

# THE House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1956

## HOUSE OF ASSEMBLY

*Tuesday, 29th May, 1956.*

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

*Present:*

His Honour Mr. K. N. R. HUSBANDS (*Speaker*), Hon. M. E. COX, (*Minister of Communications, Works and Housing*); Mr. L. E. SMITH, J.P., (*Chairman of Committees*); Hon. R. G. MAPP, (*Minister of Trade, Industry and Labour*); Mr. T. O. BRYAN, Mr. F. E. MILLER; Mr. J. A. HAYNES, B.A., Mr. J. C. MOTTLEY, Mr. E. St.A. HOLDER and Mr. J. C. TUDOR, M.A.

*Prayers were read.*

### MINUTES

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

### DOCUMENT

Mr. SPEAKER: I also have the honour to inform the House that I have received the Financial Report of the Accountant General of the Colony for the month ended 31st March, this year.

### PAPERS LAID

Hon. M. E. COX: Mr. Speaker, on behalf of the Hon. Premier, I am commanded to lay the following Papers:

The Diplomatic Privileges (World Health Organisation) (Amendment) Orders, 1956.

Statement showing Gross Customs and Excise Receipts for the twelve months ended 31st March, 1956.

Report of the Hurricane Relief Organisation Review Committee.

Hon. M. E. COX: On my own behalf, I beg to lay the following:

Statement of Post Office Advances for payment of Money Orders to 31st March, 1956.

Hon. R. G. MAPP: On behalf of my colleague, the Hon. Minister of Social Services, I am commanded to lay the Adoption Regulations, 1956.

## REPLY

Reply to Question asked by the hon. senior member for St. Lucy, Mr. J. E. T. Brancker, on 1st May 1956, regarding the award of the contract for the supply of limestone in the Northern District.

## NOTICES

*Government notices were given as follows:*

Hon. M. E. COX: (On behalf of the Hon. Premier):—

Bill to amend the Jurors Act, 1891.

Bill to acquire certain lands and rights over lands to be used in connection with the establishment of an Oceanographic Research Station and for the payment of compensation therefor and for matters connected therewith.

Hon. R. G. MAPP: (On behalf of the Hon. Minister of Social Services):

Bill to amend the Medical Registration Act, 1911.

Bill to amend the Dental Registration Act, 1923.

Bill to amend the Druggists Act, 1894.

## PRIVATE MEMBERS' NOTICES

Mr. SMITH: Mr. Speaker, I beg to give notice of my intention to move the adjournment of the House for five minutes in order to discuss a matter of great importance. [*Cheers*]. It is a matter relative to the immediate dismissal of a Nurse from the General Hospital. I intend to make this motion after the conclusion of Government Business, because I should like the Hon. Minister of Social Services to be present; I believe he will be present then.

Mr. BRANCKER entered the House and took his seat.

Mr. TUDOR: I beg to give notice of the following Address:—

## THE HOUSE OF ASSEMBLY TO HIS EXCELLENCY THE GOVERNOR

The House desire to draw to Your Excellency's attention the urgent desire of casual daily artisans and other Government employees to have their Cost of Living Allowance added to their basic salaries.

2. The House would further remind Your Excellency of the desire of these same workers to

see this done before any new proposals for salary increases are considered.

3. Accordingly the House respectfully request Your Excellency to give your most immediate consideration to this matter and to take all the steps necessary to give effect to these desires.

*Mr. GODDARD entered the House and took his seat.*

Mr. TUDOR: I beg to give notice of my intention to move the adjournment of the House later in the day in order to discuss a matter of urgent public importance.

3.25 p.m.

Hon. M. E. COX: Mr. Speaker, at this stage, in view of what you intimated to me through the Marshal—that the hon member for St. Lucy is moving the adjournment of the House to discuss what I understand is some matter dealing with transport, if I remember correctly, on the introduction of Ministerial Government, Your Honour at that time ruled that in any matter connected with a Ministry which any member proposes to raise, he should in advance give notice to the Minister in order that all the relevant information can be got and prepared to answer whatsoever allegations or accusations might be made. That, Sir, Your Honour did in the early stages of Ministerial Government.

I want to make my position crystal clear. I am not afraid of anything which the hon. member intends to say or do; but I think that in keeping with the conventions of Ministerial Government, and so as to follow as closely as possible the conventions obtaining in the United Kingdom—which pattern we take as a guide—I feel sure that a Minister should be given some notice in advance in order to get the necessary information and answers to what might be stated in the discussion.

I am therefore appealing to Your Honour to direct that even though the honourable member gave notice today of the matter, not to allow a discussion on it today. As you know this matter of the buses is before the Courts and is *sub judice*. If Your Honour rules that the matter can be discussed, I am asking you not to allow a discussion on it this afternoon but, say, Tuesday next when the Minister concerned will come armed with the necessary information to put before Your Honour and the House of Assembly.

Mr. SPEAKER: I have never made any ruling that required more than notice being given at the beginning of the day's sitting in order to introduce a motion for the adjournment of the House for five minutes to discuss a matter of great importance. I have had to do more than any Speaker of this Chamber has done, (as the system of Ministerial Government did not exist until my time as Speaker): and that is, I have specially, in order to facilitate conventions that would necessarily apply under such a system, granted permission for the introduction of such motions to be preceded by notice being given of the motion at the beginning of the day's meeting.

The hon. junior member for St. Lucy has complied with all that I have thought necessary. If he cares to waive his privilege he may do so.

Mr. TUDOR: Mr. Speaker, I am really at a loss to understand just exactly what is in the Minister's mind. I gave notice, as hon. members have done and can do in this House, of a motion which is to move the adjournment of the House to discuss a matter of urgent importance, the substance of which I have disclosed to Your Honour and which you have quite properly passed on to the Ministers.

Mr. Speaker, if the matter is thought to be of urgent importance to hon. members, then it is within their judgment to discuss it. I have no objection to

the Hon. Minister moving the postponement of it or suggesting to the House to discuss it a little later in the evening, if now is thought not to be the proper time. There is no intention on my part to rush matters. When it comes to the Minister's opportunity to actually discuss this matter, it is up to him to move that further consideration of it be postponed. There is no suggestion of my wanting to speak before he is armed with all the facts at his disposal, therefore, it is not necessary for him to say that he is not afraid of anything I might say or do.

#### PRIVATE MEMBERS BUSINESS

Mr. CRAWFORD: Mr. Speaker, I beg to give notice of the following Address:—

*The House of Assembly*

*To*

*His Excellency The Governor*

The House of Assembly desire to direct attention to the magnitude of current bauxite mining operations in the Caribbean and the enormous profits made both from these operations and from the processing of the raw material elsewhere.

2. The House would point out that the annual profits of the bauxite companies at present operating in British Guiana and Jamaica are estimated to be in excess of one hundred million dollars a year—one Jamaica Company—Kaiser—netted a clear \$28,000,000 after taxation in 1955.

3. The House is further of the opinion that, in the interest of the economic development of the area, it is highly desirable that immediate consideration be given to the possibility of processing the raw material into aluminium in the area and accordingly suggest that the Governments of British Guiana, Jamaica and Trinidad be invited to co-operate with the assistance of the Regional Economic Committee, in having a Memorandum prepared on the practicability of the establishment of an aluminium plant in the area.

And of the following:—

*The House of Assembly*

*To*

*His Excellency The Governor*

The House of Assembly are of the considered opinion that similar conditions of service should apply to employees of Local Government Bodies as apply to Civil Servants, more especially with respect to

- (a) Gratuities with reduced pensions,
- (b) Public funds Loans for Housing, and
- (c) Leave Passages.

2. The House are of the further opinion that these conditions of service should apply to the said Local Government employees as from the introduction of the new system of Local Government as envisaged in the legislation arising out of the Maude Report and respectfully request that the appropriate steps be taken, with the minimum of delay, for the implementation of these proposals.

3.35 p.m.

#### QUESTIONS

Mr. TUDOR: On behalf of the hon. senior member for St. Lucy I rise to give notice of his intention to enquire of the Minister of Communications, Works and Housing, the following question:—

To enquire of the Minister of Communications, Works and Housing:—

Whether Government has yet taken any steps to bring the number of Omnibuses on each Route up to the total amount of units which each Concessionaire was notified by Department of Highways and Transport during the early part of last year that his Concession would be required to have as its minimum quantity involving the procurement of additional units on or before 31st March, 1956.

2. Will Government, especially in view of the advent of the rainy season, cause a thorough inspection of all types of omnibuses presently operated by Government in order to determine (and in every necessary case replace) all smooth or otherwise unfit tyres on such units without delay?

#### BILLS READ A FIRST TIME

Hon. M. E. COX: I beg to move that the Bill to amend the Jurors Act, 1891, be now read a first time.

Hon. R. G. MAPP: I beg to second that.

*The question was put and resolved in the affirmative without division.*

Hon. R. G. MAPP: Mr. Speaker, I beg to move that the Bill to amend the Medical Registration Act, 1911 be now read a second time.

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

*The question was put and resolved in the affirmative without division.*

Hon. R. G. MAPP: I beg to move that the Bill to amend the Dental Registration Act, 1923 be now read a first time.

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

*The question was put and resolved in the affirmative without division.*

Hon. R. G. MAPP: I beg to move that the Bill to amend the Druggists Act, 1894 be now read a first time.

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

*The question was put and resolved in the affirmative without division.*

#### COMMITTEE OF SUPPLY

Mr. SPEAKER: The first Order of the Day stands in the name of the Hon. Minister for Communications on behalf of the Hon. Minister for Social Services to move the House into Committee of Supply to consider the grants of sums of money for the service of the Colony.

Hon. M. E. COX: I beg to move that Your Honour do now leave the Chair and the House go into Committee of Supply.

Hon. R. G. MAPP: I beg to second that.

Mr. GODDARD: Mr. Speaker, before you leave the Chair, I would like to know if this is really important for us to proceed with it today, because we are about to embark on a Deep Water Harbour and you know that Pelican Island will play a prominent part in that scheme, and for us to spend money on the repair of quarters at Pelican Island at this stage seems to be very unnecessary.

Hon. R. G. MAPP: On a point of Order. Do I take it that the hon. member is opposing the passing of the Resolution or the House going into Committee?

Mr. GODDARD: I think the House is wasting time by going into Committee.

Mr. SPEAKER: Is the hon. member against the House going into Committee or against the Resolution?

Mr. GODDARD: I am against the House going into Committee and I will give my reasons. I am going to oppose the motion for the House going into Committee and give my reasons. That is what I am doing now.

Mr. SPEAKER: You can speak on the motion.

Mr. GODDARD: I beg to move that the motion be postponed.

Mr. LEWIS: Mr. Speaker, I just rise to say, Sir, that from what I see from the Ministerial Bench it appears that some Minister or Ministers are of the opinion that a motion like this is merely formal. I would like to remind them that it is in this way that the Estimates are discussed. I do not care how wise some Ministers might try to look by looking away from the truth; it is not that they cannot see the light, but they might be hiding from the glare. It is on this motion that the Estimates are discussed in the House of Assembly, and every item in the Estimates can be taken and discussed before going into Committee on it.

