; and I think he would agree with me that British justice is not any where better administered than it is administered in Barbados. Men will always fail because no one of us perfect: and it may well be that decisions may not always be correct; but the attempt to give correct decisions, no one could deny, is definitely a major basis of our Courts in this Island, and I have heard members of the English Bar time after time and of the American and Canadian Bar after seeing the work done in our Courts, comment more than favourably on both the demean-

our and character of the Court. I am not saying that there are not occasions on which members of the Bar or witnesses may have sufficiently forgotten themselves and be guilty of what they should not be guilty of in the Court, but that I think you may safely say is a rare instance.

Now, Sir, as regards the other matters which are taken section by section, I think you will agree that these are not really matters for a second reading of a Bill, but matters to be discussed as we take each section and go through them. The only thing we will be concerned with in the second reading would really be whether the basis on which the Bill is brought in is correct and whether or not some amendment should not be made to the law. With that I will not entirely agree: but I agree that they are many things which we could correct in our system and undoubtedly we should do it as soon as we can, but I would like to say as I said before that I do not agree with everything put in the Bill. I myself some time ago—and the Hon. Premier was present at the time—suggested a different form of a Bill—perhaps not essentially different, but only different as regards certain details and those I think I have mentioned, and I may get the chance to mention them again. I do not think, Sir, there is anything more I can say at this stage, because as I said I did not expect that we would have to deal with it in full today, and I do not think as a matter of fact, this is going to be as satisfactory as some people think. I will never agree that a Magistrate should be allowed—even although we had it in the district courts now—when this is created, that a Magistrate should be concerned in dealing with judgment and the burden of proof which is entirely different from what it would be in a civil case: and where you can afford to pay by reason of cheapness; the same Magistrate is made to do civil work where he has to change his mental approach to suit that. I know it has been used in Trinidad. When I used to visit Trinidad I saw it used there and in my opinion it was never a success and I felt that the Court should never use it. Take for instance the case of a road vehicle accident and negligence in driving; what would arise would be a sad case indeed where the Magistrate would be at one and the same time dealing with a criminal offence and asked to give judgment afterwards in respect of negligence in civil matters, particularly now with our Contributory Negligence Act which creates difficulty in civil matters.

I do not know of anything which has been introduced, and it is only used in the Colonies for the sake of cheapness; I do not think that there should be any cheapness in the administration of justice. If we are revising our system, it is a pity that we did not look for some revision more in keeping with the English system, in separating the functions relating to criminal and civil law and providing, if necessary for a Court of Criminal Appeal. I do not agree that these Judges should be doing any County Court work at all: if we appointed County Court Judges, I would agree that they would be confined to County Court work. If it is true, as I have heard, that Trinidad has found that with the system of having Puisne Judges to do the High Court work, they have not been able to cope with the amount of civil work which they have down there, I do not know if we should move into a system out of which Trinidad has been moving. I feel that the Hon. Premier will agree with me that it would be much better if we created our County Court system. Those are my main ideas. I admit that I did not come here fully prepared to go through the whole Bill because I understood that it would have been sent to a Select

Committee. I quite agree that there is so much that is good in this Bill, that we would have to pass the second reading, but I do not believe that this Bill, as it is now drafted, will be successful in all its sections.

Mr. BARROW: A Bill for the re-organisation of the Judicial system in Barbados is long overdue, and with that proposition, I think we are all in agreement. I have spent a considerable time in going through the details of this Bill, and it is clear to me at this stage that an enormous amount of subsidiary legislation will have to be enacted in order to make the provisions of this Bill workable. The main provision of the Bill abolishing the Court of Chancery, the Court of Common Pleas, the Court of Ordinary and the other Superior Courts is one which has been adopted by the other West Indian territories for a considerable number of years. The people who are most intimately concerned with the working of this Bill and the other Bill which is being introduced along with it, are not Law Officers of the Crown because they make very infrequent appearances in the Courts of this Island, and then they retire gracefully or go into hibernation for another few years before we see them appearing again. Only in the Court of Grand Sessions would one normally see one of the junior officers appearing to carry through the prosecution of indictments. The people most intimately concerned with this Bill are the two branches of the legal profession, the Civil Servants who suffer from the disadvantage of working in the offices of the Law Courts—a very much neglected Department of the Civil Service—and lastly but by no means least, there is the category of persons who are the Judicial Officers themselves, that is to say, the Judges and Magistrates who preside over the several Courts of this Island.

In my humble opinion there would be not much point in re-organising the Judicial system of this Island unless you are prepared at one and the same time to provide the Judicial Officers in the widest sense of the term both with adequate accommodation in the way of Courts and, secondly, with adequate and competent staffs. The people in the other West Indian Colonies like Trinidad and Tobago, Grenada and in the Colony of Jamaica, you have working in the Law Courts are people who are interested in the law, and I was quite amazed to discover that a considerable number of resident Magistrates in Jamaica had started off their career as Clerks from the Courts, spending a considerable number of years varying in duration as between one individual and the other; but they spent some periods in the Law Courts and were given scholarships by the Jamaica Government to further their legal studies. They had gone to the United Kingdom, qualified as barristers, they returned to the Colony, and with their experience of procedure and watching the actual day to day working of the Courts, they had been elevated to the Magisterial Courts and then they occupied the elevated position of Puisne Judges of Jamaica. Speaking under correction, I understand as a matter of fact that the Chief Justice of Jamaica had a career which was no at all dissimilar from the type of career which I have just explained to Your Honour, as obtaining in the Colony of Jamaica.

5.05 p.m.

Now, in Barbados you will find that a man who has been acting as a Clerk of the Assistant Court of Appeal for a long number of years, so long that he sometimes acts as Magistrate, is unceremoniously pushed into another department and another man is brought in to act in his place. You also will find that another capable officer who has spent a long time in the Police Magistrate's Courts and who knows

the procedure, accounting and everything else and who has acted as chief Clerk of those Courts has been sent to the Post Office. You will also find that out of six or eight Clerks in the Office of the Assistant Court of Appeal that not one of them has been in that Department for longer than two years. You will find Clerks working in the Police Magistrates' Courts who have got so disgusted with the conditions under which they have to work from day to day, through lack of opportunities for promotion and encouragement, that they join the Police Force, not in Barbados but in the Bahamas. Two Clerks from that Office have left recently to join the Police Force of the Bahamas and that produces nothing towards the welfare of the people of Barbados. I must deplore the fact that we train our young men and spend public funds on them, either by way of scholarships or the subsidies which we give to the Secondary Schools; we set a high standard of test for entry into the Public Service and then we do not create sufficient incentives and opportunities for those talented young men to advance themselves here and in order to induce them to remain in the Public Service of this island. I am not going off the track but the only reason why School teachers have not acted in a similar way is because they become sort of committed at a very early stage to their domestic affairs and to their local affiliations, so they find it very difficult to tear up their links and go elsewhere.

In the High Courts, you will find that the Chief Justice does not have a Secretary. If anybody writes a letter to the Chief Justice (although they should not do so concerning a case in the Court) as the highest judicial officer in this Island, it is the Registrar's duty to reply to the letter and deal with it on behalf of the Chief Justice although that is not part of the Registrar's duties.

You will find, Sir, that the Judges have no shorthand notetakers in order to assist them to administer justice without impediment.

If a Judge or Magistrate has to concentrate on writing from ten o'clock in the morning to four o'clock in the afternoon, he has very little opportunity to study the demeanour of witnesses or even to listen with the rapt attention which a Counsel would like to feel he is commanding to the arguments put forward by him to the Court. In other words, the Judges and Magistrates in Barbados are in no better position than the Reporters of this House when they have to administer justice. The Reporters in this House are in as good a position to deliver a judgment on anything said on the floor of this House as the Judge in the Courts are on anything said in the Courts of this Island. As far as I can see, the Judges are no better than glorified notetakers. They have no Secretaries; they have no staff because the Staff of the Police Courts and the Staff in the Registrar's Office are merely tax-gatherers for the Colonial Treasurer. Their main pre-occupation is with the collection of fees and the disbursement of monies.

Mr. Speaker, I do not intend to go through the Bill before us now because at a later stage we will have ample opportunity to deal with it.

The other aspect of the Bill with which I would like to deal is more a question of omission than a mistake within the Bill itself. I would like some amendment to be made to the method of serving process of summonses and in order to lighten the burden which is caused on the Writ Servers. I think a Bill of this sort ought to make comprehensive provision for matters of that kind. There are some matters in the Bill which in my opinion could better be done by amendment to the Evidence Act and I

refer specifically to the third Schedule of the Bill which is before us.

5.15 p.m.

There are certain details, Sir, which I cannot be in complete agreement with. The present procedure of enforcing the prerogative rights I consider to be entirely unsatisfactory. I think that a notice where a Magistrate or Police Officer or anybody of that kind do not show cause why he should not perform certain duties is an entirely unsatisfactory way of doing things. In some cases we are reverting to the 19th century position and in other cases we are attempting to bring the judicial organisation up to date. As I said it is a very long Bill; it has 54 sections and there are very long sections and we shall deal with them in Committee; but I would like to make this clear that amongst legal practitioners, members of the senior or junior branch of the profession — and I would like the proper authorities to pay particular attention to what I am saying — we do not regard this Bill as a substitute for an investigation of the judicial system and of the administration of justice in this island. I would like to make that abundantly clear. We do not regard this Bill or any similar Bill which Government intends to bring forward — because I know that impression has been given in official quarters by certain irresponsible persons — as a substitute for the investigation of the judicial system or the administration of justice in Barbados which was called for by members of this House and by the Law Society of Barbados, for the simple reason that when the Law Society made the proposal that there should be an investigation, they had already considered these two Bills and when members of this House unanimously moved an Address to the Officer administering the Government of this colony asking for someone of the calibre of the Commissioner who was in Trinidad at the time to investigate the working of the judicial system and the administration of justice, members already had these Bills for two to three months in their possession. Passing a Bill abolishing the Court of Common Pleas, the Court of Ordinary or the Colonial Court of Admiralty does not tell us anything at all about the administration of justice as it really is today in this island of Barbados, and I only want to get it clear that we do not consider this an apology, far less a substitute, for the inquiry which we asked for; and in asking for that inquiry we are not casting any aspersions on the persons who are now responsible for the administration of justice; but there are many things which are radically wrong both about the atmosphere in which justice is administered and in the way in which the Government regards the Courts as some kind of Cinderella, in the division of powers between the Chief Secretary and the Administration as such and the judiciary on the other side of the picture. When I say division, I mean a clear division on matters of that kind which could not be rectified by years of research on the part of any Crown Law Office or department. These things are things which go to the root of our society and would come to pass in most perfect legislation; and if the spirit of that legislation is not understood and appreciated in all of its ramifications, and if vigilance is not exercised to see that the spirit as well as the letter of the law is complied with, it would be of no avail to pass one hundred similar statutes repealing everything gone before and substituting one which at present we consider to be fool proof. I say, Sir, that unless you appreciate that factor, one would not be in a position to understand that this is not legislation designed to correct the evils, and to use perhaps a less offensive word, the anomalies which we are con-

fronted with from day to day in the practice of the administration of law in this Island.