*The question that Mr. SPEAKER do now leave the Chair and the House go into Committee of Supply was put and resolved in the affirmative without division.*

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

#### DAMAGES AT PELICAN ISLAND

Hon. M. E. COX: Mr. Chairman, this Resolution seeks the approval of the Committee for \$1,500 to reinstate some damaged wall at Pelican Island. Recently, as perhaps the majority of hon. members must have seen, we have been getting some very heavy seas and as a result damage was done not only to the Pelican Island wall but also to the walls along the Princes Alice Playing Field. This Resolution is explained in the Addendum as follows:—

“The Sea wall at Pelican Island has been extensively damaged by the recent heavy seas, and a large portion of it has been demolished. It is estimated that the cost of replacement will be \$1,500. No funds are available to meet the cost of this unforeseen work, as a sum of only \$500 is provided in the Current estimates under this item for general maintenance purposes. Supplementary provision of \$1,500 is therefore required.”

There is hardly anything more to say on this, Sir, except that the Director of Public Works after examining the situation feels it is a very urgent matter. I appreciate the point made by the hon. junior member for Christ Church—that is, on the face of it—I would say that in as much as this Deep Water Harbour is to be constructed it is hardly any need for spending money at this stage. That might appear to be all well and good, but one has to remember that it may be another five years before the Harbour is constructed, during which time considerable damage may be done to the property at Pelican if early protection is not given to the sea wall.

3.45 p.m.

Therefore, as I say, although on the face of it, it would appear to be an unnecessary waste of money to pass this Resolution, yet we have the advice of the Director of Public Works, who I am sure hon. members will agree with me, would not put us to any unnecessary expense. We have only to take his advice and if we fail, we will have to take the consequences; but he has strongly recommended that this work be undertaken. As a matter of fact, he would have appreciated if I had tried to get this Resolution through the House since last week in order to begin this reconstruction work. Despite the urgency of the matter, I feel that the House should be given an opportunity even to go to Pelican Island and see the position for themselves. With those few remarks, I beg to move that this Resolution do now pass.

Hon. R. G. MAPP: I beg to second that.

Mr. ALLDER: Mr. Chairman, I would like to know from the Hon. Minister if the recent heavy seas are really responsible for the present damage which he has mentioned, or if this damage has been done as a result of the hurricane of last year. What I cannot understand is this: because the Director of

Public Works has made a suggestion that these repairs be done now, the Government in one breath is telling us that the works in connection with the Deep Water Harbour have already been started, which would include Pelican Island ———

Hon. M. E. COX: On a point of Order. I do not know who told the hon. member that. I am sure that no such statement was ever made in this House of Assembly; all the statements made in connection with these works have been in respect of access roads.

Mr. ALLDER: Officials of this Government have been making announcements from time to time not only here, but in the Press about the commencement of the Deep Water Harbour. The Hon. Premier has made a statement to that effect on several occasions during this session. What is more the Hon. Minister knows that Mr. Coode, the Contractor who will undertake the construction of the Deep Water Harbour, is expected to arrive here at any time, and the Hon. Minister should not try to press for this money for the repairs of Pelican Island at this time. If the contractor is expected to be in the Island shortly, the Government should wait until such time as the contractor arrives and find out what is his opinion as to whether it is necessary to embark on this expenditure now, or if it is necessary to delay it. If this contractor is coming as the Press has told us he is coming, then there is no harm if the Government waited for his advice.

I know that the Director of Public Works is responsible for keeping Government property in order, and it is possible that he is nothing to do with the proposal to build the Deep Water Harbour; but it is the Government's business to decide whether this work should be started first, or whether it would be unnecessary to spend this amount of money at this time. However, it does appear to me as if this money will be thrown away if it were to be spent now. There is no sense in spending money on Pelican Island at this stage, because in a couple of month's time the whole place might be demolished and included in the Scheme for the Deep Water Harbour. The buildings there are not damaged; all I am told is that the breakwater or parts thereof, have been damaged, and they have been damaged for some time now. Therefore I do not see why there should be this haste in throwing away money again.

As regards the breakwater at the Princess Alice Playing Field, I do not know if that is included in this Resolution; I would like the Hon. Minister to tell me whether the Princess Alice Playing Field is included in this Resolution. I have seen excavations being carried out near to the Princess Alice Playing Field and operations may be stretched across to Pelican Island. I am appealing to the Hon. Minister to see that it is unnecessary to press this Resolution; if he went down there, he would see that it is unnecessary to do so. The Hon. Minister knows that work on the Deep Water Harbour will be started, or it has been started already, only that the present work is not being carried out on as large a scale as it will be carried out when the contractor comes out, when the real operations will be started.

Mr. GODDARD: If I had known previously what the Hon. Minister said just now that there is a possibility that operations may not be started for five years ———

Hon. M. E. COX: On a point of Order. I did not say that; I said that operations may be concluded in another five years.

Mr. GODDARD: Well, if this work is going to take five years to be completed, they will start this year and they will be wasting \$1,500. That is my argument. If it is proposed that they will take five years to finish this work, then they are going to start this year. That is a simple deduction. If that is so,

why are they going to spend this money on these repairs now? As the last speaker has said, the Engineer is expected to be in this Island next month, and he would be in a position to advise the Government whether to effect these repairs or not. As a matter of fact, if we pass this Resolution today, it is very likely that the Engineer will come here in a couple of weeks' time and advise the Government not to worry with these repairs, and they will not do anything. The Government likes to take advice from people from abroad, but the advice of the local people does not matter; Members of the House who seem to know something about this situation down there will be told that they don't know anything.

I claim that if they are going to start work on the Deep Water Harbour as soon as the Hon. Minister says they are going to start it, we are wasting this money by voting this money today. In today's newspaper it is stated that the removal of the Quarantine Station is under consideration; the buildings will therefore be left so that the Engineer can carry on. There will be an anchorage for the operation. I think that the money will be better spent in protecting the Princess Alice Playing Field now; if the wall is not protected, the property will go into the sea. If what the Hon. Minister says is true, it is more obvious that we should not vote this money today; from his deduction, we are going to start this work this year. I am very pleased to hear him say that the work will be completed in another five years' time; therefore we are wasting money in putting a few rocks down there now.

3.55 p.m.

Mr. HAYNES: I view this matter even from a different angle from that of the previous speakers. I take it that the buildings of the Quarantine Stations will have to be removed, and they are only repairing this breakwater so as to save these buildings. If you are going to remove these buildings, why not come and say:— "We will get such and such a place as a Quarantine Station and remove the buildings?" This money would go towards the removal of the buildings.

Why are you repairing them if you will have to move them soon? I cannot quite follow the reason. What I gather from the Hon. Minister is that these repairs are to protect the buildings. Why not take the money and move them? That is how I look at it. Of course, I might be convinced if I get a more lucid explanation from the Minister on this point.

Hon. M. E. COX: Mr. Chairman, I might not have made the position as clear as I should have. The hon. member should appreciate that the construction of the Deep Water Harbour is to be carried out in stages; and I believe I am correct in saying that while it is true that other quarters for the purpose of quarantine have to be sought, it is equally true that the contractors for the Deep Water Harbour for some time will be occupying the buildings at Pelican. In other words, the buildings at Pelican will still be there to use as offices for the contractors.

The hon. senior member for St. John spoke about the contractors, Messrs. Coode, coming here next month. Messrs. Coode are not the contractors. As a matter of fact, we have not been able to get the plans for the construction of the Deep Water Harbour yet. Messrs. Coode, as far as I know, are the consulting engineers; they are not the contractors.

Mr. ALLDER: Mr. Chairman, I beg to apologise for the mistake. I took it that Messrs. Coode were the contractors.

Hon. M. E. COX: Mr. Chairman, after we have got the plans and approved of them, tenders will be called for the construction of the Harbour. I think hon. members will agree that that will take some time because we want to get the best terms. I envisage the notice for tenders lasting something like

four or five months if you want to give full publicity of the contract to people all over the British Empire and may be America. You can therefore see that this work will not be carried out as quickly as some honourable members may think, neither will these buildings be removed as early as they anticipate.

I may state for example that there is a property or two in Fontabelle which in all probability Government will have to purchase to lend access to the Harbour. The engineers, as far as I know, have suggested that one or two of these properties can be used for sometime—may be two to three years—before the actual building or buildings are demolished. I brought this to your attention to show you the stages in which this work will be carried out. I will therefore like to assure hon. members that there will be sometime—possibly a long time—before these buildings at Pelican will be removed, therefore, we will have to protect them as long as they are there. In addition, there is the fact that Pelican is still used as a quarantine station.

At first sight, somebody will say that if you intend to remove this building why should you spend money on it now. In the present circumstances, we have been advised that the wise thing to do is to protect this building by spending this money. As far as I know, it will not be a permanent structure. The material which will be used, or at least quite a lot of the material, will be able to be used again. If hon. members had the time to peep at the construction there, so far as the barriers are concerned, they will see that they are made out of a sort of packed stone instead of a concrete structure. I understand that this work will be done in a similar way.

4.05 p.m.

I feel that this work will be similar to that already there, and therefore, Sir, I again appeal to members to agree to this Resolution because it is absolutely necessary and urgent, and it is protecting the buildings may be for another three or four years: because that, as far as I remember, is the last stage of the development in so far as the construction of the Deep Water Harbour is concerned.

Mr. HAYNES: Mr. Chairman, I am afraid the Hon. Minister seems rather confused. He said they are going to use the buildings for offices and also quarantine stations.

Hon. M. E. COX: I did not say that, Mr. Chairman. On a point of order, I said it is known that the quarantine stations will be removed elsewhere. When those are removed those buildings now on the site will be used as offices.

Mr. ALLDER: Mr. Chairman, it does not seem logical for the engineers or contractors to use Pelican as their offices when they do come. If they intend to use Pelican in truth as their headquarters, I cannot see them not trying to connect it to the mainland in as short a time as possible, because the thousands of people who would have to go to their offices to transact business would find it very difficult to cross the water to get there; and if the contractors intend to use that as the headquarters, in my humble they will have to connect it to the mainland as soon as possible. It does not sound possible and if they do not intend to connect it in case they are going to see it as their headquarters within the shortest time possible, the Hon. Minister should suggest to them that they put their offices elsewhere, because he should know by now what great inconvenience the public would have to put up with. It does not seem on all fours, Mr. Chairman, and I would appeal to the hon. member again. There is nothing wrong if the Hon. Minister postpones the Resolution until the engineer comes. If the engineer comes and he sug-

gests that they would want to use Pelican Island in the near future, well then, it would be very easy to have the money voted; but to go ahead and spend money and when that gentleman arrives and his plans prove that Pelican would be changed up in the near future and that operations to connect the two Islands would start shortly, then the Hon. Minister would see, although it would have been too late then, that we were right.

Mr. BARROW: Mr. Chairman, there are a few elementary facts relating to the geography of the earth and of the tides of Pelican Island that the Hon. Minister of Communications seems to be blissfully unaware of. I take it, Mr. Chairman, that what he chooses to call the dry pack breakwater has been demolished by the spring tide; but by the time he starts the operation to repair the breach in the fortifications of Pelican Island, the autumn tides will be on us and the autumn tides are far worse than the spring tides. As a matter of fact, the spring tides have been unusual in the severity of the dilapidation of places such as the breakwater at Pelican, at the Reef and other parts of the Island.

Now, Sir, what has happened to the dry pack four foot cube blocks that constituted the breakwater on the West; on the South and on the Eastern side of Pelican Island is this. To the North of Pelican, there is a concrete slip way which protects the Hospital on the Northern tip of the Island. The breakwater which has been damaged will take about six good masons two days to replace and probably two divers from the Department of Highways and Transport or the Harbour Master's Office or from whatever source they can be acquired. I fail to see, Mr. Chairman, how we can spend \$1,500 replacing Barbados Lime Stone breakwater which in September will be washed away again and which will completely be obliterated as soon as the engineers begin their operations in that vicinity. I do not like double talk as you appreciate Mr. Chairman, and know from experience; and I would like the Minister of Communications now to tell the House something that other members do not appear to be cognisant of; and that is, that the buildings on Pelican are going to be the first buildings to be removed with the Deep Water Harbour project; I would like him to say categorically (if it is humanly possible for him to say anything in a straightforward manner) and I do not think it is any part of our duty to employ contractors and pay them \$24,000,000 to do a job and provide officers for them. Every self-respecting firm of engineers and contractors has a portable office or group of offices. These buildings are usually made out of prefabricated metal and are constructed within the space of twelve or twenty-four hours. The buildings at Pelican are riddled with termites; they are unfit for human habitation because of neglect by the Department over which the hon. senior member for St. Michael happens to preside, something which is consistent with his tenure of office and these dilapidations will involve the taxpayers of this island unfortunately in an expense which would probably be better left unspent. It would be of great benefit to the island if the buildings could be washed into the sea. There is only one breakwater that deserves that name and that is on the northernmost tip of the island itself. That island is going to be obliterated. The contractors intend—and I say this without any fear of contradiction, unless the Minister gets them to change their minds—to demolish those buildings in the preliminary stage of the operations, and the Minister has the effrontery and the temerity—not to speak of the wanton audacity—to get up and say the buildings will be there for three

years to house the contractors. Do you mean to tell me now, Sir, that when you embark upon the project in the northern parish of this island to build your monument down there in the commercial line, as I understand you intend to do at some future stage, that first you must put up a bungalow for the contractor to have his lunch in, and to pay his workmen in? And when you are dealing with a firm which has some experience of major civic projects in all parts of the British Empire, it is the Minister's duty to tell us that they do not bring down their prefabricated huts and set up offices in the normal way and that it is not part and parcel of the contract that we should supply them with office space. Is he saying that as an excuse to hoodwink members of this Chamber, and to allow some quarry owner of Barbados to earn an increment in his business?

4.15 p.m.

I sincerely hope that the Hon. Minister will not come back here in September or October when we really have heavy seas at Pelican Island, and tell us that the dry-packed breakwater has been broken away again. The whole policy of the Government has been conducted in a dry-packed manner, and that is why our money is being constantly frittered away by irresponsible Resolutions of this kind.

I see in the Addendum to this Resolution the writing on the wall; I see the writing on the sea wall at Pelican. This Government has been warned that the tides in that vicinity are very severe at the time of the spring or vernal equinox and the autumnal equinox. During the months of September and October every year, we get very heavy tides in that district, and it means that if this operation is going to be carried out on this basis, in due course the contractors will come back to the Government and say that the foundation which they have put down, and the stones which they have dumped into the sea in sea-wall for the Deep Water Harbour have all been wash away by the tides. That is the fear that every fisherman and every individual who is acquainted with navigation along the shores of Barbados has entertained; they are best acquainted with the problem. I hope that the taxpayers' money will not be washed into the sea when we have the autumnal equinox.

Mr. LEWIS: I was hoping that my colleague would arrive in time because at present, I am the sole representative of Pelican; and I apologise to the people of this Colony if we should use some of their taxes in putting a breakwater down there. Mr. Chairman, I would like to read out a few figures. In the Estimates, under the Head "Public Works", in 1954-55, the sum of \$1,191 was voted in respect of Pelican Island; in 1955-56, we voted \$1,500 and in this year, we have voted \$500. The Government itself appears not to be spending any money or not so much money, on Pelican Island this year, because they have cut out \$1,000 of the money for which they were previously asking. They have put in the Estimates for this year, the sum of \$500, which is the lowest estimate in respect of Pelican Island for many years. Therefore, it is their own policy today which is confronting them in respect of their proposed action.

I am suggesting to the Hon. Minister that with good grace he should withdraw this Resolution. Under Item 13, "Unforeseen Minor Works" we have voted the sum of \$1,000 and the Hon. Minister could cut that amount with this \$500 voted in respect of Pelican Island; and if he still wants to repair the walls, he can do that. He should consider the matter in that way. "Unforeseen Minor Works" can be covered under hurricane damage or anything of that sort; not only that, but we have the Item "Contingencies" for which the sum of \$1,500 has been voted.

Has all of that money been spent already? I think it is quite easy for the Government to use this money under "Unforeseen Minor Works". It must have been a question of Unforeseen Minor Works with the Government because they had no intentions of spending this money this year. I suggest to the hon. member that he should withdraw this Resolution and not give the impression in addition to the fact that it is definitely unnecessary, that the Government is very pessimistic about the progress of the Deep Water Harbour. If the Contractors and the Engineers are going to bring down their prefabricated offices and storerooms, they may have certain furniture which they may not like to keep in a termite-infested place. If it is used as a place at which to store material in a workshop, it would be a good thing to connect it at least by a road across, because they will have to run their trucks across there, and at present it is not very convenient for them to do so.

4.25 p.m.

*The question that the Resolution do now pass was put and resolved in the affirmative, the House dividing as follows:*

*Ayes:* Hon. M. E. COX, Hon. R. G. MAPP, Mrs. BOURNE, Mr. HOLDER, Mr. BRYAN, Mr. VAUGHAN, Mr. F. L. WALCOTT and Mr. J. C. MOTTLEY—8.

*Noes:* Mr. BARROW, Mr. LEWIS, Mr. ALLDER, Mr. TUDOR and Mr. GODDARD—5.

*On motion of Hon. M. E. COX, seconded by Hon. R. G. MAPP, Mr. CHAIRMAN reported the passing of one Resolution in Committee.*

*Mr. SPEAKER resumed the Chair and reported accordingly.*

*On separate motions of Hon. M. E. COX, seconded by Hon. R. G. MAPP in each case, the Resolution was read a first and second time and agreed to.*

#### LEAVE TO TAKE ORDER NO. 4

Hon. M. E. COX: Mr. Speaker, I am asking leave to take Order No. 4 which stands in the name of the Hon. Premier as the next Order of the Day.

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

#### THE JUDICIAL AND LEGAL SERVICE COMMISSION BILL, 1956

Mr. SPEAKER: The next Order of the Day now stands in the name of the Hon. Minister of Communications, Works and Housing: Second reading of a Bill to make provision for a Commission to exercise certain functions in relation to judicial and legal appointments in the service of this Island.

Hon. M. E. COX: Mr. Speaker, the Objects and Reasons of this Bill are pretty simple. As hon. members will see, its object is to set up a commission in respect of the appointment of judicial and legal officers. In doing so it will remove from the Public Service Commission the authority to make recommendations so far as the appointment of these judicial officers are concerned.

As hon. members will see, an additional sub-clause is added to the Public Service Commission Act so as to give effect to this change. Sub-section (4) of Section 9 of the principal Act is amended by adding thereto the following additional paragraph:

"(f) any office set out in the First Schedule to the Judicial and Legal Service Commission Act, 1956."

If you look at the Public Service Commission Act 1951, you will see as regards the function of the Commission that nothing shall apply to the following office or classes of offices —

- (a) the Governor, or any office of which the holder is ex-officio a member of the Executive Committee of the Island or any member of the Governor's personal staff;
- (b) the Chief Justice of the Island;
- (c) the Chairman or any member of the Commission;
- (d) any office or rank in any naval, military or air force constituted by or raised under any law;

Those offices do not come under the Public Service Commission and likewise (f) seeks now to remove the legal officers from that Commission.

Honourable members know that the Public Service Commission is responsible for making appointments to the Judiciary and it is felt that a Commission such as the Public Service Commission is not competent to make those recommendations; hence this Bill seeks to amend in the first place the Public Service Commission Act in order to give effect to these appointments being made under the and Legal Commission, and in the second place, it is in keeping with what exists in other countries; that is, the Public Service Commission has nothing to do with the appointments of these legal posts. I beg to move that this Bill be now read a second time.

Hon. R. G. MAPP: I beg to second that.

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

*On motion of Honourable M. E. COX, seconded by Honourable R. G. MAPP, Mr. SPEAKER left the Chair and the House went into Committee on the Bill Mr. SMITH being in the Chair.*

*Clause v was called and passed.*

*Clause 2 was called. It reads as follows:—*

2. Subsection (4) of section 9 of the principal Act is hereby amended by adding thereto the following additional paragraph:—

“(f) any office set out in the First Schedule to the Judicial and Legal Service Commission Act, 1956.”

Hon. M. E. COX: I beg to move that Clause 2 stand part.

Hon. R. G. MAPP: I beg to second that.

Mr. BARROW: Mr. Chairman, there are several sub-clauses in Clause 2 of this Bill. Sub-clause 1 of Clause 2 states that “there shall be a Commission to be known as the Judicial and Legal Commission (in this Act referred to as “the Commission”) which shall consist of:—

- (a) the Chief Justice;
- (b) the Attorney General;
- (c) the Chairman of the Public Service Commission, and
- (d) not more than two persons appointed by the Governor being persons not in the service of the Crown in right of its Government of this Island who have held high judicial office.” Then in sub-clause 2 you will notice the following:—

“(2) It shall be the duty of the Commission to make recommendations to the Governor on any question which he shall refer to it in accordance with the provisions of this Section, but nothing in this section shall be construed as requiring the the Governor or the Secretary of State to act in accordance with the recommendations of the Commission.”

I think that the average member of the Civil Service and the average man in the street would like to know exactly who makes appointments to posts in the Public Service of this Island I really

thought, Mr. Chairman that this Bill was going to clarify the matter in so far as legal appointments are concerned, but on scrutinising Section two carefully I see no way out of the morass and uncertainty which now surrounds Government servants in the question of promotion and appointment. At some times we hear the legal posts in this island being referred to as the Colonial Legal Service; then in some instances we hear of people being dismissed without fair trial, without any specified allegations being brought against them and we hear that Colonial Regulations Rule No. 66 or some other number has been brandished in the face of the unfortunate member of the public service. We of the legal department know otherwise. Now, in Clause two of this Bill, the hon. member does not seem to be aware of the Bill which he asked permission to debate because that Bill, Mr. Chairman, is the one which I am quoting from now and not the one he thought he was doing, and Your Honour could straighten him up on that point. I see he now has the right Bill before him and perhaps he can follow me now. The Bill which he thought he was doing is the Bill to amend the Public Service Commission Act, 1951. He should ask Your Honour to proceed with the 1956 Bill. Is the hon. member satisfied? If he confesses he has made a mistake and would like to proceed with the other Bill. I would be glad to sit down. As I was saying, Mr. Chairman, if you ask any member of the Public Service Establishment, anyone drawing more than £450 a year in this Island whether they are servants of the Crown, whether they are servants of the Secretary of State for the Colonies, I am sure they are not three people in the service of this Island to tell you the answer. As a matter of fact, they are people who think they are in the service of the Prime Minister of this island, including people in responsible positions in the financial branches of the Government Service. We have people now in the Legal Department (and if you want me to call names—I think it is unnecessary because Your Honour would know exactly to whom I refer—) who honestly believe that they are personal servants of the senior member for St. Joseph, your colleague, the Prime Minister of this country. In the other islands, Mr. Chairman, the legal service is the Colonial Legal Service; and a Civil Servant in the Legal Service may be transferred from any colony within the British Commonwealth to another.