Mr. BRANCKER: Mr. Speaker, I am sorry that I did not have the advantage of hearing the opening remarks of the Introducer of this Bill, the Hon. and learned Premier, because of my professional activities elsewhere; and having regard, Sir, to the present hour, I feel that with the advantage of the usual short break which is taken at this time, I may be able to become fully seized of what was said in the opening speeches; and in consequence, Sir, I beg to move that this House do now adjourn for half an hour, in order that the usual tea recess might take place.

Hon. Dr. H. G. H. CUMMINS: I beg to second that.

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

5.35 p.m.

On re-assembling,

JUDICATURE BILL—C'td

Mr. SPEAKER: On the adjournment, the hon. senior member for St. Lucy was speaking on the motion for the second reading of a Bill for the constitution of a Supreme Court of Judicature and for other purposes relating to the better Administration of Justice in the Island.

Mr. BRANCKER: The Bill with which we are now dealing is Order No. 2 on the Order Paper, as I am advised, and Order No. 1, which is referred to in the "Objects and Reasons" of this Bill, is not yet out of the Printer's hands; certainly, no copy of it has yet reached me. That Bill will probably be far and away the more controversial of the two.

As to the "Objects and Reasons" of this Bill, to replace the existing arrangement of Courts by a system consisting simply of a Supreme Court and a number of Magistrates' Courts, few legal practitioners will disagree, but likewise it is manifest that the summary criminal jurisdiction of the Magistrates should be increased. There are certain cases to-day which have to be adjudicated before the Assize Court, which cases of necessity must be so tried because of the law which dates back from the enactment of certain legislation. Where there are offences committed in respect of property, if the value exceeds 1 guinea and does not exceed £10, it is optional for the accused person to decide whether he will be tried by a Jury or by a Court of summary jurisdiction. If the value exceeds £10, there is no option but for the accused to be tried by the Court of Grand Sessions.

In those days when that legislation was enacted, the sum of £10 was £10, which was a considerable amount; the sum of \$48 was something far from being unsubstantial. Today, this amount of £10 does not represent 2 pairs of good shoes, and by the existing law where a person is charged in relation to property, the value of which exceeds £10, he can only be dealt with by the Court of Grand Sessions and other stupid everyday things which come under stupendous titles like indecent assault and so on, can only be adjudicated by the Assizes, but these simple cases could be dealt with by the Magistrates. An increased summary criminal jurisdiction of the Magistrates is therefore something to which certainly no practitioner or ordinary layman could take the least exception.

Likewise, I entirely agree that these urban Magistrates should also be Petty Debt Judges for their areas. There is no reason why an urban Magistrate should not have a similar jurisdiction to a rural

Magistrate; that is a good thing for these urban Magistrates because they tend to forget their civil law if for a long time they are functioning as Police Magistrates and dealing only with criminal law. Therefore from the standpoint of the legal practitioner, it is desirable to have the urban Magistrates with similar jurisdiction to that of the rural Magistrates dealing with civil matters as well as criminal ones.

The proposal to confer on these Magistrates a jurisdiction to deal with claims up to \$250 is also very desirable. The Assistant Court of Appeal has a jurisdiction up to \$240 today, so that these Magistrates will be getting a jurisdiction which will put them above the jurisdiction of the Assistant Court of Appeal Judge, in the Appellate Jurisdiction. It follows that the Supreme Court will then be dealing with a Jurisdiction above \$250 and on to any amount. As set out in the "Objects and Reasons" these amendments are to be dealt with in this Bill, and the Bill with which we have not yet been favoured with a copy.

To deal specifically with Order No. 2. For years I have been urging in this Chamber for a Court of Criminal Appeal. It happens every now and again that there is dissatisfaction with the ruling of a Judge at the Assizes on a point of law as to admissibility or inadmissibility of evidence and sometimes there is dissatisfaction with the summing up. In the Supreme Court in Trinidad, I gather that whenever such a thing arises, there is the simple expedient of appealing to the Court of Criminal Appeal to correct him; as a result of his error, some person might pay the supreme penalty, there is still the question of capital punishment, or be incarcerated for a long time. Of course, it may be said that if there is dissatisfaction with the ruling or summing up of the Judge, you may apply to the same Judge for leave to appeal to the West Indian Court of Appeal; but how often is that leave ever given? I can recall only one instance out of three cases, which I can think of at the present moment in which such leave was given. Because of the feeling that such leave will rarely, if ever, be given, and because of the expense involved in carrying the matter to the West Indian Court of Appeal, hardly ever is any attempt made to have the legal point threshed out by some tribunal exercising an Appellate Jurisdiction over the Court of Grand Sessions of this Island. The coming into being of a Supreme Court with power to deal with such matters is more than necessary, because it touches the poorer class of the Community which is, of necessity, more in need of our assistance than the class which can afford to risk an appeal, because the few hundred pounds involved will mean nothing to people who are in a good position.

6.10 p.m.

So, Sir, for that reason I welcome the establishment of this Court with its two Puisne Judges, at least the two which this Act supplies, but I feel that instead of biting at this matter that we should start off with the additional expense of Chief Judge and three Puisne Judges in accordance with what is envisaged here. There is a note to Clause 4 which says that if necessary the Governor-in-Executive Committee may provide for more than two Puisne Judges. It will be necessary to have three Puisne Judges; therefore, I wonder if there was any over-riding consideration, because there should be no question of economy in the administration of justice although I would say that there should be no reckless expenditure. I wonder if there was any over-riding consideration to which the Hon. Premier may refer to later

on which caused them to draft for only two Puisne Judges instead of three which I consider to be the minimum number.

I see that appointment to such posts will be only limited to Barristers of ten years' standing. No one can quarrel with that; only one may feel that it could be a few more years than that. That indicates that somebody who has been practising (not merely waiting for briefs to come) for more than ten years will be appointed to such posts. The best High Court Judges are those people who have been chosen from the Bar because they have actually been through their practice in the various High Courts before Judges so they should know something of the procedure in the particular Courts. Those persons should be preferred to those who take a Magisterial appointment and by process of time find himself in the High Courts. Barristers make good High Court Judges because their appearance on the Bench, in that particular Court was not their first appearance in that Court. Barristers do not accept magistracies if they have a hope of obtaining practice (not that practice in this Island is as lucrative as a Magisterial appointment) but magisterial appointments are rather boring, particularly in this Island where you have no official shorthand reporters and where magistrates sit from ten o'clock until four o'clock just writing, writing. That is a terrible thing. It is the greatest drudgery one can imagine a professional person to undertake, that of six to eight hours a day writing some stuff which in some cases is absolutely boring. It certainly gets one thoroughly fed up. It is not like one who is practising at the Bar and going from one court to another. There one is able to provide for one's self a variety. There is no such thing with a judge sitting at the same table day after day and just listening and writing what was said without the opportunity of raising one's pen from the book. So, Sir, when we come to deal with that Section is will be interesting to learn from the Introducer of the Bill if there is any reason other than what I suggest to be bad economy in not providing from the outset for three Puisne Judges. After all, let us start with the minimum number of Judges, that is one Chief Judge and three Puisne Judges, and this Island can afford to have that number. All that it would mean is that an amount of under £2,000 more will have to be provided but it would be an amount which you would be justified in taking from the Treasury for the purpose.

As I had said, the most controversial part of this Bill will be found in the part dealing with Magistrates but the most important feature of this Bill is that the Court of Criminal Appeal will come into being and an unfortunate litigant who finds himself getting an adverse verdict at the Assizes with certain highly controversial points of law ruled upon by the presiding Judge will have the opportunity of having that ruling tested at reasonable expense in the same Island by Judges who have a jurisdiction over-riding that of the Judge who decided the issue.

It is good that in the establishment of the Supreme Court there will be a regular vacation period because that would enable the work in that Court to proceed more smoothly. There should be a certain period when all the Judges of the High Court will be able to go on vacation simultaneously. Nothing is more disturbing and causes more disruption than when one Judge goes on vacation and someone has to act for him. The Acting Judge hesitates to embark on cases of too long a duration because he fears they may not be completed before the presiding Judge returns, unless it is of course six months' long leave as distinct from four or six weeks vacation leave. If it is six months long leave, of course, there will

be no question of a Judge having to do again what has already begun.

Now, Sir, mention has been made of "dismissals without prejudice," of which so much has been said on many occasions. That has been a dismissal to which a weak court resorts. If you want to displease neither party, you dismiss without prejudice. When a magistrate dismisses without prejudice a Police Officer does not feel so entirely dissatisfied as if the Magistrate dismisses on its merits because the Police Officer can bring the case again and if he does not feel so disposed he can keep the case hanging over the other party. That is the bad feature of that verdict. If you are acquitted at the higher court—the Court of Grand Sessions—that is the end of the matter. That is finality. If you are acquitted by a magistrate or by the Judge of the Assistant Court of Appeal and the case is dismissed without prejudice, even though it may be a lesser offence than that of one who is acquitted at the Assize Court you still have it hanging over your head until death because it may be brought again at any time. The threat is there, so you are kept in lifelong suspense: therefore, it is good to welcome the exit of the long established system of cases dismissed without prejudice. It would have done no harm to the Statute Book if it were not so readily invoked by a weak Bench.

6.20 p.m.

Now Sir, I think in giving my blessing to this particular Bill it does not call for any more comments from myself, but I understand, Sir, that reference was made to certain powers in this Bill with regard to Contempt of Court. If it be true, Sir, that it was stated earlier this afternoon that the Bar does not treat the Bench with respect—the hon. senior member the learned Premier, of course, is no longer practising—but there is such a thing, Mr. Speaker, too, as a Bench which will by its very personality demand and receive respect without any attempt to threaten the invocation of any law of contempt. There are certain Courts in this island of which it is completely unnecessary and absolutely superfluous to have contempt of court. There are other courts in which the position is not exactly the same, but however I will explain for the benefit of those members of this Chamber who fortunately do not have to eke out an existence from the law, who are in commerce or drugs or agriculture, or for those who have made their pile in the days when it was easy to make money and who have ceased to practise. Some of the new element in the profession seem to get unduly perturbed when they find that before a particular tribunal it is sometimes possible shrewdly to forecast the result of litigation when it is known who is the counsel appearing before that particular tribunal. They feel frustrated, Sir, and find it difficult to keep their temper and maintain their equilibrium; and it does happen that when they make a point which perhaps won a case before the court six months ago and certain counsel was on the other side, now the same tribunal has been known to reverse itself within a very short space of time. Of course, it may be looked at this other way; if one makes a decision to-day on certain points and then within six months' time that decision was wrong, one would be wrong not to give a different decision, but you see, Sir, that would be all right standing by itself, but when the question of decision is being given with counsel on one side arguing for that point, and then on other occasions the same counsel arguing the opposite point is in each case counsel being upheld by the Court, that tends to exasperate those less tolerant, those "unlike Job" practitioners

who appear before the Court and find themselves suffering from that. They should realise although you must aim to win—that is what the client paid you for—you must be satisfied that that is all you can do; and the client must be satisfied; and one must avoid that personal element, that too personal interest in the result of one's case, and conduct oneself in a certain way. That is the only comment I would make on the remark which I understand was made by such an experienced counsel or one of Her Majesty's Counsel at an earlier stage of this meeting. So it may well be, Mr. Speaker, that the hon. and learned Premier who hears of certain goings-on in respect of contempt does not have a full and composite picture of the Bar as well as the Bench on the occasion when as it is alleged the Bar does not treat the Bench with respect; but do not for one moment believe that I would be content with the Bar not treating the Bench with respect, nor would I tolerate the Bench not treating the Bar with respect to which it is entitled. Anyhow, I think I have said sufficient to approve of this Bill which will be considered when we go into Committee; and other matters I will reserve for when we are considering the other Bill, the Magistrates Jurisdiction and Procedure Act of 1956 that is to come before us shortly.

Hon. G. H. ADAMS: There is very little I wish to say by way of reply but there is one thing to which I should reply. It is all very well to say in the administration of justice there can be no question of economy; in the building of a Hospital, there can be no question of economy; in the provision to have schools to teach school children there can be no question of economy. We can afford to keep the whole panel of Supreme Court, County Court and Magistrates Court, and the mere fact that the hon. member who has just sat differs completely from the learned member for St. James who has had the experience of being a Solicitor General and an Attorney General of this colony and has now returned to common practice shows that there are many important matters in the constitution on which an honest opinion may be held in the contrary by two experienced lawyers. We think that in all circumstances, Mr. Speaker, the best compromise is to have the Civil Jurisdiction in all districts in addition to the Police Courts, bearing in mind the necessity for making law not only as expeditiously but as cheaply as possible. On the whole the House could agree that we have done a good job. I will remind the hon. member who has just sat of what the hon. junior member for St. James remind the House, and that is, that this has been before the Profession for quite a long time.

I think the hon. junior member for St. James drew attention to the fact that the usual timidity which the Government shows when faced with possible criticism on the part of the Opposition, caused the Government at first to agree to the suggestion that the Court of Appeal should have been retained, and so on. I am glad that the Government has seen fit eventually to cut another prop from under the post of Barbados as being unique and, in some respects, to be getting rid of an anachronism which has been existing for a long time. We are now putting our Courts—we are the last in the West Indies to do it—on an up-to-date footing.

I do not think I can reply to the points which have been made without repeating myself. The danger which may exist from merely having a Chief Justice and Puisne Judges is covered by the fact that if there is a danger of disagreement, the Executive may appoint another Puisne Judge so as to have the decision of three persons instead of two.

I do not think I can answer anything more except that I will reply to the hon. member who has just sat down. He was mild in referring to my reference to contempt of Court. I repeat: I am possibly the last Barbadian who, without glossing over the fact that Barbadians have many faults—I will say that they are some of the most creditable people—I am the last person who would say anything which would be irresponsible criticism of any of our Institutions or a criticism which would give a wrong impression to others. On the other hand, I have often heard on the floor of this House gross misrepresentations as regards the working of the General Hospital; there has been a wrong idea of the Institution and I have always deplored it. I would be one of the last persons to say anything which shows we have not got that healthy respect for the Courts which we should have, but I have seen with my own eyes deplorable conduct on the part of Counsel and the Judge not doing what he ought to have done, that is to say, sending both of them to the cells. [Mr. E. D. MOTTLEY. You would have gone too]. [Laughter]. I have never misbehaved myself in the High Courts; I defy any human being dead or alive to quote one single instance of my misbehaviour in the Courts. I again appeal to hon. members to let us get through with this Bill; I promise that if there is any Section of which hon. members want a complete explanation, I shall be most nappy to give that or any other explanation which is not obvious from the "Objects and Reasons" of this Bill.

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

On the motion of Hon. G. H. ADAMS, seconded by Hon. R. G. MAPP, Mr. SPEAKER left the Chair, and the House went into Committee on the Bill, Mr. SMITH being in the Chair.

*Clauses 1 to 3 were called and passed
Clause 4 was called.*

Hon. G. H. ADAMS: I beg to move that Clause 4 stand part of the Bill.

Hon. Dr. H. G. H. CUMMINS: I beg to second that.

Mr. TUDOR: Mr. Chairman, with respect to this Clause, I wonder whether the Hon. Premier would clear up a point which seems to be worrying some people. It is the custom in other Colonies where there are Supreme Courts of this nature, as for instance in Trinidad and British Guiana, for the Puisne Judges to hold their office by seniority. I am wondering if the Hon. Premier could say if that practice would be followed here or if the Puisne Judges will have equal status.

Hon. G. H. ADAMS: It is difficult to give an answer to that question off-hand. There is no permanent Puisne Judge at present; when a Puisne Judge is appointed, he would be equal with his colleagues. I do not see how you could very well call one Puisne Judge senior and one junior when they will probably be appointed on the same day. This is a matter to which a full answer can be given when the Salaries Revision Commissioner comes and the matter is made final on his recommendations.

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

Clause 5 was called.

Hon. G. H. ADAMS: I beg to move that Clause 5 stand part of the Bill.

Hon. Dr. H. G. H. CUMMINS: I beg to second that.

Mr. TUDOR: Sub-clause 2 of this Clause is rather important. It reads as follows:

"No Judge shall be capable of being elected to or of sitting in the General Assembly."

I think that as that Sub-clause reads, nobody could quarrel with it. Obviously, everybody accepts the idea that you will not have a politician who is elected to this House sitting on the Bench, but I am wondering whether the same exclusion should not apply to members of the Other Place. It is true that the members of the Other Place are not elected, but at the same time I am wondering whether there is any reason other than the exclusiveness of this Chamber for not stipulating here that members of the Other Place as well as members of the General Assembly should not be Judges.

It is true that we have had problems like this in this House before and the House have accepted the point of view that it is not desirable that members of this House should sit on Statutory Boards. As I said before, no one will quarrel with the idea that a member of this House should not sit on the Bench as a Judge; but it does seem strange to me that a similar position should not obtain in the case of members of the Other Place unless it is that the Government envisages that members of the Other Place may either alternate as members of the Other Place and Judges at different periods, or that Judges themselves, whether in active service or retired, may be put in the Other Place for acting periods or to fill vacancies created by the departure of substantive members. The matter does not seem to be particularly controversial, but it seems to me that the provision to exclude the members of the General Assembly from being Puisne Judges might also be extended to cover the case of members of the Other Place.

This is a matter on which some explanation should be given, because unless hon. members understand the reasons for it, it might be taken that some discrimination is practised against the members of this House in favour of the members of the Other Place.

I for one believe any such information is in place in a Bill of this sort, therefore, I do think that some explanation should be given and I will be delighted to hear what is the explanation.

6.45 p.m.

Hon. G. H. ADAMS: Mr. Chairman, simple reflection can make the honourable member see the explanation. There is nothing to prevent a judge standing for election unless you say in the Act he cannot stand for election but a member of the Legislative Council is selected by a Secretary of State for the Colonies who selects judges and therefore there is no necessity to put in that for the other House of Legislature. One cannot see the Secretary of State for the Colonies appointing to the Other Place a Judge as a member. We once had an Attorney General in the Other Place who acted as Chief Justice. During that time he did not go in the Legislative Council. It is incompatible in a Colony as developed as Barbados to say that you would ever dream of allowing a Judge to appear in the Other House. We thought it out as to whether it would be better to make provision for it in this Bill or in the Representation of the People Act affecting election, but it is not necessary to do it as regards the Other Place when the same person who appoints members to the Legislative Council appoints Judges to the Supreme Court.

The question that Clause 5 stand part was put and agreed to.

Clause 6 was called and passed.

Clause 7 was called.

Hon. G. H. ADAMS: I believe that in this Clause there may be a misprint in some honourable

members copy. It seems to be only typographical and I am suggesting to the Clerk to have it changed. I beg to move that Clause 7 stand part.

Hon. Dr. H. G. H. CUMMINS: I beg to second that.

*The question was put and agreed to
Clauses 8—16 inclusive were called separately
and passed.
6.50 p.m.*

*Clauses 17 to 54 inclusive were called separately
and passed.*

*The Schedules 1, 2 and 3 were called separately
and passed.*

*On motion of Hon. G. H. ADAMS seconded by
Hon. Dr. H. G. H. CUMMINS Mr. CHAIRMAN
reported the passing of the Bill in Committee, and
Mr. SPEAKER resumed the Chair and reported
accordingly.
7.00 p.m.*

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

PUBLIC HEALTH BILL—C'td

Mr. SPEAKER: The next Order of the Day is to resume Committee on the Bill to amend the Public Health Act, 1908.

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

Hon. Dr. H. G. H. CUMMINS: Hon. members will remember that on the last occasion, we postponed the further consideration of this Bill on two points after passing the first section. The first point was whether it was possible to have a uniform frontage of land, and the second point was what effect the passing of this Bill would have on the Bill regulating the siting of pig pens. The Housing Authority was consulted on both these points, and they have recommended as regards the question of frontage, that that would probably be dealt with by way of Regulations; they have recommended a minimum of 25 feet as a frontage. As regards the point as to the keeping of pigs, the Authority has said that the passing of this Bill would have no effect on the present position relative to the siting of pig pens.
7.10 p.m.

It was erroneously reported in the local newspapers that this section was postponed to consider the area as was suggested by the honourable senior member for the City. I say it was erroneously reported, because I never said any such thing. I postponed it on the two points which I have just mentioned.

The Housing Authority further says that this not only applies to Barbados, but that there was a B.W.I. Conference held in Barbados in January, 1951, and at that conference this area was recommended to all Governments. Incidentally, Sir, perhaps you might have noticed a letter appearing from my Ministry in this morning's *Advocate*. That was due to the same and as usual, false impression on the part of the leader writer in the *Advocate* in connection with this area. Those who read that article and that letter this morning will have noticed, if they did not notice it before, that this question of overcrowding does not apply to the area of 2,400 square feet as at present in the law. This overcrowding which we have in the areas around Bridgetown resulted from earlier days when there was no particular area for the size of a house spot. That was the result of the time when you sited your house wherever it could be sited and the question of a uniform plot was not considered at all. So, Sir, it is erroneous and false

to say that the 2,400 square feet have produced the present over-crowding results, or that it is likely to result from the suggested 1,800 square feet in this Bill. I beg to move that Clause 2 stand part.