In Barbados very many vacancies are never advertised in the other colonies at all, although other colonies advertise for vacancies in their Legal Department. Vacancies in Barbados are seldom, if ever, advertised in other colonies. It would therefore appear, Mr. Chairman, that somebody in Barbados has been making these legal appointments, and we would like to know who has been making them and why? Many Magistrates in Barbados would like to know whether they are employees of the Government for the time being, personal lackeys of the Officer administering the Government of this colony or Her Majesty's Civil Servants. Now, Mr. Chairman, you know better than anyone else that I am no protagonist of imperialism. Mr. Chairman, apparently the honourable member made a mistake and I do not want to say anymore.

Hon. M. E. COX: Mr. Chairman, I must apologise for the mistake. They are two Bills which are similar and it should have been No. 7 instead of No. 4, and I am asking that you report progress and ask leave to sit again.

Hon. R. G. MAPP: I beg to second that.

Mr. LEWIS: Mr. Chairman, it depends on who has a motion before the Committee. If the

honourable member would like me to make the motion for him I would do so. I beg now to move that the House report progress and ask leave to sit again.

Mr. TUDOR: I beg to second that.

*The question was put and resolved in the affirmative without division.*

Mr. SPEAKER resumed the Chair and reported accordingly.

### **PUBLIC SERVICE COMMISSION (AMENDMENT) BILL**

Hon. M. E. COX: I am afraid I must apologise to the House. What I dealt with at first was Order No. 7, but I did ask permission to deal with No. 4. The two Bills are similar and have the same effect. I am asking leave to take Order No. 7.

Hon. R. G. MAPP: I beg to second that.

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

Hon. M. E. COX: Sir, Order No. 7 is as I said an amendment to the Public Service Commission Act, 1951 and the remarks I made just now are relative to this particular Bill.

I therefore, beg to move that this Bill be now read a second time.

Hon. R. G. MAPP: I beg to second that.

Mr. LEWIS: Mr. Speaker, I am asking the honourable member to make a note so that he might be able to look it up and tell me. I see that as far as the Schedule is concerned it says that "I so-and-so being a member of the Public Service Commission etc. etc.," and then at the end "Sworn before me this day etc." and there is no place for the person making the declaration to sign. I do not know if a mistake was made but the honourable member will find a form on page 391 of the Laws of Barbados. It reads funny to me to say: "I so-and-so ..... solemnly and sincerely declare so-and-so.....Sworn before me" and the man himself making the declaration has nowhere to sign. At first glance it looks wrong but perhaps the honourable member can explain.

Hon. M. E. COX: If the honourable member looks in the original Act, the Act says "so-and-so having been appointed etc....."; it is the same form. Your name goes in this column, and it is not necessary for you to sign your name as far as I see here, and then the Chief Secretary signs at the bottom, so this is the old form.

This is the old form, and this Bill is drafted similarly to that form.

Mr. BARROW: I think that in matters of this kind, when we come to the oath of office to be taken by the Chairman and the Secretary of the Commission things like oaths and affirmations should best be left to be prescribed by the Chief Justice or some other competent authority. I do not think that this is the sort of thing which can be put into legislation at all. Everybody knows what an oath is, that somebody has to give good service and not disclose anything, and all the amended Act should say is that an oath should be taken not to disclose so and so, by the particular party and leave the matter to the discretion of the person who is administering the oath. We will always get into trouble if we go setting out the precise form in which an oath should be taken, and the difficulty is that we are faced with the factual situation suggested by the hon. senior member for St. Michael, that you need not subscribe your name at all.

Hon. M. E. COX: On a point of Order. I said that there was no provision made for putting your name at the bottom.

Mr. BARROW: Perhaps I will leave it to the hon. junior member for St. Joseph to explain to the hon. Minister what the word "subscribe" means. The Hon. Minister said that it is not necessary to subscribe your name; well, with his little knowledge of the matter, all you need do is to put in your name. I do not need to say anything more about that, because the hon. member will realise that I have reported him accurately, perhaps in a little more flamboyant language than he is wont to use.

I do not see the efficacy of any oath which is not signed by the party who has to take the oath. If it is a verbal oath, you need not sign anything at all, but leave it to the person who is dealing with the matter. I think that all of this embarrassment could have been saved if they had not tried to dot the "i's and cross the "t's" too much. Now that the hon. junior member for St. Joseph has enlightened the Hon. Minister he will appreciate what I am driving at.

There is another aspect of the Bill which needs close attention and it is this: I wonder whether the purposes which have been outlined could not have been better served by completely revising the Public Service Commission Act, of 1951. Without being previous in any way, there is another Bill which is shortly to engage the attention of this Chamber, a Bill which, in some respects diminishes and cuts down on the provisions of the Public Service Commission Act of 1951. I think that without elaborating too much on that Bill with which we are not yet dealing, I would suggest to the Hon. Minister that, since this is not really and truly his individual portfolio, he postpone the further consideration of this matter, so that the two Bills can be scrutinized more carefully. I do not want to elaborate on this matter at this stage, because the strictures which I want to apply are more appropriate to another Bill than the one which is now before us. I feel that there should be an amendment to the Public Service Commission Act, and it should embody very many more features of reform than the present amendment which is now before us.

*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. M. E. COX, 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.*

*Clause 1 was called and passed.*

*Clause 2 was called.*

Hon. M. E. COX: I beg to move that Clause 2 stand part of the Bill.

Hon. R. G. MAPP: I beg to second that.  
4.55 p.m.

Mr. LEWIS: Mr. Chairman, I would just like to draw attention to the fact that we are taking away from the jurisdiction of the Public Service Commission the offices of Puisne Judge, Registrar, Magistrate, Deputy Registrar, Solicitor General, Assistant to the Attorney General and Legal Draughtsman, Assistant Legal Draughtsman, Public Trustee and we are putting them into a Bill to be dealt with by an employee in the Judiciary of the Government. I think that this matter will be properly discussed when we refer to the other Bill but I would like to ask the Hon. Premier if he thinks that these people should be appointed on the recommendation of someone in the Service who is still looking for promotion probably in the Barbados Service. I am referring particularly to the Attorney General. I do not think that somebody who has been in practice before him should be appointed by him. Would he recommend himself for a higher

post, say like that of Puisne Judge if that office is higher than that of Attorney General?

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

*Clause 3 was called and passed.*

*Clause 4 was called and passed.*

*Clause 5 was called. It reads as follows:—*

"5. This Act shall come into operation on such day as the Governor shall by proclamation in the Official Gazette appoint."

Hon. M. E. COX: I beg to move that Clause 5 stand part.

Hon. R. G. MAPP: I beg to second that.

Mr. LEWIS: I wonder if the hon. member would explain why this Act must be proclaimed. I know that at times there are reasons for proclaiming a Bill but this Bill does not strike me as one which should be proclaimed. Can the hon. member say why it is necessary? After we passed this Bill, it should take its course.

Hon. G. H. ADAMS: Mr. Chairman, in practically every case, where it is impossible through unforeseen circumstances to know when an Act should be brought into force, you put in this Clause. It is better to do it this way.

Mr. LEWIS: I take it that because there are two Acts dealing with the same thing, you would like to bring them into force together. Probably, you do not want this Act to come into operation before the other one.

Hon. G. H. ADAMS: Apart from any other difficulty, it must be borne in mind that we are revising the Judiciary (and I hope to start the Bill dealing with the matter this evening). We may find that recommendations or amendments are made to the present Act which may to some extent affect the functions of the Public Service and so on. It is purely a matter that you cannot say that you are ready next week, so to speak, to go on with it.

*The question that Clause 5 stand part was put and resolved in the affirmative without division.*

*The Schedule was called. It reads as follows:—*

Hon. M. E. COX: I beg to move that the Schedule stand part.

Hon. R. G. MAPP: I beg to second that.

I, \_\_\_\_\_, being a member  
Chairman  
of the Public Service Commission, do  
swear  
solemnly and sincerely declare and affirm  
.....that I will freely and  
without fear or favour, affection or ill-will, give my  
counsel and advice to the Governor of the Island in  
connection with all such matters as may be referred  
to the Public Service Commission under the Public  
Service Commission Act, 1951, and that I will not  
directly or indirectly reveal any such matters to any  
unauthorised person or otherwise than in the course  
of duty.

Sworn  
Declared before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Chief Secretary.

B. To be taken by the Secretary.

I, \_\_\_\_\_, being Sec-  
retary of the Public Service Commission, do  
swear  
solemnly and sincerely affirm  
.....that I will not directly  
or indirectly reveal to any unauthorised person or  
otherwise than in the course of duty any matter which

may be referred to the Public Service Commission  
under the Public Service Commission Act, 1951.  
Sworn before me this \_\_\_\_\_ day of  
Declared \_\_\_\_\_, 19\_\_\_\_

A. To be taken by Chairman or Member.

Chief Secretary.

## OATH OF OFFICE

Mr. LEWIS: Mr. Chairman, can the hon. member give me some information on this Schedule? I do not know if the hon. senior member for St. Joseph can help me. Apparently in the Act of 1951 there was no provision for the person taking the oath to sign it. Usually the practice is when an oath is administered, for the person who administers it and the one to whom it is administered to sign it. Apparently from this form in the Schedule that person who witnesses the administration of it signs it and not the person to whom it is administered. According to this form it is impossible for one to say that the Chief Secretary or the person to whom it is administered signs it. As it is, at some future date, perhaps the person to whom it is administered can say that the oath was not put to him.

I do not know if it is an oversight on the last occasion. I do not know if it is that the oath needs not to be signed by the person so long as somebody witnesses it, but it strikes me as funny. Can the hon. senior member for St. Joseph help?

What I would like to suggest, if it is necessary, we can put in a line of leaders on the left with the words "Chief Secretary" underneath so that that person may append his signature there (I think that is the usual place for such signatures to be placed) and allow the line on the right side for the Chairman or member to append his signature.  
5.05 p.m.

Hon. G. H. ADAMS: I really do not know what is done. I would say if it came before me and I was asked about it, I would make the Chairman or members sign and the person before whom the oath is taken also to sign that the swearing has taken place before him. If I were doing it, that is what I would do although the form does not make it sufficiently clear that the person taking the oath should sign. It may be that the practice is because he himself writes his name in that is enough, but when hon. members swear at the opening of the Session they write their names underneath. In the Executive Committee I think we write both places. [A VOICE: What do you swear?] We swear not to disclose what we say.

Mr. BARROW: Mr. Chairman, the other part that worries me about this business of taking the oath of office is whether the Chief Secretary is a competent person to administer them. The Chief Justice is going to appoint people to this Commission and he is going to be the Chairman. He takes an oath of office when he becomes Chief Justice. You do not ask the Chief Justice to take an oath as Chairman of the Public Service Commission. Because of the nature of his office as such he has to take an oath just as the Officer administering the Government of this colony has to; but what is worrying me is whether the Chief Secretary of Barbados is a competent person to administer an oath, because it would seem he would need to make an oath himself. There is a famous passage that reads: "A man unto just causes where such creatures as men doubt. . . ." and I know of no Law in Barbados—I will not tax the powers of improvisation of the hon. senior member for St. Joseph to find such a law, but I certainly

cannot call one to mind which makes the Chief Secretary competent to do this even under the Letters Patent. I just know of no such law and I know the hon. member for St. Joseph knows a lot of laws nobody in Barbados knows anything about, and without irritating him too much I would like him to tell us which law it is that the Chief Secretary is a competent person to administer an oath such as this. This is as serious as one which we take when we become members of this Hon. Chamber, or as serious as the one which the Lord Chief Justice of Barbados exhorts or extorts from the Governor when he sets foot on the landing steps out here, but I personally have never heard of a Chief Secretary administering these oaths, and I think if we are going to give him that authority we should place it in the Laws and not by subscription in the Schedule appended to the Act.

Hon. G. H. ADAMS: I will confess for the benefit of the hon. member that for this like all laws I only guessed at it.

*The question was put and resolved in the affirmative without division.*

Hon. M. E. COX: I beg to report the passing of the Bill in Committee.

Hon. R. G. MAPP I beg to second that.

*The question was put and resolved in the affirmative without division and Mr. SPEAKER resumed the Chair and reported accordingly.*

Hon. M. E. COX: I beg to move that the Bill be read a third time.

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

*The question was put and resolved in the affirmative without division.*

Hon. M. E. COX: I beg to move that the Bill do now pass.

Hon. R. G. MAPP I beg to second that.

*The question was put and resolved in the affirmative without division.*

#### RULES COMMITTEE

Hon. Dr. H. G. H. CUMMINS. Mr. Speaker, before I move the adjournment I am asking leave to move the appointment of the Rules Committee. This should have been done at the opening of the House, but it was omitted; so I am asking leave that the Rules Committee of the last Session be re-appointed.

Mr. LEWIS: Mr. Speaker, the hon. member first has to make a motion that the Committee be appointed.

*There being no objection leave was granted.*

Hon. Dr. H. G. H. CUMMINS: I beg to move that the Rules Committee of the last Session be re-appointed.

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

Mr. SPEAKER: I have the honour to appoint the following to the Rules Committee.

Mr. SPEAKER, the Hon. Premier, the hon. senior member for St. Lucy, the hon. junior member for Christ Church, the hon. senior member for Christ Church, the hon. senior member for St. Thomas, the hon. junior member for St. James, the hon. senior member for St. Philip, the hon. senior member for St. George and the hon. Deputy Speaker.

#### ADJOURNMENT

Hon. Dr. H. G. H. CUMMINS: I beg to move that the House do now adjourn for half an hour.

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

*The question was put and agreed to and Mr. SPEAKER adjourned the House accordingly.*  
5.15 p.m.

*On re-assembling,*

#### JUDICIAL AND LEGAL SERVICE COMMISSION BILL

Mr. SPEAKER: On the adjournment, the House was about to resume Committee on the Bill to provide for a Judicial and Legal Service Commission.

*Mr. Speaker left the Chair and the House resumed Committee, Mr. SMITH in the Chair.*

Hon. G. H. ADAMS: Mr. Chairman, I ask leave to take charge of this Bill which was being proceeded with in my absence. [Mr. LEWIS: The Bill is in your name].

Mr. CHAIRMAN: When I reported on this Bill, Clause 2 was being considered. The hon. senior member for St. George was speaking.

Mr. LEWIS: I am the member who moved that you report progress, Mr. Chairman, and I am entitled to continue the debate. I want to say, first of all, that I understand that this Bill would be proceeded with in the presence of the Hon. Premier, and therefore I am not raising any objection to our being in Committee on this Bill as we are in Committee on it now. However, I am taking the opportunity to comment on Clause 2 of this Bill. Clause 2 of this Bill says that there shall be a Commission to be known as the Judicial and Legal Service Commission which shall consist of the Chief Justice, the Attorney General, and so forth. I am questioning whether it is wise for the Attorney General to be on that Commission *ex officio*, especially as the advice of the Commission need not be taken in the making of appointments. It is known that the Attorney General of this Colony can be appointed to the post of Chief Justice, and to have the Attorney General sitting as a member of the Commission for the appointment of a Chief Justice seems to be entirely out of place; he will be a judge in his own cause. If he wants the post of Chief Justice, he should not attend the meetings, but he is *ex officio* a member of the Commission.

I do not know if the Government has considered that position and still insists that the Attorney General should be a member of that Commission. He is a servant of the Crown and he is therefore in a position to give his advice whether or not he is a member of the Commission. It seems to me somewhat inconsistent that we should have these people having a say in such a matter, and no doubt their opinion will carry weight whether or not the law says that their opinion need not be taken. Just imagine that a man who is interested in a job himself is one of the persons who have to advise as to who is to fill the post, a man who has to say who is to be appointed as Puisne Judge and then practise before him! I should like to know if these points have occurred to the Government in the framing of this Bill.

The next thing I would like to know is whether it is correct to use the appellation "Chief Justice" in this Bill. On a previous occasion it was pointed out that we had to use the term "Chief Judge" or "Chief Justice" in order to cover other Acts, and therefore I should like to know whether the term "Chief Judge" or "Chief Justice" should be used in this Bill. If it is a mistake, let it be corrected now and do not let the mistake be pointed out to us.

In the Act for the appointment of Boards at the Transport Board and the Housing Authority, I did not see anything to the effect that the Governor may, for cause assigned, remove from office any member of those Boards. I see that such wording is in this Bill, and I wonder if this is a new form and whether we should not go back and put that wording

in respect of the appointment of Boards like the Transport Board and the Housing Authority. The Act just said that the Governor may remove from office any member of the Board. When it comes to this Bill you have the wording that "the Governor may for cause assigned, remove from office a member of the Commission pursuant to paragraph (d) of subsection (1) of this section."

These are just two points which I would like to have cleared up. In the first place, I would not like us to pass it and then have to come back to it. I would like to know if this is a new form so that at some future date I might be able to assist in the appointment of an ordinary Board, or Committee, or Authority by saying that the same thing should apply.

6.00 p.m.

Hon. G. H. ADAMS: Mr. Chairman, dealing with the second point first, I would like to say that it is so important that the administration of justice appears to be manifestly unpolluted, that one should see to it that this giving of reasons for changing the Board and calling upon the advice of the Government in judicial appointments should not have the slightest suspicion attached to it. Therefore if it is deemed advisable to remove a member things will be done in such a way that the public will see that in the particular instance it was advisable to remove him without casting any particular doubt on what was done before. If you were suddenly to hear that somebody had resigned and no reason were assigned, all sorts of rumours may start and that would cast doubt in a matter of so great importance as judicial appointments to be made. I do not know if this form is to be reported every time. You say that if you are giving a person the right to dismiss a person at his discretion he should give reasons; but it must be assumed that he acted in a judicial way and that he exercised his discretion in a way not to be arbitrary.

There is one case which I know of that went to the Privy Council or House of Lords (I do not know exactly) about some twenty years ago. It was a case in which the facts were that the Governor had the right to deport a person at his discretion and he deported somebody without giving that man the right to know what he was charged with or to defend himself. I think it was the Privy Council which decided the case. The Privy Council thought it was an elementary principle of British justice that should be heard in his own defence and the Privy Council stated that the man should be heard. That is so: even if a Governor or anybody has the right to do something, he must exercise it in his discretion. This Bill is much stronger than that because the Governor has to come out and say why; and that is why it makes it impossible for the Governor to dismiss a person on frivolous grounds. This is the answer to that point.

The other point was with respect to the Attorney General. One never knows what is going to happen when the Salaries Commissioner comes out here, but if the office of Attorney General is going to be lower than that of Puisne Judge and the Attorney General is in running for the judgeship, all the Governor will tell the Commission is that he is going to appoint the Attorney General as Puisne Judge. It is essential in judicial appointments that you must have the Attorney General and you must have people of high judicial appointments. The Public Service Commission, as it is at present comprised, has to an extent a person of high judicial appointment on it but one can see that the Public Service Commission

cannot recommend persons of that type for judicial appointments.

Mr. LEWIS: What about the Chief Judge?

Hon. G. H. ADAMS: I am sorry that the honourable senior member for St. George is not in his place. He says that it is *infra dig* to call a Chief Judge a Chief Justice. He seems to have forgotten that there is a Lord Chief Justice in England. The terms Chief Judge and Chief Justice are used. It may be that some draughtsman once used the term Chief Judge and then the term Chief Justice. There are some Acts in which you find Chief Judge in one Clause and in another Clause the term Chief Justice. The position held by the Chief Judges of the colonies is the position of Chief Justice, historically and otherwise. We speak of the Chief Justice of Trinidad, the Chief Justice of the Leeward Islands, the the Chief Justice of Nigeria, and so on, so it is merely that we have on our Statute Book the term Chief Judge in one statute and Chief Justice in another. I do know that in one Act you will find both terms used.

*The question that Clause 2 stand part was put and agreed to.*

*Clauses 3 to 11 inclusive were called separately and passed.*

*Clause 12 was called. It reads as follows:—*

"A prosecution under this Act shall not be instituted except by or with the consent of the Attorney General."

Hon. G. H. ADAMS: I beg to move that Clause 12 stand part.

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

Mr. LEWIS: This section says that a prosecution under this Act shall not be instituted except by or with the consent of the Attorney General. What is the position here? Is the Attorney General getting into trouble here? What is the type of prosecution? [Mr. E. D. MOTTLEY: It is for persons giving a false statement.] Look at Clause 7 and you will see.

6.10 p.m.

I am wondering, Sir, if it is a judicial opinion to be given or a private one. What I mean is, the Attorney General might say you have not got a good case. or he might say, "well, I would not like to pursue that matter;" although you may have a legal right to do so. I do not know whether it would be a good thing to say that it should not be instituted except with the consent of the Government, but I feel it is a bit peculiar that a prosecution under this Act cannot be done like any other case, because the Attorney General is the legal adviser of the Government but not necessarily the legal adviser of this Commission. It struck me as funny that he should be able to say why a prosecution should or should not be made.

Hon. G. H. ADAMS: I do not like to use the hackneyed phrase that means nothing, but from time immemorial there are offences that require the consent of the Attorney General to be brought. That is all there is about it. There is nothing wrong with it. It is a matter affecting the administration of Government as such; therefore it seems advisable that the constitutional adviser of the Government should say whether it is expedient to bring a case. There is nothing unusual in certain cases to say that no prosecution can be brought without the consent of the Attorney General.

Mr. LEWIS: Can the Attorney General under this Act as a member prosecute a matter brought up by the Board? He can represent the Board being a member of it.

Hon. G. H. ADAMS: Legally, there is nothing against it, but the Attorney General would hardly prosecute. That is something for the minor legal men in his office. Physically there is nothing wrong with it, but one can hardly imagine the Attorney General going into the Police Court to prosecute a man for begging the Commission to give his brother a job. You cannot picture the Attorney General doing a thing like that.

*The question was put and resolved in the affirmative without division.*

Hon. G. H. ADAMS: I beg to move that Clause 3 stand part.