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

Mr. E. D. MOTTLEY: I do not quite understand the Minister's point of view. There were two points made which were not merely related to the area, but relative to the siting and fronting of the house but he did say that he would also discuss that matter as regards the question of size with the Executive. In other words, when the matter was discussed it was one point of view of those of us on this side of the table that while it might be possible for you to reduce the size from 2,400 square feet that you should not go down to the 1,800 square feet but to compromise 2,000 square feet.

Now, the Hon. Minister did say at the time that on account of the two points raised over this side he would postpone consideration of the Bill and give consideration to the points raised. He also said that the Housing Authority had intimated that it would serve a better purpose by inserting that in regulations.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, on a point of explanation, I said that the Housing Authority recommends a minimum frontage of 25 feet and I pointed out that that could be very well controlled by regulations rather than by putting it in the Act.

Mr. E. D. MOTTLEY: Mr. Chairman, I can quite appreciate that that could be controlled by putting in a regulation rather than putting it in the Act, but those regulations should have been made since 1928. Up to now, no such regulation has been made and I do not know when such a regulation will be made. I only do hope that when regulations are made they will not be one-sided, that is, one set of regulations will be made to suit one set of people and another set for the Government. I expressed that view when I was a member of the Housing Board. I think the Hon. Minister was a member of the Board of Health when that Board objected to the idea of reducing the size to 1,800 square feet when the matter was put to the Board. I personally did not agree then to reducing it to 1,800 square feet, but in view of prevailing circumstances I consider that you can reduce it to 2,000 square feet. Later on I am going to move that as an amendment.

Surely the Hon. Minister is correct when he says that house spots of the size of 2,400 square feet are not the cause of slum areas. It would be incorrect whoever did give that impression. Our slums were created before 1928 and they were the result, as he has said, of the time when plots were of 800 and 1,200 square feet. What I am going to ask the Minister to say is this: would he come in here and say that he would agree that the minimum frontage of a plot should be 25 feet? As a matter of fact, in the absence of any regulations now, there is a standing rule of the Board of Health which the Board makes quite clear to those people who are about to cut up land that the Board would not give approval to the plan if any plot was less than 30 feet frontage. The custom of all surveyors is to try and make the lots of a size of not less than 40 feet.

Mr. Chairman, you can well imagine what will be the result when you make the minimum for frontage 25 feet. Anybody with any area of land to cut up would try to get in as many spots as possible by sticking to the minimum of 25 feet. If you do agree to the minimum of 25 feet you will create further slums because houses will be sited too close to each other. I could never agree with it and I threw out the suggestion at the time. I thought they

would have restricted it to what it is now. As a matter of fact, it would suit my vocation if it were made 25 feet but I would not agree with it. Let us take for instance two houses 20 feet long sited on two house spots alongside each other with a frontage of 25 feet each. That would mean that there would be only five feet between them and one could easily push his hands out of one house not only to touch the other but to go right in the other house.

Having put that up, I am suggesting to the Hon. Minister that the minimum of 25 feet would be out of keeping with modern development in housing. It would be alright if you were developing apartment houses or self-contained units. I may agree with that.

The Hon. Minister of Social Services has come in today and said that they have finally decided to reduce the plots to minimum of 1,800 square feet. He having moved that Clause 2 stand part, I am going to move that the words "eighteen hundred" in that Clause be deleted and the words "two thousand" be inserted in their place. I have taken the opportunity to discuss this matter with a body of surveyors. I do feel if the Government wants to reduce the area without causing any embarrassment or without creating any appearance of anything like a slum area that they would agree to make it 12,000 square feet. You certainly cannot make a frontage the minimum of 25 feet. That will be too small. I can see the reason why they are making it only 1,800 square feet.

I am going to ask the Hon. Minister to tell the House how can he say that to insert in regulations a frontage of 25 feet would not affect the site of a pig pen. The Hon. Minister knows that a pig pen must be at least 15 feet from the house as used by the occupier. That applies not only to the house out to any part of the house. On the other hand, the question of sanitary conveniences must also be taken into consideration. Everybody knows that the great majority of those people who buy these lots for the purpose of putting their houses cannot afford to put in a water-borne sewerage. They can only afford an earthen pit, and that must be put a certain distance from the other person's house. Are you going to suggest that a lot of 25 feet in width and 1,800 square feet can allow one to put those things a reasonable distance away from the other man's house? Everybody knows that you do not site an earthen pit near to the house. If you are going to reduce it to the size of 25 feet, you must cause the person to site the earthen pit near to the other person's house. If it is to be put as far as possible from his premises, he must put it near to the other's man's premises. I do hope other honorable members will express their views against this idea of a frontage of 25 feet. It is absurd and I hope hon. members will not allow that view to go unchallenged.

7.20 p.m.

Finally, Sir, I do say that I do not think it is too late even now, regardless of what the Housing Authority might say in reducing it to 1,800 square feet, and I know there are members who feel it should remain at 2,400 square feet. I feel a compromise would be the answer and you can make it 2,000 and in an acre you can get quite a number of lots.

Mr. Chairman, I do not think it is too late to make an appeal to the Minister of Health that it be reduced to 2,000 square feet instead of 1,800 square feet. I suggest he should call a conference of surveyors and people developing land and make plans in accordance with the scale as laid down in the Act;

because in the Public Health Act it would create tremendous difficulties and that has been represented to me by surveyors. I am sure that the Hon. Minister could discuss it with any Government surveyor. It would mean that if it remains in this way the scale for five plots of land would take up the room in here. I suggested it to the hon. member and I thought he would have given us more information but he says it has been suggested that the Housing Authority when they have been given an opportunity in the not too distant future with their experts to do the work—you will hear of it on the floor of this House, but I am among people who believe you will hear it abroad before they come to this House with it. I am going to suggest that where the words "1,800 square feet" appear, you delete it and put in the words "2,000 square feet." One must not mind as long as you are in public life that you must have criticism; members must criticise and you must not expect them to say everything is right. I do not think that Government should take advantage of that because there was criticism in the Press, but you come back and say it should be 1,800 square feet. Therefore, I urge the Hon. Minister to take into consideration the remarks I have made that it is absolutely incorrect and the other point would be, if you pass this Act it is not only for Government's development of land, but also for private people, and you must bear in mind that 99% of the people who buy land of this nature would be developing not with the waterborne system but with the earthen pit system: and if you reduce the spot to 1,800 square feet, if a man must comply with the Regulations he must throw his water in the other man's yard, and I suggest to the hon. members that it is not too late to reconsider it. I had in mind 50 feet by 40 feet; because after a man puts up a house with a frontage of 20 feet there is ten feet on one side and ten feet on the other side by the other man; and after all a human being is entitled to some privacy and if you are only five feet away you can put out your hand and reach into somebody's window. There is no such thing as a slum area by virtue of the houses and so on, and if you go in Suttle Street and remove the houses there, the land is beautiful building land. If you go up Pond Side and you pull off the houses, it is perfectly good land, but it only wants resiting and laying out. If you go to Pine Hill or Lodge Hill where there is an open area of land, and you decide you are going to make a twenty-five foot frontage, then in five years you will create some difficulty because there would be nowhere for people to run about. It is not too late to reconsider it and make it 50ft. x 40ft. If you make it 25ft. you can get more out of it. I am going to throw this as a warning; if a man buys a spot of land which would normally have been 2,400 square feet, there is very little advantage if you make it let us say 40ft. by 40ft. which would give a human being some reasonable standard of living and some privacy, and I hope it is not too late for you to see my point and appreciate it. Whatever your Housing Authority might say, I challenge any member of any Housing Authority in Barbados who says it will mean anything to the country to put up a house with a 25 feet wide frontage. The Hon. Minister was a member of the Board of Health for years and there are members on it now who refuse to pass under 30 feet, and some of us feel that 30 feet is too narrow. You could not even get out a coffin, as you know, if it is like that and I suggest that an amendment should be made.

Mr. GODDARD: Mr. Chairman, on the last occasion when we were discussing the reduction of

existing house spots from 2,400 square feet the hon. senior member for the City suggested to the Minister that of a compromise of 2,000 square feet. We readily appreciate their difficulty of development and realise the cost of building roads and so on are rather high and that they wanted to keep down the overhead cost per unit, but tonight they come back and tell us that the Housing Authority has accepted or would agree to a minimum frontage of 25 feet which I think is a really rough step. We have no regulations now, but I know no house spots are cut up under 35 feet frontage. When it was 2,400 square feet I suggested that the frontage be 40 feet, that is 40 ft. by 60 ft. If you reduce it to 1,800 square feet you would have development taking place of 25 feet frontage and 72 feet depth. That is exactly how developers are going to operate. There are going to take the minimum and it is going to be standard. [A VOICE: Who said we are going to put this in the Regulations?] I can only go by what the Minister of Social Services has said, that the Housing Authority has suggested that the Regulations be made for 25 feet. If that minimum is put in, it would be worse with no regulations at all, because the General Board of Health is not going to permit it now without any Regulations, and if you put it in the Regulations, the Board of Health would have no power whatever to go beyond that and your minimum would be standard. It is normal practice for people cutting up land to cut it at 40 feet. If you go and put in Regulations you are making this worse, and I am seconding the amendment the hon. senior member for the City has made, that this be amended to 2,000 square feet. I think it is an amendment that could be accepted by Government in the interest of the people and the future development of land.

7.30 p.m.

Mr. ALLDER: Mr. Chairman, on this occasion, Sir, I prefer to agree with the proposals in the Bill. I do say that because making house spots smaller is bringing such spot within easier reach of people whose income has prevented them from owning any spots in the past, and I will repeat what I said last time when we discussed this amendment, and it is this.

The minimum does not apply to those persons whose means afford them to purchase a larger spot of land on which to put their houses, but it accommodates the worker who can only give himself a 16 x 9 or a 18 x 10 house, to get a spot of his own for less than a larger spot would cost him. What is more, with the modern means of sanitation, this provision affords a larger number of people to live on a smaller area of land, and I would like to draw the attention of the hon. senior member for the City to the proximity of houses in places like Fontabelle, Chapman Street and King Street; these are houses of the middle classes and sanitation has not broken down. The small size of a peasant's plot does not make him more liable to keep an insanitary place; it is the larger place which creates the greater possibility of such a happening. If you have a 25 foot frontage for a house 16 x 9, that still leaves a passage between one person's house and that of another; and in an area where land is cut up in such small spots, you find that there is the tendency to get houses of a similar size concentrated in the particular area. Where you have a house 16 x 9 or 18 x 10, every other house is of that size.

In that case, you have to take into consideration the 9 feet which remains outside the given area on which the house stands, and also the same 9 feet that the householder would leave out. If hon. members knew the country areas as some of us do, and

were acquainted with certain districts where, due to the scarcity of land and the difficulties of people in getting house spots, they will realise that some of these houses are perched on hills, and the reason is that land is so high in cost that these people have to put their houses in the difficult areas as they now stand. I am glad to see that the Government has not changed the size of the housespots as has been suggested by some members of the Opposition; I feel that this is the correct provision, and it should be so. If somebody wants a bigger housespot, nobody prevents him from going to an area and taking two, three or four spots according to his means and the size of his house.

All the arguments seem to be concentrated on this 25-foot frontage. Sometimes you have much depth, and therefore what you lose in the frontage you gain in the length. If you want space and convenience, in respect of the placing of latrines and the keeping of pig pens, you could offset the difficulty which might be created by the 25-foot frontage. We have reached the stage where we have tenement houses and apartment houses where the division between them is no more than 6 inches. If you went to the Hastings district, you will find that there are flats and sometimes you have six and eight families occupying a building, and there is not this large amount of space between the families; there is just the thickness of a wall separating tenement houses. Here you are getting several feet between one house and the other; I think that according to the Act, years ago the minimum size of a housespot was 800 square feet, and now it is 1,800 square feet, that is definitely an improvement.

On the last occasion some hon. members suggested that to attempt a reduction in the size of house spots would not be working in the interest of the people, and the charge was made that some hon. members did not want people to keep their pigs and other stock. I would like to say that that is not quite correct; there are many householders who do not keep stock, but they would like to own housespots. With regard to those who want to keep stock or to build their own houses, there is nothing to prevent them from saying to an owner of land "Do not give me this house-spot or 1,800 square feet, I want one of 3,600 square feet or more." I do not think that we would be creating more slums in reducing the size of a housespot from 2,400 square feet to 1,800 square feet; whatever is said in future, if the law compels that housespots be of a large size, that will hamper many more people, and I am hoping that the Government does not change this size.

I feel very strongly in this matter because I know the difficulty which many people encounter in raising sufficient money to purchase a minimum spot as obtains now.

7.40 p.m.

Mr. BARROW: Mr. Chairman, I must make my position clear in a matter of this kind where the Government of Barbados has a deliberate policy of creating slums instead of abolishing them. We of my party are making no compromise on this Bill at all. Before the 10th July, 1894 the plantocracy who then controlled the Legislature thought that 800 square feet was sufficient for the average working man to live on with his wife and family as the case might be. Between 1894 and the 19th day of June, 1928, the area of 1,200 square feet was thought to be sufficient for the average working-class man to live on by the descendants of the same elements in our community. Now, the Labour Government was not in power in 1928: so the white people of the same complexion as their descendants decided that with the growth of ideas of *liebesraum* (living space) the minimum of 2,400 square feet was fit and proper

for the working class people to live on; and that area was put in the Public Health Act as the minimum and it took effect from that date in 1928. I may remind hon. members that it was only a couple of years before that time that Herr Hitler created the idea of more *liebesraum* for the Germans.

Thirty years have passed and now we get the happy union of conservatism and reaction — conservatism coming from the hon. senior member for the City and reaction coming from the so-called Labour Government — succumbing to the blandishments of some half-baked clerks in the Housing Board who have been elevated to jobs for which they are not qualified and in the performance of which they are utterly incompetent. On the question of policy you get the Government listening to that kind of advice and deciding to take 1,800 square feet as sufficient for a working-class man and his family to live on. You get this kind of nonsense put up by the hon. senior member for the City and his party that they would compromise on that by making it 2,000 square feet. As far as we the members of my party are concerned, there is no compromise on this matter because we should be enlarging on the privileges and rights of the community and not trying to restrict them at every turn.

This whole amendment is ill-conceived and badly drafted and when I come to section 3, I will illustrate what I mean. We are dealing with section 2 and I will restrict myself to dealing with that section.

When we amend sub-section (11) of Section fifty-two of the principal Act by deleting the words "twenty-four hundred" occurring therein and substituting therefor the words "eighteen hundred", in my opinion, we have reached the bottom of political degeneracy in this Island. I know, Mr. Chairman, that everything that is done to the unfortunate people of this Island today is done in the name of overpopulation. I have already exploded that fallacy in this Bill. If the people are unemployed you tell them that they have too many children; they are tainted with the original sin of procreation. If they have to emigrate and go to England to find jobs because they are unemployed, you say as regards this insoluble problem we can do nothing with it in Barbados because we are 21 ± 14 miles. Of course, since the hon. junior member for St. John has gone over to the other side of the Table, we have added two miles to the dimensions of the Island. So great is his conceit that he thinks that the amount of his paltry contribution to the other side is worth two miles to Barbados. If there is a high level of unemployment in this Island, it is not because the national income is not being properly distributed or because the people who have it within their power to make the distribution do not make it or because we are overpopulated and have too many children. If you want to herd the unfortunate workers into slums or into cattle pens it is because we do it in the name of overpopulation. They say it is the people's fault. That is what the Government is preaching today.

I consider any member of our Party on this side of the House will be a traitor to the people whom he is supposed to represent, and the people whom we are supposed to represent are the less fortunate people of this Island, the people who are asking for *liebesraum* and for the wide open spaces, not the restricted areas which the Government is trying to impose on them. I wonder if hon. members on the other side of the Table realise that wherever you fix a maximum it becomes the minimum and using the same analogy wherever you fix the minimum it becomes the maximum. Let no one get away from that thesis at all. You will never under-

stand my argument unless you appreciate that. Right through this Public Health Act you tell the people that two-thirds of the area must be open and according to the argument of the hon. junior member for St. Peter whenever a man's income increases a bit or one of the girls in his family gets married and have a baby, he has got to put a chamber on or push back the shed to his 16' x 9' and put on another 16' x 9' and the next year as the family increases he pushes back the shed roof and kitchen and puts on another house in between. You are restricting them to having a house of a certain size because the Public Health Act says that a certain proportion of the land must be yard space.
7.50 p.m.

We are saying that twice the area of the house must be yard space. If you are saying that twice the area must be yard space, you are restricting the size of the house to one-third of 1,800 square feet which it is now. I am not a mathematician but it is a simple process of arithmetic; how can a man as I have seen in Lightsfoot Lane, Spruce Street, Pond Side agree to our doing this? They have a little 16' x 9' or an 18' x 10'—two rooms and kitchen and out offices: then somebody sends money from Aruba (because they do not get any raise in wages in Barbados, so it comes from outside) and they get concrete blocks or saw up soft stones and build on a gallery to the front; but in this legislation you cannot do that because you cannot use more than one-third the size of the total area of land. What kind of ambition do we have for people in Barbados? You cannot keep a pig anymore because the pen must be 20 feet from the house even outside the City. I think it would be a better thing if instead of restricting the land the Government could get the hon. junior member for St. John to take them down to the Eastern parishes and show them the additional land discovered down there. I think it would be a better solution than the Bill we are adopting now.

MR. TUDOR: Mr. Chairman, I think that what this discussion has shown so far is that there are three distinct points of view in this House this evening on this measure, and it would be as well, Mr. Chairman, to understand that. Here you have a Government measure started of course and sponsored by Government which is saying that henceforward houses are to be built and erected on plots of land of not less than 1,800 square feet. The official Opposition whose duty it is to oppose the Government and for which it is paid suggests a compromise, because even the official Opposition feels that the Government is going too far and in order to save it from some of the possible consequences of its folly, the official Opposition is suggesting to the Government to make it 2,000 square feet for the people; but the law at the moment says 2,400 square feet and that is the stand taken by the hon. senior member for St. George who has just spoken and the one to which I adhere. I think that what is the trouble, Mr. Chairman, is that they generally do not see any future either for themselves in this Island or for the people of Barbados, and for that reason every scheme however half-baked commends itself to them; and there is no absurdity which will not find them among its stoutest supporters. If it is true, Mr. Chairman, that there was a time when less enlightened people felt that 2,400 square feet would do, and that the time now is that they think that rather less would meet the case, it must surely mean that they have lost faith even in their own self-advertised mission and there is nothing more to do but to pack up and go. Our stand is quite clear on this matter. We do not feel so despairing as they do; the normal increase in the population of this island does not frighten us; we expect it and it is something one ought to expect: and we

are not prepared, Mr Chairman, to be a party to any scheme which will permit the rich people of this Island to evade their responsibilities by making it appear to poor people that it is their very members that have brought about the conditions under which they live and that is the principle on which they stand. We are not saying of course and never have said that if this Island had 50,000 few people we should not be better off; but we are not dealing with "ifs" tonight. We cannot fear and will not compromise without voicing the protest that there are some in this House of Assembly who do not see the dangers of what this Government proposes to do. This is a matter on which the people outside of this House must feel very strongly, and they must feel strongly because they are puzzled to know whether we have exhausted all human ingenuity in our powers of thinking and whether Government is now saying that they see it impossible to rehouse the population of this Island without herding them into smaller and smaller places; because that is what it amounts to. If this Bill passes, Mr. Chairman, it would be a clear admission on the part of this Government that it now despairs of rehousing and resettling the population of this Island, herding that same population into smaller and smaller spaces. As I said when we first discussed this matter, where are you going to draw the line, Mr. Chairman? If you tell us now that 1,800 square feet is sufficient and the people of this Island are so unfortunate as to have them back in Parliament, in two years time they will be telling you that 1,200 square feet would do and then 800 square feet and there is no logical way of drawing the line. The alternative is for the Housing Authority (which we have set up because they asked us to) and for the Government and Ministers who should control that Housing Authority to devise schemes of policy which will resettle the people of this Island without at the same time denying them the opportunity of fuller light. When I review this whole situation, Mr. Chairman, I am convinced that it will not take a lot of argument and a lot of demonstration to prove that we are right and the others are wrong; and the very fact that the official Opposition is moving an amendment to stop the disastrous consequence of what they want to do is proof enough that the situation is even worse than we suspect: I think that they are wrong; I am certain they are wrong; they are wrong in their humanity, Mr. Chairman, they are wrong in their policy, they are wrong in their arithmetic, but they are right only in this: that at last they have had the clumsiness to show their hands and impress upon the people of this Island that they are incapable.

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

Ayes: Hon. G. H. ADAMS, Hon. Dr. H. G. H. CUMMINS, Hon. M. E. COX, Hon. R. G. MAPP, Mrs. BOURNE, Mr. HOLDER, Mr. BRYAN, Mr. VAUGHAN and Mr. ALLDER—9.