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

*The question was put and resolved in the affirmative without division.*

Hon. G. H. ADAMS: I beg to move that Clause 14 stand part.

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

*The question was put and resolved in the affirmative without division.*

*On separate motions of Hon. G. H. ADAMS seconded by Hon. M. E. COX, Schedules 1 and 2 were called and passed.*

Hon. G. H. ADAMS: I beg to move that Your Honour do now report the passing of the Bill in Committee.

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

*The question was put and resolved in the affirmative without division.*

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

Hon. G. H. ADAMS: I beg to move that the Bill be read a third time.

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

*The question was put and resolved in the affirmative without division.*

Hon. G. H. ADAMS: Mr. Speaker, I beg to move that the Bill do now pass.

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

*The question was put and resolved in the affirmative without division.*

#### PAYMENT OF PASSAGES ORDER

Hon. G. H. ADAMS: Mr. Speaker, I am asking leave to take Order No. 8 as the next Order of the day.

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

Mr. SPEAKER: The next Order of the day stands in the name of the Hon. G. H. ADAMS: to move the passing of a Resolution to approve the Order entitled "The Civil Establishment (Payment of Passages) (Amendment) Order, 1956".

Hon. G. H. ADAMS: Mr. Speaker, this is a Resolution to approve the Order entitled "The Civil Establishment (Payment of Passages) (Amendment) 1956. As the Addendum to the Resolution points out; "Under Article 4a of the Civil Establishment (Payment of Passages) Order, 1951, the Government's maximum liability in respect of the cost of the passages for an officer employed on agreement and his family is \$1,440. This amount has, however, proved inadequate for an officer with a family of more than two and it is therefore proposed that as in the case of transferred officers under Colonial Regulations, an officer employed on agreement should be entitled to free passages for himself and his family not exceeding five in all, provided that the Government's liability is limited to \$1,920." In short, Sir, that is doing for contract officers what they do in the case of permanent establishment.

I beg to move that the Resolution do now pass.

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

Mr. LEWIS: Mr. Speaker, is the honourable member aware that they are paying for another one, or was five the previous number? I might have got mixed up with the Leave Passages Order and this, but I was of the opinion that we used to pay for two children. From the reading of the Addendum it would not be an increase if you say you are adding one; it would only be an increase if you are giving a higher increase for five than you gave before.

Mr. E. D. MOTTLEY: Mr. Speaker, I would like to know, too, more about it. I am not very clear here because as I understand it, am I right in asking what my colleague asked that the passages were limited to a man, his wife and two children? I speak subject to correction; can the Premier tell me whether the actual cost of passages has become more? I would like to know that, and since I cannot speak again on it, before I sit down I would like to take this opportunity to say I cannot understand it. Only last week we dealt with something when the Government said they were dealing with the question of limiting Leave Passages for persons in their last year because there was a question of saving money. Now you come and say you want to carry this question of the liability of passages to bring people to his country from £300 to £400 and—I say this subject to correction—limit the family to five. I am sure the Premier may be able to tell us something more of that because I cannot see how in one breath last week we say we could not afford Leave Passages because of the number of people who would take Leave Passage in the last year of Government and would be coming back to be of no service to Government—and they therefore meant to save money—and now in the same breath seven days after, Government comes to increase the amount for Leave Passage to £400. Whether the number is limited to four or five now, I want to know. It is not sufficient to tell us that it has been increased from £300 to £400 as a result of increased cost in passages.

6.20 p.m.

Hon. G. H. ADAMS: The original Order did not say how many persons; it said, the officer and his family. As it set out in the Addendum to this Resolution, under Article 3 (a) of the Civil Establishment (Payment of Passages) Order, 1951, the Government's maximum liability in respect of the cost of the passages for an officer employed on agreement and his family is \$1,440. This amount has, however, proved inadequate for an officer with a family of more than two, and it is therefore proposed that as in the case of transferred officers under Colonial Regulations, an officer employed on agreement should be entitled to free passages for himself and his family not exceeding five in all, provided that the Government's liability is limited to \$1,920.

These five persons may be quintuplets six months old and they will cost nothing; but if they happen to be sixteen years old, they will cost more than \$1,440. This is merely coming into line with Colonial Regulations, but we say that the amount must not exceed \$1,920. We did that recently.

Mr. GODDARD: This is exactly what I said last week. We asked the Government last week whether Trinidad or British Guiana or Jamaica had amended their Leave Passages. [Hon. G. H. ADAMS: This is not a question of Leave Passages.] Last week we were discussing the question of Leave Passages curtailing the right given to local persons who were in their last year of service, and I asked if that Amendment also applied to the three neighbouring Colonies with which we have always been trying to be in line. I understand that none of these three

Colonies have brought in that Amendment, and they still permit their local servants to enjoy Leave Passages up to the last year of service. Today, we are bringing this matter into line with the entire Colonial Service, and it is to be inferred that this is being done primarily to meet the position of recruitments from abroad. That is the one point which we, on this side of the table, want to bring forward. If we had dealt with this Resolution first, the force of our argument would have been even greater than when we dealt with the Leave Passages Resolution last week. The local Civil Servants are at a disadvantage in respect of Leave Passages as compared with people who are recruited from abroad. I still feel that what is being done here today reinforces our argument on the last occasion.

Hon. G. H. ADAMS: Actually the money which we now give covers three and a half. I leave that to the hon. senior member for the City to work out. We say; two children or four in all or five in all. We are not doing anything extraordinarily different from what we did last week. I am sorry that the hon. junior member for Christ Church has raised the question of Leave Passages; he is confusing two things. A part of a man's contract is that you pay his passage back home; you may have to pay £200 for a passage to England. I repeat that we are not doing anything extraordinary; it is merely that the amount of Leave Passages given now does not cover two children, and this sum of \$1,920 will cover two children.

Mr. ALLDER: Why does the Government not specify the exact number of persons whom an officer can bring? When you say "an officer and his family", do you mean that if he has a distant cousin or brother-in-law or sister-in-law, he can bring them along with him? Do you mean an officer and his wife and his children, or do you stretch the term "family" wider and include a brother-in-law, a sister-in-law and relative like that? As the position stands now, if an officer feels like bringing along his sister-in-law with him, the Government would have to pay her passage because the Act says "an officer and his family." I do not think that it should be left as wide as that; it should be stated specifically "husband and wife and children." If an officer wants to bring along some other relative, I do not see why he should not pay the passage of the additional relative or relatives.

6.30 p.m.

I would like the Hon. Premier to define the term "family" as inserted in this Resolution. I am hoping that the Hon. Minister will be able to clear it up for me because it does appear somewhat confusing. Personally, if he intends stretching it that far, I would like to emphasise that I will only be willing to pay the cost of passages for the immediate relatives of officers. It should only include the wife and children of such an officer. I have been told that it has happened in the past that the passage of an officer's mother was paid.

Hon. G. H. ADAMS: I am sorry that I cannot help the hon. member. I will promise him to draw it to the attention of the Governor. It is quite conceivable that the Governor construes the term "family" as children and a wife. I will enquire and let the hon. member know as early as possible. *was put and resolved in the affirmative without division.*

#### CUSTOMS TARIFF NO. 4 BILL

Mr. SPEAKER: The next Order of the day stands in the name of the Hon. Premier: Second

reading of a Bill to amend the Customs Tariff Act, 1921.

Hon. G. H. ADAMS: Mr. Speaker, this Bill speaks for itself. I will say at once that it does not go as far as some governments go. It is based upon a recommendation by the Regional Economic Committee that Customs duty on motor cars belonging to public officers transferred from one colony to another should be remitted in cases where duty has already been paid by the officer in another colony.

Concessions of this nature are granted in all the other British West Indian Territories and this Government considers that similar exemption should be granted here. Clause 2 of this Bill seeks therefore to amend the second schedule to the Customs Tariff Act, 1921, so as to permit an officer transferred to the Public Service of this Island and who is required to keep a car for the performance of his official duties, to import a used motor car upon proof to the Comptroller of Customs that duty has already been paid in another British colony. I beg to move that this Bill be now read a second time.

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

Mr. LEWIS: Mr. Speaker, I take it that we are just coming into line in this matter with other British West Indian Territories with which at some future date we will federate. But, Sir, I would like to call attention to the fact that we have the plural here in the new paragraph when it comes to motor cars, and we do not know what the limit is to be. Is there any limit to an officer bringing in motor cars? Can he bring in six motor cars? I think you should say "used motor cars not exceeding one to each officer".

Mr. F. L. WALCOTT: Sir, I do not agree with the hon. member. The principle is not based on a man owning one motor car or ten; the principle is based on the premise that he has already paid duty on the motor car or cars. Suppose he brought 50 motor cars and he has paid duty on all of them should he pay duty on them again; that is the whole idea of this Bill.

As it stands now, you grant certain people in the Public Service certain privileges. You allow people in United Nations certain things to be brought in duty free. You do that because it is your opinion when people are working on behalf of a Government, they should have certain privileges. This is just the same as your granting pensions to people who retire in the Service. I am sure that you will not pass a law in here stating that anybody who works in Bridgetown for a certain salary shall be entitled to leave passage. You will not pass that law but as this is the Public Service, you pass certain laws pertaining to Civil Servants. Of course, every car cannot be brought in duty free. If it is a mistake that you have "motor cars" and you do not mean that, you can amend it. I repeat the whole idea of this is because you can grant the privilege to the person to bring in something free of duty and because you do not want him to pay duty twice on something. You do not want him to pay duty on something in another West Indian colony and to bring it here and pay duty on it again. Certainly you would not want somebody to pay duty twice on a pair of shoes. [A VOICE: That is a different matter.] It is only different now because we are not in a Federation yet. What is the idea of collecting duty on these things if the person has already paid duty on them. The idea is that he should not pay duty to you also.

6.40 p.m.

Hon. G. H. ADAMS: I was about to interrupt the hon. member. All this is explained if he reads

the Act. The car must be for official duty; if he brings two cars he can only use one for official duty. In paragraph two it reads "required for the performance of their official duties;" and not the car that the wife spends about with. That is what we were asked to do and we have done it. There can only be one car.

*The question that the Bill be read a second time was put and resolved in the affirmative without division. The House went into Committee Mr. SMITH in the Chair.*

Hon. G. H. ADAMS: Before any other Order is taken, I crave the indulgence of the House to make an explanation and apology.

Mr. SPEAKER: You must go into Committee on this.

Hon. G. H. ADAMS: If I might do it in the House, however, the question put to me by the hon. member for St. John is answered in the order. I looked at it so long ago and I did not realise we had to alter it and we said a man's wife and children.

I beg to move that Your Honour do now leave the Chair and the House go into Committee.

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

*The question was put and resolved in the affirmative without division.*

*The House went into Committee, Mr. SMITH in the Chair.*

*Clause 1 was called and passed.*

*Clause 2 was called and passed.*

Hon. G. H. ADAMS: I would just like to say this point is carefully considered because there is at least one colony in which officers do not pay duty at all on their cars so that if a person is transferred to that colony from Barbados it would not be fair to give him exemption from duty because it is not the mere fact that he goes with a car, but he goes with a car already paid for.