Noes: Mr. BRANCKER, Mr. BARROW, Mr. TUDOR, Mr. GODDARD and Mr. E. D. MOTTLEY—5

8 00 p.m.

The question that Clause 2 stand part of the Bill was put and resolved in the affirmative.

A division was taken as follows:

Ayes: Hon. G. H. ADAMS, Hon. Dr. H. G. H. CUMMINS, Hon. M. E. COX, Hon. R. G. MAPP, Mrs. BOURNE, Messrs. HOLDER, BRYAN, VAUGHAN and ALLDER—9.

Noes: Messrs. BRANCKER, BARROW, TUDOR, GODDARD and E. D. MOTTLEY—5.

Clause 3 was called.

Hon. Dr. H. G. H. CUMMINS Mr. Chairman, as the hon. senior member for St. George has pointed out, the purpose of this Clause is to regulate the area of a housespot which is to remain unoccupied except by trees. This area is now changed from one-half the area occupied by the house to twice the area occupied by the house. That is the effect of Sub-clause (1). In connection with Sub-clause (2), the total area of land is changed from 2,400 square feet to 1,800 square feet. I beg to move that Clause 3 stand part of the Bill.

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

Mr. BARROW: I have indirectly made some allusion to the iniquitous effect of Sub-clause (1) of this Clause. I wonder if any of the members of the Government Party has ever read any of the laws of Barbados particularly when a Bill is being amended. I know that they never have a book; they bring forward an amended Bill, and they do not read the principal Act so as to see what the effect of the amendment, is going to be. Before they came in here with this amendment, they had an area of land amounting to 2,400 square feet; that was the minimum amount of land which the General Board of Health could pass for sale or lease. Nobody could in fact cut off any amount of land which was not in a smaller area than 2,400 square feet on which to live. Mr. Chairman, the enormity of their crime has not yet dawned upon them, and therefore have to speak in monosyllabic words.

We have criticised the planters, but look at what the Government is doing today! In clause 54 of the Public Health Act, not less than one-half the area of land occupied by a dwelling-house and its out-houses and offices was the space which the owner or occupant of the dwelling-house should have adjoining it. I am not a shareholder of any big enterprise, and therefore, I am not good at figures, but a rapid calculation will show what I really mean. A man with an increasing family could erect a stone bungalow, something like the one which I saw at Melvin's Hill, something which he could sell. Under Section 54 of the Act, you have 2,400 square feet to play with, and you could build a bungalow 40 x 24 feet, which would be a good bungalow, for \$5,000; you could build something with a little facade in front for \$7,000. The Barbadian is proud of his home and every Barbadian tries to keep his premises clean. Nobody wants to lease land in Barbados; we are not dealing with tenements, we are dealing with freeholders who are the yeomen of the country, the people who before 1950, were the only people who had the vote, and the Government would not be doing this with these people if the franchise were still the same. You can do anything under the name of our having the best franchise, but we are not doing one-half of what is being done in the Leewards and Windwards. You have 1,600 square feet for the house, 800 square feet for the backyard; you can have your pig pen and your duck's pool, and you can have a little game of cricket in the yard.

In this Bill, you are cutting down the minimum size of a housespot to 1,800 square feet, and instead of allowing a person to build the same size house, you are now saying that the yard space must be twice the area covered by the house; whereas in the principal Act, the yard space was to be one-half the area of land covered by the house. This amendment means that under no circumstances would your house and out-offices occupy more than 600 square feet.

"The owner or occupant of every dwelling-house shall have adjoining it and in his sole possession as owner or occupant a space or spaces unoccupied or uncovered by anything except trees or plants

as owner or occupant a space or spaces unoccupied or uncovered by anything except tress or plants not less than twice the area of land occupied by such dwelling-house and its out-houses and offices"

What happens is that people write something on a piece of paper for them, it is put on the "Roneo" machine, sometimes late. They do not look at the Act, and they feel that what is being done is an improvement; but let them go through the Act, let them read the whole section. As I have pointed out they are taking out the words "half of" and substituting the word "twice." The section will then read as I have already mentioned; that is how they want it to read.

8.10 p.m.

What is the position when you buy a piece of land? Say that you buy it from the hon. senior member for the City, he is not going to sell you it cheaper than what you would pay for a plot of 2,400 square feet. Get that completely out of your mind if you are so misguided as to think that a house spot will be cheaper now, because as far as real estate agents are concerned, in Barbados a house spot is a house spot and so far as a man paying for a spot of land is concerned, all he knows is that he is buying a housespot; he does not know the measurement of it. I am sure that 90% of the people would not know that you pass this Bill; so if this becomes law next week, the hon. senior member for the City would charge them the same thing for this size house spot as he did for the present size, and the hon. senior member for St. John would do the same thing and you cannot blame them. Such is due to the state of apathy and ignorance in this Island and that is due to a deliberate suppression of education and information by the people who are presiding over the people's destiny. The people do not know what is passed in the House of Assembly from one week to the other and they do not care. I am sure they will have to pay the same price for the 1,800 square feet as for the 2,400 square feet. As a matter of fact, some of the supporters of that group over there will be so misguided as to think that they are getting more and will be prepared to pay more because they will think that you passed a Bill that they should get more.

I want the Hon. Minister of Health to get up and tell me that the effect of this Amendment is not to restrict the size of the house. How can it be different from that when you are cutting down on the size of the land? I have to say it over and over again because, as you know, sometimes when you are drilling you have to keep drilling away; sometimes you have to get a crowbar and sledge hammer to pound it in; you have to continue drilling until you get results.

I see members of the Government are discussing it now. This is not the place where they should debate it. I say again, do not let Civil Servants push any kind of nonsense in front of you. Are you surrendering your intelligence (if you have any) to a few half baked Civil Servants? You are restricting the size of a house to 600 square feet when you put the minimum for a plot of land at 1,800 square feet. I would feel under these circumstances, no matter how much I may like the district in which I live, no matter how much I may love my family, because I could not increase the size of house and get a good resale, that the best thing for me to do would be to pack my bag and go to England or somewhere else. The Hon. Minister of Labour has told the people of Barbados that there are jobs in England but the housing conditions there are bad: but you are creating bad housing conditions here. As a matter of

fact, you are creating worse housing conditions here than what is in England, even worse than what was the position at the height of the Industrial Revolution. There is no part of this Bill, not even the word "Barbados" at the top, that I can vote for.

8.20 p.m.

Mr. E. D. MOTTLEY: Mr. Speaker, I just want to remind the hon. member who just sat down that I have never had spots of my own to sell. I have never found myself in that fortunate position. I am sure the Hon. Minister of Health is bold enough to admit that this is an error. I do not think we need much debate on it because it is obviously an error. If you read the original Act you will see that it is an error. What the honourable senior member for St. George has said is absolutely correct.

As this stands now, it will prohibit a man if he starts off small with an 18' x 10' and puts on a shed-roof and as the family grows he puts on another 22' x 11' or 12' and puts back on the shed, the Director or the Sanitary Inspectors will go around and tell them they have to take the shed off and leave the space open. If the Minister can convince me that what I am saying is wrong I will vote with the Government, but under the circumstances this is an error; and if a mistake has been made, say so and let us reverse it. You cannot under the circumstances pass it as it reads. I do not think we need say any more. Every member over here and those who have studied it must realise what it means as soon as a man has got to cover 600 square feet to leave 1,200 open, and the Premier should advise them on this. If you are going to tell a man to live on 600 square feet and leave 1,200 square feet open, that is wrong. What I am reading is an error, but I am going to be charitable enough to say that the Government did not willfully put it in, but that it was done by the Housing Authorities and brought here without their reading the Act as the hon. member for St. George has said. Do not pretend you are not a Barbadian. No one knows this better than the Hon. Minister of Social Services who has seen families grow from small in position and even became Barristers or Doctors. He has seen them all his life start off with one house and shed, and as time goes on put on another roof and another roof and become big in the community, for which we are proud. If this goes on, when a man starts he must cover 600 square feet and leave 1,200 square feet open. Furthermore, a man buys 1,800 square feet, but do not get the impression that he brings this house right up on the road. He cannot bring it on the road because part of the land which he buys has a portion of road. Look in the Act and you will see it. When you deduct that, he cannot bring it up to the road, he must have three to five feet from the road and as soon as he does that and you are talking of what he should not cover, surely it is unreasonable.

Mr. CHAIRMAN: Will the hon. member address the Chair?

Mr. E. D. MOTTLEY: Yes Sir. I am only acquainting myself with the things in front of me. Therefore, Sir, I am appealing to the Hon. Minister of Health and hope the Hon. Minister has seen the point we have raised over here. The new Housing Authority Official knows nothing about this. He is thinking of building houses like those in England where you build and go up, building apartment houses and going up in the air and leaving a small place to put up a line for hanging clothes on; but you are dealing with 98.9% of the people who build different houses. You know, strangely enough, a lot of people in this country including the Ministers of the House forget how they started. Few of them have the

courage to say they were not born with a gold spoon in their mouths, but some of them would be bold enough to say they were born with a diamond one. Few of them would have the courage to tell people that they had to draw up in a small room. All of us had our hard days, but some of us were more fortunate than others and because of this we need not boast. It is our small duty when we come here to see what we can do. It is all well and good for the people of this country to buy land perhaps 1,000 square feet or 1,500 square feet if he is going to build and go up in the air, but the economic position of the people in this country when they buy 1,800 square feet does not afford this, and I take second place to nobody in this country or in this House dealing with that. First of all, he buys a piece of land; then he saves his money from meeting turns and put it on the bank until he raises enough money and goes to a lumber yard; and if he gets a good recommendation he starts off with one frame. He puts down a frame and builds a roof like Job's turkey. If nothing else, he has ambition. That is all well and good; he is going up in the air. Later on, he puts on a shed because he has his girl friend and he has two or three children; and then the children become very bright with the school master taking an interest in them; then he gets married and there are two or three more children and he shoves back the shed and builds another roof and kitchen. I am asking hon. members on that side of the Table—I mean the backbenchers—if they want to be honest, if they cannot tell the Government this. As soon as he builds up, what happens? He finds himself in that position. All that happens is, as soon as you cover more than 600 square feet, the Sanitary Inspector walks in instructed by the Sanitary Authorities all over the Island and tells you these are the conditions which must be complied with. They pass on the instructions to the Sanitary Commissioners and the Sanitary Inspectors must carry them out and if they are not complied with, the person can be reported and carried before the Law Courts because he covers more than 600 square feet. But on the other hand who is going to report a man for improving his house? If you are going to pass an Act that is a farce why pass it at all? I counsel honourable members under the circumstances to say that this is really a mistake. Look around this Table and tell me how many of us have been fortunate. I do not mean the ones who have been to England, some of them at our expense, others taking a chance on their life, but how many of us did not start in a 18ft x 10ft? Let them say now. Therefore, do not let us forget the road we came, and therefore I think we should not create this hardship. I appeal to the Minister of Health and Social Services to admit that this is a mistake and that this came from the gentleman who is now in charge. If it comes from the Housing Authority, they did not know sufficient: and—what this amounts to—that they were thinking of building houses in the United Kingdom where they are built upwards; but it cannot apply here. It should be reversed. It should be 1,200 square feet for the house and 600 square feet for the space, I suggest to the Hon. Minister to do that.