Mr. LEWIS: Mr. Chairman, I would like to know if this is how the other people do it, because here the officers need a car for the performance of public duties and they come under the Travelling Allowance Act Regulations, but if the Comptroller of Customs were to interpret this strictly, then the Permanent Secretary to the Premier could not bring his car in, because he is not an officer who is acknowledged by this Government as needing a car. As regards the point about duty when we federate in this place, suppose we support federation on a percentage of Customs, people will come from the whole area: but we could not let people pay duty on cars in Venezuela and let them come here without paying customs duty. If he is transferred from Demerara he will pay it in the end in Federation. I am just hoping, Sir, that this is worded only in a way that an officer would be able to get in his car, because I understand that anybody for whom government feels that travelling is necessary in the performance of his duties, is scheduled in some way or the other and therefore entitled to get an advance to buy a car; but as I was saying, there is an officer I know in the office of the Premier and I am sure that this would tend to apply to him because he would have to get to work at a certain time—he might live off the bus route—and if he is off the bus route, now that Government is running it he might not be able to get a bus, or it might be raining.

However, Sir, I hope there is no difficulty, but I do not like the idea of the Other Place always correcting these difficulties for us. This is going to bring down some heart burn and some trouble and it means they will have to get travelling allowance.

Hon. G. H. ADAMS: When this matter came before Executive I think we thought we should have strings attached. In consequence we sent cables around the West Indies and as a result had discus-

sions with the Attorney General and the Comptroller of Customs and we agreed with the Leeward Islands who said that an officer transferred or seconded from one residence to another and who is required to maintain a car for the performance of his duties will get exempted from duty on a used car or motor cycle; St. Vincent said the practice in Jamaica is theirs; St. Lucia said they agree in principle, Trinidad said that exemption from Customs duty is already granted to a person transferred to another country who is required to provide a motor vehicle. So you see we are also saying it must be a car for official duty.

Mr. LEWIS: Mr. Chairman, I am sorry I have to bring a specific case to the Hon. Premier, but would he tell us whether his Permanent Secretary would be able to get in a car if he were transferred from Dominica or St. Lucia? Would the terms cover a case like that? I am sorry to make a specific case out it would clarify the position. Would he say his Permanent Secretary is required to have a car for the performance of his official duties?

Hon. G. H. ADAMS: I do not think the wording is intended for that, but I would be inclined to say that it should be in favour of any Permanent Secretary to any Minister for that reason. With Ministerial system all sorts of things may be necessary. A Minister may want a Secretary to visit places and I would say that the wording might reasonably construe to cover them, because I know it has happened sometimes; and I have known members of the Civil Service, Permanent Secretaries, and I think even Assistant Secretaries, going out with Ministers and using their cars and they are not entitled to travelling allowance, but I would be inclined to say that a visitor coming to the island should be allowed customs duty. According to the exact wording, Trinidad makes a distinction between a person who has a car and a person who has to have one.

6.50 p.m.

Mr. F. L. WALCOTT: I quite agree with the hon. member. The Attorney General would really have to do a little bit of stretching under our present circumstances. I cannot see him having enough elasticity to say "all of you officers are scheduled for the purpose of travelling allowance," and he is going to create an interpretation outside of that to say that the Government of Barbados does not say "you are required to have a motor car," but the Attorney General can say under this Act that you should have one. As far as I can see, if you are giving this privilege, it should conform with your Travelling Allowance Act; if you are going to grant these officers that, well do so.

I know that some people have motor cars, and they do not use them if it is raining. They do not get any Travelling Allowance, and it is easier for them to catch a bus when the rain is falling, than for them to have the trouble of driving through the rain and skidding on the roads. I agree with the hon. junior member for the City that if it is put in the Schedule for Travelling Allowance, I do not see how you are going to prevent any officer from getting it. An Assistant Secretary may be transferred from Grenada to Barbados and he might have a car; an Assistant Secretary does not need a car, because he is not called upon to travel. If a Minister wants him to travel, the Minister must get a car for him. I would say that this privilege should apply to those who are scheduled; if they are not scheduled, then they should not get it. The Chief Secretary is not scheduled as an officer under the Act, but the Chief Secretary owns a car and he will get an allowance for travelling. If this matter is left as it is now, it will create difficulties for

officers who are not getting any Travelling Allowance and the Attorney General may interpret it in a way which is not in accordance with the practice. I quite agree with the hon. junior member for the City that this matter should be specified.

Mr. LEWIS: I am hoping that the Hon. Premier will give this matter some attention before it goes to the Other Place. This is a specific prerogative of this House; to exempt people from Customs duties is a most serious thing. You have just committed an unpardonable thing to let the Executive Committee confer rights and privileges on people who are given exemptions. I would be willing to say definitely that in the particular case quoted, I would be willing to give the exemption. This matter will need some attention, because it looks as if it will be linked up with something like the loans for the purchase of motor cars and so on. The moment it comes to the question of a replacement, the officer is going to get a loan; this is a matter of dealing with the revenue of this Colony, and therefore it is a matter for this House. Whether it is specifically stated that somebody is exempted or not, you have to come back to this House in order to get back duties which have been paid.

*The question that Clause 2 stand 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.*

*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.*

### CURRENCY BILL

Mr. SPEAKER: The next Order of the Day also stands in the name of the Hon. Premier:—To move the second reading of a Bill to amend the Currency Act, 1950.

Hon. G. H. ADAMS: Mr. Speaker, this Bill has been circulated so long ago that hon. members may have forgotten what it is all about. I will therefore read the "Objects and Reasons." They are as follows:—

"Under the present provisions of the Currency Act, 1950, no part of the Currency Fund, maintained by the Currency Board for the redemption of currency issued by the Board, may be invested in locally issued securities of the Governments of the territories coming within the Board's sphere of operations.

The Governments of the territories concerned and the Secretary of State have agreed, however, that there is no objection to the investment, within prescribed limits, of a part of the fund in such local securities.

This Bill seeks therefore to amend the Currency Act, 1950, so as to permit such investment up to a limit of two million five hundred thousand pounds, which represented, on 31st December, 1954, twenty per cent of the Fund. This amount may however be revised from time to time by joint action of the Governors of the territories concerned, with the approval of the Secretary of State.

Broadly speaking these steps are designed to enable a suitable proportion of the currency backing to be invested in loans raised locally to finance development projects, while at the same time preserving public confidence in the currency itself."

I do not think it is necessary for me to say anything more. It depends on what way you look at it.

Perhaps on the occasion when the Act was passed not have any faith in the financial stability of the area; therefore it was your feeling that this Currency Fund should be invested in places outside the Caribbean area. Now, it may be felt that that can be relaxed, but that there should be still safeguards; therefore provision is made for the sum set out here to be invested locally and you say that it should not be more than 20%. I may say that much correspondence on this matter has passed between the Governments concerned and it has been discussed at length before we have agreed on these figures. I beg to move that this Bill be now read a second time.

7.00 p.m.

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

Mr. LEWIS: Mr. Chairman, I take it that this is the only Currency Board in the Eastern Caribbean and this Board will be able to issue debentures for this money. Perhaps since they have started to reprint the *Official Gazette*, it will be probably interesting for members to know that at present British Caribbean notes in circulation amounts to \$57,554,760.50. Now, the demonetized Trinidad and Tobago Government notes outstanding amount to \$827,357.00; demonetized British Guiana Government notes outstanding \$302,855.50 and demonetized Barbados Government notes outstanding \$78,119.00, making a total demonetized Government notes outstanding of \$1,208,331.50 thus making the total in circulation on 1st. April, 1956 of \$58,763,092.00. You can see that we have in the short time that we have been issuing notes (I am not talking of the Currency Board, I am talking of the three Governments) the amount of \$1,208,331.50 in demonetized notes. As I have said on a previous occasion, these notes are very scarce, nobody sees them, and they still have them in circulation, so I suppose it may be said that we can let them go ahead and borrow some of this money.

Mr. Chairman, I would just like to ask the Hon. Premier a question. Have I understood him to say that this £2½ million is 20% of the total amount which you are authorised to pay up in local securities? I suppose the Barbados Government is looking for some of that. Are they going to allow it to be taken up proportionately? For instance, will we get a proportionate amount equal to our gains from the Treasury? There is a law saying how much we shall get. Will Trinidad be able to borrow more of this money than the other colonies, or will whoever gets paid first gets the most? Perhaps the Currency Board may regulate that.

However, Sir, I am saying that it is one of these things which you have to be careful about. You are responsible to the people for it and if it is invested and you lose it, you will be placed in an awkward position. I take it that the loans raised by the Barbados Government are guaranteed by the British Government so you have an interlocking position and in case anything happens you will get back your money.

This is one of the things which if the honourable senior member for St. Philip were here now he would have been able to let us know all about our having a State Bank. If you have a bank responsible and not the Currency Board, the charter of the Bank would make this type of loan investment and it would be able to do some other things too, such as the taxes which we collect on other things. This is a piecemeal thing, I suppose, until we get our own State Bank.

Mr. BARROW: The contracting terms under which Barbados, British Guiana, Trinidad and

Tobago and all the other Islands of the Windward Island group came, caused to come into effect the Currency Act of 1950, whereas before that date on which the Act came into operation you had foreign Banks in these territories. I use the word "foreign" advisedly because you had the Royal Bank of Canada, the Canadian Bank of Commerce, Barclays Bank, the Bank of Nova Scotia and the Martins Bank in some of the territories issuing notes in 1937, as far as I remember, under the Bank Note Act.

7.10 p.m.

You had the Government of Trinidad and Tobago and the Government of Barbados also issuing notes under statutory authority. Now the one significant feature about the issue of notes by any of those bodies or Governments was this (and the position has not changed): that for every dollar that was issued, there had to be a sort of guarantee fund of four shillings and two pence sterling in securities. In other words, Mr. Speaker, there never was, never has been and there is not what is known in the United Kingdom as the Issue Department of England which as you know has two functions, the chief being the Issue Department; there never has been, never was and there is not such a device as the Fiduciary Issue in the West Indian territories. Now this is what, like most things, he does not understand. The honourable member for St. Joseph would choose to call it a disadvantage with an object and with a moral attached to it. In the United Kingdom with a fiduciary issue of £1,300,000,000 and Mr. Speaker, if members of the House might permit, I will dilate to explain what I mean by that — they have £1,300,000,000 of notes loose: that is, there is nothing to back them up at all and the fiduciary issue has become possible because despite the economic outlook of Mr. Winston Churchill, England decided to go back to the gold standard. When the countries in Europe were on the gold standard, every pound had to be backed up by an equivalent amount of gold and when they went on to the gold exchange standard the value of an ounce was \$35 U.S., but one of the main reasons why England had to go back to the gold standard is a matter of history; they did not have enough gold coming in and too much going out. The result of the economic consequence of Mr. Winston Churchill and the Chancellor was the depression which unfortunately affected not only the United Kingdom and America, but even the Caribbean Area as well. After the depression they decided that they would come off the gold standard; and instead of backing funds of gold that is, you must have enough gold to satisfy everybody rushing into the bank and saying. I do not want your bank note, which is a promise to pay you so much gold; so they made a note which is legal tender and you are not entitled any longer to go into any bank in the United Kingdom and say "I want my ounce of gold" or "pound" as the case may be. But this is the main point to which I would like to draw Your Honour's attention. Speaking under correction at this present moment—I do not have a tape machine to keep check on the manipulations of stock exchange of England, but I would say some time last week there was £257,000,000 in the bank, but the amount of notes in circulation not backed up by gold is £1,300,000,000.