8.30 p.m.

Mr. ALLDER: A Clause like this is going to make overcrowding compulsory. I agreed with the Government just now in respect of the reduction of the size of a housespot which would permit a householder to purchase 1,800 square feet of land as a spot; but to restrict him from extending the accommodation of his house, I cannot agree with that. We do know that the population of this Island increases

annually and families have been practising the extension of the accommodation in their homes according to the increase in their families and if the Government persists in passing this Clause, then it shows clearly that there is either a woeful lack of constructive planning, or that the Government wants to be wicked in this instance. I cannot see that it is humanly possible to have any legislation compelling a householder who is permitted to buy 1,800 square feet of land from using more of it in the accommodation of his family than he uses for yard space. What has been noticed is that the old Act permitted a house to occupy the greater part of the spot, and now that the housespots have been reduced in area the Government is making it compulsory that each house must only occupy one-third of the total area. It seems as if the Government is willing to accept blindly any recommendation which has made by certain engineers and Housing Authorities who do not know sufficient of the local conditions.

I do not know what to say exactly, but this is one Clause to which the Government should accept an amendment. The blindest man or the most inefficient man would be able to see the error of this Clause; the most short-sighted individual would be able to see the mistake in this Clause. There are times when the Government can accept the advice of people who know the living conditions of the people in this Island; in connection with this particular Clause, however, there is an Englishman called Mr. Walker, who wants to bring about a system of building in this country, which the people of Demerara have refused to accept. All the people who know this Colony have intimated to the Government that this man is doing wrong, and the Government has accepted his recommendations blindly and brought them here for our acceptance. This individual has suggested that no doors should be built to bedrooms; he has suggested that a piece of cloth could be used as a substitute for a door.

I think by now that the recommendations of some people should be accepted, but not put into practice. Sometimes the attitude of the Government prevents one from being sympathetic towards them, because they are purblind, arrogant, bigoted and uncompromising; [*Cheers*] and if they persist in their ignorance, they cannot have a successful administration. There was a reason why I voted for the reduction of the size of the housespots; it is because I believe that it is better for 12,000 people to own their own housespots than for only 600 to own them. I am hoping that the Government will decide to reconsider this Clause.

Mr. GODDARD: After all we have heard, I think it is so obvious that an error has been made in this Clause that in the absence of any explanation coming from the other side, I am going to move that the further consideration of this Clause be postponed. There must be an error in this Clause; whereas the space unoccupied or uncovered by anything except trees or plants was to be one-half the area of land occupied by a dwelling-house, now, that space is to be two-thirds of the area, and they have reduced the area of a housespot. I am submitting that people will be overcrowded in their houses. That is so obvious to me, that I think that the Government must have seen it by now. I beg to move that the further consideration of this Clause be postponed.

Hon. Dr. H. G. H. CUMMINS: I accept that motion; but there are various points of view about this Clause. One point is in connection with preventing overcrowding, preventing two or three small houses from being placed on the same spot. [*MEMBERS: Oh! No, no.*] You can build a house on one side, and allow our brother or sister to bring one alongside of you.

If you allow somebody to put on something behind, that is against the law.
8.40 p.m.

Mr. E. D. MOTTLEY: Really, Sir, that is a lame excuse; that is a "one-foot" point. Actually as the law stands today and the fact that it is 1,800 square feet —

Mr. CHAIRMAN: The Hon. Minister said that he accepted the motion for the postponement. What are you speaking on? Are you going to speak on the postponement?

Mr. E. D. MOTTLEY: I am only saying that the Hon. Minister had no right to raise that point, because it is a fact that as soon as the second person puts on anything they will be breaking the law. I say again, that is a lame excuse.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I beg to move that you do now report progress and ask for leave for the Committee to sit again.

The question was put and agreed to.

Mr. CHAIRMAN reported to Mr. SPEAKER who resumed the Chair and reported accordingly.

REGISTRATION BILL—Cont'd

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I will go on to the next Order — Order No. 4.

Mr. SPEAKER: The next order is to resume Committee on the Bill to amend the Registration (Births, Baptisms, Marriages and Burials) Act, 1891.

I will say before leaving the Chair that there is some noise reaching my ears from strangers in the Gallery. I must remind strangers that they are here on sufferance.

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

Hon. G. H. ADAMS: Mr. Chairman, hon. members will remember when we were dealing with this Bill to amend the Registration (Births, Baptisms, Marriages and Burials) Act, 1891, that it was pointed out that Clause 2 did seem a bit like putting the cart before the horse. It does not really matter from the point of view of legal draughtsmanship which Clause you put first, but inasmuch as it was pointed out, I accept the suggestion which came from the Opposition.

Section 9 of the Act made provision for the Registrar of the Island to send to districts Registrars copies of duplicate registers of Births sent him by ministers of religious bodies. That being deleted, this next Section said that it should be lawful for the Registrar to register a birth therefrom if a person comes to the Registrar and makes a solemn declaration about the birth of a child and then pays the fees for failing to register in time.

Now the proposed amendment was to repeal Section 9 of the Act and insert the following as Section 9:—

1. Where a birth has, from the default of the parents or other persons required to give information concerning it, not being duly registered, the Registrar of the Island may, at any time after the end of 42 days from such births, by notice in writing, require any of the persons required by this Act to give information concerning such birth to attend personally at the Registration Office within such time as may be specified in such notice and to give information to the best of his knowledge and belief, of the particulars required to be registered concerning such birth, and to sign the Register; and it shall be the duty of such person, unless the birth is registered before the expiration of the time specified in such notice, to comply with the term of the notice.

2. Every person required to give information under the preceding subsection who wilfully refuses to answer any question put to him by the Registrar of the Island relating to the particulars concerning a birth, or fails to comply with any requisition made in pursuance of this Section shall be guilty of an offence and shall be liable on conviction by a Court of summary jurisdiction to a fine not exceeding \$25.

In short, where a birth is not registered, the Registrar may send for the parent or person responsible and require him to give information concerning the birth to the best of his knowledge so that it could be registered. You may say that it seems scientific to put the present Clause 10 of the principal Act before the New Clause 9 which this Bill seeks to do.

It does not matter which Section comes first. I repeat, inasmuch as it was put to me, I talked it over with the Legal Draughtsman and what I have just circulated is the result. Instead of leaving it as was proposed—that Section 9 be deleted and this new Section 9 be put in its place,—we are taking Section 10 of the original Act and making it Section 9 and let this amendment follow as Section 10. As I have said, it really does not matter from a lawyer's point of view because every section of an Act has to be read by itself so it really does not matter what order you must put this in. One section does not follow another except for purpose of ease. Sometimes you say "the preceding section" making reference in a section to the previous one.
8.50 p.m.

I am asking leave, Sir, to amend Section 2 by deleting all the words from "Section 9" to figure "9" in order to insert the words which appear in the new Clause which read as follows:—

NEW CLAUSE 2

2. The Registration (Births, Baptisms, Marriages and Burials Act, 1891) is hereby amended in the following respects:—

- (i) by the repeal of Section 9;
- (ii) by renumbering Section 10 as Section 9;
- (iii) by the insertion of the following new section to be numbered Section 10;

and then the words in Section 9 (1) and (2) follow.

I beg to move that Clause 2 as amended stand part.

Hon. Dr. H. G. H. CUMMINS: I beg to second that.

Mr. ALLDER: Mr. Chairman, I do not know if I would be in order, but there was something which worried me in respect of registration of births. I notice, Sir, that for a long time now, there has been what I would term as a social barrier which prevents the equal recognition of children by the same parents. What I do mean, Sir, is, a woman bears a child for a man. If they are not married and this woman carries him to court, the court acknowledges him as the father and not otherwise. The child in the same instance cannot carry the father's name, but any child or children born after the first child can carry the father's name although he is acknowledged from the point of view of maintenance before the court as the father, and I am hoping, Sir, in future, that what I term to be a social barrier—a division between some relatives—would be removed in the not too distant future. I do not know if the Hon. Premier is following my argument, but if I unfortunately might not be able to marry my girl friend before the first child is born, I do not see why that child could not and should

not be given the same title as any of my children. Mr. Chairman, I know you have to go through a process of law before you can be given that permission. I know you have to take out an affidavit from the Registrar's Office and some people cannot pay the cost of taking it out; but I want all children of the same parentage to be recognised at birth and given the same equal status.

Hon. G. H. ADAMS: Mr. Chairman, you can call your child any earthly name you like, legitimate or illegitimate. The hon. member can go abroad and call himself by different names if he likes. No law says that an illegitimate child must go by the name of the mother, it is just a habit and practice and as long as you do not do it for purposes of fraud you can have as many aliases as you like, so I do not see the point the hon. member is making.

Mr. ALLDER: I am not arguing with the hon. member; I know it can be done by law, but I also know that as soon as you have to use aliases, it is not legal.

Mr. BARROW: I think, perhaps, it would be better if the member for St. Joseph heard somebody who had the experience to speak on the Legitimacy Act, because the hon. senior member for St. John is quite right in a certain respect. Under the Legitimacy Act, you become legitimate by virtue of the marriage of parents after your birth and the children are entitled to inherit the same name as those born legitimate. There is no dispute about that nor about the fact that you can masquerade in several names (as you can in several political colours, there is no doubt about that either) but I think what the hon. senior member for St. John is trying to point out is this: that under the Legitimacy Act you have to go to the Registrar. If you want your children when applying, let us say, to go to Canada to work as a domestic servant, to satisfy the Canadian Commissioner, if there is any disparity between their birth certificate and the name they get on the passport, sometimes you have to get the affidavits from the oldest parents alive to get the correct name. Of course, the hon. member is labouring under the difficulty of not having had the experience which probably could be credited to his parents, but he should not sneer at hon. members who are aware of the difficulties that the working class people of this country have to labour under when seeking to go abroad, and parents have to go to the Registrar. He does not want me to read the Act because it is there in Volume V of the Laws of Barbados. You have to go to the Registrar and register the birth of a child and if there is any difference at all in the names which they have in the passport and what somebody calls them, they have to register them under one common and that creates a certain amount of difficulty. Perhaps, that is social legislation which is at present beyond the powers of the Government, so perhaps we will have to wait a little time until we can get to that point.

Hon. G. H. ADAMS: If the hon. member would stick to non-legal matters he would be more successful than on law. I repeat there is nothing whatever in law, either common law or in statute, which prevents a man from calling himself any name on earth. He need not use a customary name. He could be born a lawful child and his father's and mother's names are Mr. and Mrs. Browne but he can call himself Smith. It is customary in this island for people to call their illegitimate children by the name of their mothers, but nothing compels them; but if you happen to be calling yourself Smith because your mother's name is Smith, and later on your mother marries Brown, your father, and you happen to be going normally by the name of Smith,

you go for the registration for the purpose of going to Canada; but it applies not really to such instances. If you happen to have a birth certificate or a baptism certificate with your name spelt Brown and you spell it with an "e" at the end, the immigration authorities are going to say the same thing [A VOICE: You are only arguing with yourself now; so you can sit down.] I got up to assure the hon. member for St. John that the calling of names is not a question of law. It is merely customary for illegitimate children to be called by the names of their mothers, but from the time an illegitimate child is born she can call it by the name of the father. The hon. member had to get up and give of his knowledge and try to prove that my law is wrong. I wish he would look in the book and I give him till Domesday to say there is a law which says there is compulsory in calling an illegitimate child by the name of the mother. There is no compulsion; you can change your name from minute to minute so long as you do not do it to defraud.

9.00 p.m.

Mr. ALLDER: I must thank the two hon. members for enlightening not only myself, but the public on this matter. I know that there are many members of my constituency who find a lot of difficulty in this connection; very few of them know, I myself did not know, that you were free to name an illegitimate child after its father. I hope that more members of the public will know about this matter; it has been most enlightening.

Mr. BARROW: Mr. Chairman, I should just like to make the position clear. Every time I try to put the senior member for St. Joseph on the straight and narrow path, he accuses me of trying to prove that his law is bad. There are certain irrebuttable presumptions; you have to satisfy the Court on certain things, and the position is the same with you, Mr. Chairman. The hon. senior member for St. John is right, and every word that the hon. senior member for St. Joseph has repeated after me is the position. Nobody says that it is anything wrong to have as many names as you like, but sometimes people get the impression that women cannot put down the names of the fathers of their children. [Laughter]. We have now reached a stage, where we can only laugh, because everybody knows the hon. senior member for St. Joseph is only arguing against the facts; if he wants to find where the water is, let him let down the bucket alongside the ship, and he will find where the water is.

I go further than the hon. senior member for St. John; I would not put every father of an illegitimate child in jail, but I would like it to be made compulsory for the father of an illegitimate child to come forward at the baptism or the registration of birth and put the name on the Certificate as well. If that were done, it would save us a little trouble; I feel that that would be of social benefit to the community. I do not think you should let the mother register the birth until the question of the paternity has been settled, so that the name of the father and that of the mother can be placed on the Certificate of birth. That would be a good thing indeed. As I said before, we do not have to prove certain things, because there are certain irrebuttable presumptions. *Presumptio jures et de jure.*

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

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

Mr. SPEAKER resumed the Chair, and reported accordingly.

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

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, in fixing the Order Paper —

TRADE UNION BILL

Mr. F. L. WALCOTT: Mr. Speaker, before the hon. member fixes the Order Paper, there is a Bill which has been on the Order Paper, standing in my name for some time, and I desire to proceed with it. I do not think it would be fair to object to my proceeding with this matter because the Government has had its opportunity of finishing its business. Although it might be hard on Your Honour not having had any dinner, that is not my fault. I am desirous of proceeding with this Order, which is the first Order under "Private Members' Business."

Hon. G. H. ADAMS: I am appealing to the hon. member not to go on with this Bill. We have had assistance from the International Labour Office, Mr. Matthews has worked on a Labour Code which he has finished and sent copies to the Ministry of Labour. There are additional copies coming in, and I have asked that each member of the Executive of the Barbados Workers' Union have a copy of it. To have a minor amendment to the Act now when we propose to rewrite the laws relating to Labour would only be a waste of time.

9.10 p.m.

The hon. member does not know what I have just said. I said that the code is finished and it is in our hands and in time we will be sending 15 copies to the Barbados Workers' Union in order to ask for their views, not only on peaceful picketing, but on all matters affecting labour in Barbados. I would like to say this of Mr. Matthew's work. When he made this drafting, it had the supervision of several departments of labour at the International Labour Office in Geneva. In fact, I am told that if we passed this in an Act, we will be passing the best Labour Code in the whole world. I know non-Barbadians are accustomed to hear that so often that they are sceptical. Be that as it may, I am suggesting to the hon. junior member for St. Peter not to proceed with that Bill today. Without committing myself, I do agree that there is nothing wrong with it because it is the same as that of the English Act. I will give the hon. member this assurance. I do believe that the code is going to take a long time to be discussed by the different bodies and by this House and the Other Place and because of that we may have to pass it and then consolidate the various Sections. I will promise him that the revised Trade Union legislation will be brought before the House first. Now that the honourable member has seen my reason for making the suggestion to him I am sure he will agree. That is all I want to say.

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

Mr. F. L. WALCOTT: I must thank the Hon. Premier for the information he has given; but I must say that whenever I bring something dealing with the Trade Union, I am told that the Labour Code is coming. I am glad to hear today that it is here now; my only regret is that the Trade Union has not received a copy of it yet.

I do not know in what way Government proposed to deal with it. I will only say that I hope the Government does not deal with it as they have dealt with Professor Richardson's Report. It may mean that it will take another year before the Labour Code, or

part of it as the Hon. Premier has suggested, is brought before this House just as it took a year to deal with the part for Old Age Pension which was recommended in Professor Richardson's Report. The Hon. Premier can very well see that the Trade Union cannot wait for two years before peaceful picketing, as contained in the Bill which I have before the House, should take place.

Sir, I am only stating that the Labour Code is something new to Barbados and being new to Barbados, I do not know how Government intends to deal with it. I do not know whether Government is going to repeal all the laws as regards labour legislation and then consolidate the Labour Code in our Statute Book. I do know that in whatever way it is done there are going to be delays. However, Mr. Speaker, I accept the assurance given by the Hon. Premier and as the Labour Code is a matter in which I am extremely interested, I do hope that the Trade Union to which I belong will have the copies he has suggested as soon as possible. For those reasons I accept the plea.

ADJOURNMENT

Hon. Dr. H. G. H. CUMMINS: I beg to move that this House do now adjourn until this day week, 19th June, 1956 at 3 o'clock p.m.

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

LABOUR CODE

Hon. G. H. ADAMS: I would just like to assure the hon. junior member for St. Peter that the only reason why he has not got a copy of the Labour Code yet is because only three have come. As the hon. member is aware, it is a confidential document. There are some 50 more copies on their way here. The three which we have got came by air but the other 50 copies are coming by ship.

Mr. BARROW: Mr. Speaker, speaking on the motion for the Adjournment, I would like to ask the Hon. Premier if the means of locomotion has anything to do with secretary. Is he telling us that this so-called Labour Code which somebody outside of the colony is sending down (I cannot say ex-patriate Barbadian) is not going to become available for public information just because of the delay in shipping service. I say so because it seems to me a grave act of discourtesy to the officers and members of the Barbados Workers' Union that somebody sat down in Geneva and drafted a labour code for Barbados without any consultation and without sending a copy of the draft to the President and Vice-President of the same Labour Organisation. I do not know if it is because the Government is completely devoid of any constructive ideas of its own that it does not want any member of this House or any member of the Barbados working class organisations to be responsible for the drafting of labour legislation which has caused them to get somebody from either Soviet Russia, Timbuctoo, Afghanistan or South Africa like the Social Welfare Officer who is here, than to have a Barbadian doing something for his own people. That is the whole depth to which we have descended. Personally, if I were in the position now, (and it is a difficult position) as the hon. junior member for St. Peter, I would consider it a grave act of discourtesy that the first draft and final draft of this labour code was not submitted to me for approval.

9.20 p.m.

Mr. TUDOR: Mr. Speaker, speaking also on the motion for the adjournment, I wish to draw to Your

Honour's attention a matter of public importance. Your Honour must have heard with a certain amount of distaste of the back of a bus which fell off in the street and catapulted about eight passengers travelling on that bus into the road.

Now, Mr. Speaker, I dare say there is so much tragedy this matter that you really cannot take it all in and it does not appear to me humorous. Two weeks ago, Mr. Speaker, I drew to the attention of this House and to the Minister in charge the serious conditions which obtain at the Transport Board, and apart from the question, Mr. Speaker, of administration and finance, now we are faced with problems of people's safety, their very lives, Mr. Speaker. I wish to make it clear that the time has passed for fooling about with this matter. The public are very agitated about it and that it is time that something was said to them, because it is going to be their money that is to be spent. Four times last Saturday I happened to pass up My Lord's Hill, and on each occasion I noticed large numbers of people waiting for a bus and I heard it said since then that in that whole area on Saturday only one bus is running. There is more to it than that which is within the experience of almost every member of this House. Employers in the City are experiencing the fact that their people are coming to work late in the mornings and all their arrangements are being put out of gear, and the fact that the people cannot guarantee that they will be able to come back to work within the stipulated time for breakfast. All that is going wrong, Mr. Speaker, and now this latest is that the buses are in such poor state of maintenance that they are about to collapse as this one did last Saturday. There is a feeling on that

side of the House and especially with the Minister for Communications that some how or other any one who mentions this matter is doing it not because he has seen or heard anything but merely because we want to criticise him or the Government. I beg him—and to impress upon him—that this is a matter which is bigger than Your Honour, bigger than this House, because it affects the safety and well being of the people of this colony. I want them to regard it as a serious matter and the very least this Government could do to acquaint the people of this country through this House is to tell them what actually is the matter. I understand too that a Commission has been set up and sent over here to enquire into the workings of the Board, especially with a view to its accountancy and financial problems. We have not been told about that and it is strange to discover, Mr. Speaker, that the affairs of that Board are in such a state of . . .

Hon. G. H. ADAMS: On a point of order, I waited until I heard the hon. member use the very words he used on a similar motion a fortnight ago.

I would like to know if he can on the adjournment of the House discuss the same matter Tuesday after Tuesday, and whether it is not contrary to the procedure of the House.

Mr. TUDOR: Mr Speaker, I think we are becoming a bit. . .

Hon. G. H. ADAMS: Mr. Speaker, I have asked for your ruling.

Mr. SPEAKER: My ruling is quite unnecessary, because there is no quorum in the House.

This House now stands adjourned.
9.30 p.m.