Mr. Speaker, it is obvious that the more money there is in circulation the more buoyant your economy is likely to be, although I do not like the idea of "buoyant" which rather gives the idea of something floating and not going anywhere at all. If you have a little gold and you back the amount of notes circulating from week to week by the

amount of gold which might be in the vaults of the Government Savings Bank or the Bank of England you are restricting the amount of money which could be put into circulation from week to week and month to month. That is elementary. I do not think it would take a financial genius to appreciate a point like that. In other words, if they were only £257,000,000 in notes circulating in Great Britain, I would venture to say there would not be one-fifth the level of employment currently in England. Only one-fifth of the people working in England today would be able to work at the present level of salaries, or to put it another way the level of salaries for everybody working will be one-fifth of what it is, because we have £13,000 million circulating from day to day in fiduciary issue which is not backed up by anything at all. It is faulty and depends on its acceptance by the public and the faith which they have in the Government. Hence when you tie an amount of money which you have in the country down to some completely unrealistic condition as you are doing here right now, you are restricting the economy of this country and I have pointed that out to the Government before. If we have a Caribbean Currency Board, instead of saying in the Currency Act 1950 that for every dollar note or \$4.80 there must necessarily be on deposit with the Crown Agents for the colony a similar amount invested in Trustee Security, we are gearing our economy in Barbados to one fifth of what it is in the United Kingdom and people in Barbados are surprised that the standard of living is so more lamentable than in the United Kingdom. It is as simple as all that because we say for every dollar note you are going to have four shillings two pence on deposit in England. It is no use to us here. Apart from Jamaica, no member of the public in Trinidad or Barbados or British Guiana goes into any bank unless you are travelling to Jamaica, and demands the four shillings two pence or the pound note, but even if they did, that pound note in the last analysis is based on the fiduciary issue in England. In other words, the West Indian Governments are backing up paper with paper; but everything ensures to the benefit of the United Kingdom citizens and not to the people here at all; therefore, it is high time that we got some people here in the West Indies who understand something about international banking today. The honourable senior member for St. Philip and I have advocated so many times the setting up of a bank with an Issue Department as in England, or to do as Americans have done by setting up eleven federal banks with power to issue notes over and above the sterling securities deposited with the Crown Agents of the colonies, and Mr. Speaker, in an underdeveloped area like the West Indies where we live I suggest that we can certainly afford to inflate our currency by 300%.

7.20 p.m.

For every pound sterling we have in our securities, we should be able to issue \$14.40 in British Caribbean Currency Notes in the West Indies. It is only by injecting that currency in the Colony, that we will be able to provide that dynamic stimulus which this area so sadly needs, and provide jobs, and the low rate of interest which any underdeveloped area in the world needs from time to time. I do not think, Mr. Speaker, that this Government has given any thought at all to a problem of that kind, because no attempt has been made by the Government to amend the Currency Act, 1950, to give the necessary stimuli to the economy which I have advocated and which, we all know, we sadly need.

This idea that we must have British Treasury Securities and British Treasury Notes, pound for pound and dollar for dollar for every Eastern Caribbean Note we have in circulation in the area, is largely responsible for the existing state of affairs, because the responsibility is not due to any inherent defects in our physical or psychological make-up or to any original sin on the part of the people in the Caribbean; it is due to the shortsightedness and the sense of imperialistic inferiority on the part of the Leaders of the Governments of the Caribbean today.

I am very glad to see that the Chief Minister of Jamaica is strongly in favour of a Federal Bank and a Jamaican Bank. We have a Government Bank in Barbados presided over by hard working, honest straightforward and capable clerical officers, who have no experience in banking at all. That is not their fault, because they move up through the process of musical chairs which are in the Government Service, and no effort is made to have the Officers in the Government Savings Bank, or even the Financial Secretary properly trained and properly advised in matters of international banking. It is our intention on this side of the House to do everything in our power to unleash the financial energies of Barbados in particular and the West Indies in general; we have got to do so, and pave the way towards a more prosperous economic future for the people of this Island. I would like to advise the Government—although they pretend they know all about it already, and sometimes they cannot understand, like the Hon. Minister of Trade—to start thinking seriously about these things. I am concerned with the man in the street, as to whether he is given a fair break, and with all that human ingenuity can devise in order to afford him a better standard of living. Even although the present Government, unworthy as they are, use any ideas that have been put forward by me, and pretend not to have derived any inspiration therefrom, it will be of little concern and moment to me because I feel I would have discharged my duty towards the people whom I am supposed to represent.

*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. M. E. COX, Mr. Speaker left the Chair, and the House went into Committee on the Bill, Mr. SMITH being in the Chair.*

*Clause 1 was called and passed.*

*Clause 2 was called.*

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

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

Mr BARROW: In this Clause we are amending Clause 7 of the Currency Act, 1950, which states:—

“The Board shall issue on demand to any person desiring to receive currency notes in the Island, currency notes to the equivalent value (at the rate of one dollar for four shillings and two pence) of sums in sterling lodged with the Crown Agents in London by the said person, and shall pay on demand through the Crown Agents to any person desiring to receive sterling in London the equivalent value calculated as aforesaid of currency notes lodged with the Board in the Island by the said person:

Provided that—

- (a) no person shall be entitled to lodge with the Crown Agents or the Board, as the case maybe, less than such minimum sum as may from time to time be prescribed for the purpose of obtaining currency notes or sterling as the case may be, and
- (b) the Board shall be entitled to charge and levy from any person obtaining currency

notes or sterling commission at such rate or rates as the Board may think fit, not exceeding three quarters per centum and in addition to the cost of any telegrams sent by the Board or by the Crown Agents in connection with any transfer as above described.”

Then in Sub-Clause 2 it states:—

“The Board may, at its option, issue and receive coin in the same manner and subject to the same conditions as are prescribed in sub-section (1) of this section for the issue and receipt of currency notes.”

You will note the language of the section. It says “the Board shall issue on demand”; that is clear and unequivocal, and I would go so far as to say that it imposes a duty on the Board to pay on demand currency noted at the rate which is stated. But we are now adding to that section by Clause 2 of this amending Bill. This Clause states:—

“The Principal Act is hereby amended by the insertion after section seven of the following new section:—

7A. The Board in its discretion may issue currency notes to the equivalent market value of securities of or guarantees by any of the participating Governments lodged with the Board at its headquarters at Trinidad as part of such a transaction as is permitted by proviso (a) of paragraph (4) of Article 3 of the Agreement contained in the First Schedule to this Act.”

7.30 p.m.

Mr. Chairman, I was saying that by Paragraph 7A, the Board in its discretion may issue currency notes to the equivalent market value of securities of or guarantees by any one of the participating Governments lodged with the Board at its headquarters at Trinidad as part of such a transaction as is permitted by proviso (a) of paragraph (4) of Article 3 of the Agreement contained in the First Schedule to this Act.” Now, Sir, Paragraph (4) of Articles 3 states this. “The Fund may be invested in sterling securities of or guaranteed by the Government of any part of the British Empire (except the participating Governments) or such other securities, as, with the approval of the Secretary of State, may be selected by the Crown Agents.”

Sir, you will note two things there. You will note, first of all, that the Board has power to invest its funds in any Colonial Government territory other than the Colonies of the participating Governments. That means that we do not have confidence in ourselves. It goes further. It says that the Crown Agents for the Colonies are the people who will decide where the money will be invested. In other words, if I may borrow a phrase from the Poor Law in England in 1834 or thereabouts, the five ‘bashaws’ of the Currency Board are nothing more than five cashiers because here it is: you have participating Governments saying that they do not have confidence in themselves; they cannot invest money in the island or territories, they will have to send it to South Africa or somewhere outside of the territories to invest it, although they have appointed Currency Commissioners. Of course, we have appointed decrepit Civil Servants and we are saying we do not have any confidence in them, therefore we cannot invest the money in the area. On the other hand, we talk about West Indian Nationhood, Federation and all that sort of thing.

I would like to ask the Hon. Premier this question. Why put in all this rigmarole as is contained in Paragraph 7A when you can do that by omitting four words in Paragraph (4) of Article 3? All you have to do is to omit the four words in brackets “(except the participating Governments)” and that

would achieve the object which the hon. senior member for St. Joseph says is the avowed intention of this Government to accomplish. Instead of that, they have made the matter more complicated by adding paragraph 7A to paragraph 7 of the Act of 1950. All they really needed to do was to delete the four words "except the participating Governments," which occur in paragraph 4 of Article 3 of that Act. To make it doubly absurd, they go at a later stage and substitute a paragraph to Article 4 stating that the Fund may be invested in sterling securities of or guaranteed by the Government of any of Her Majesty's Dominions or of any territory under Her Majesty's protection or of any territory administered by the Government of any part of Her Majesty's dominion under the trusteeship system of the United Nations or such other securities as the Crown Agents, with the approval of the Secretary of State, may select. All of that could be achieved by the device which I stated in the last few moments; that is, by deleting the words "except the participating Governments."

Mr. Chairman, I think that this legislation of this Currency Board may have had a sort of good beginning and good inspiration behind it, but I think the time has come when we will have to definitely consider the setting up of a National Bank and vesting the power in the Federal Government to issue money without all this confused legislation such as we are enacting today. Although we have a Currency Board, and although we have Eastern Caribbean Currency, it is only within the last three months that the Government of Jamaica has had enough confidence to accept these currency notes, tied as they are to the British pound in Jamaica. It does not mean that the Eastern Caribbean notes have made any impression on the currency situation in Jamaica because the pound sterling is still the recognised means of exchange between customer and trader, between bank and bank and between business legislation would come down for us to remove all this house and business house.

I do hope that at an early date comprehensive nonsense which the Government has brought in to-night for the Statute Book. Give us something upon which we can look with an amount of respect, admiration and hope.

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

*Clause 3 and 4 were called separately and passed.*

*On motion of Hon. G. H. ADAMS, seconded by Hon. M. E. COX, Mr. CHAIRMAN reported the passing of the Bill in Committee.*

*Mr. SPEAKER resumed the Chair and reported accordingly.*

*On separate motions of Hon. G. H. ADAMS, seconded by Hon. M. E. COX, the Bill was read a third time and passed.*

### ADJOURNMENT

Hon. G. H. ADAMS: Mr. Speaker, I beg to move that this House do now adjourn for three quarters of an hour.

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

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

7.50 p.m.

*On re-assembling.*

### EXPORTATION REGULATIONS

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I now ask leave to deal with Order No. 11, 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. Minister for Trade, Industry and Labour to move the passing of the following Resolution: "Resolution to sanction the Regulations entitled "The Exportation (Drawback of Duties on Cylinders containing Locally Manufactured Gases) Regulations, 1955".

Hon. R. G. MAPP: Mr. Speaker, this Resolution is to sanction the Regulations named in the Addendum. This Company which is a Pioneer Company was under the Trade Act (Drawback of Duties) (No. 4) Notice, 1955, guaranteed Drawback on the duty of cylinders imported by it. These Regulations are to control effectively the refund of duty on these cylinders and were drawn up by the Comptroller and approved by the Governor-in-Executive Committee. This Resolution is seeking the sanction of the House of Assembly as to these Regulations. It is very simple, more administrative than anything else, and I beg to move that this Resolution do now pass.

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

Mr. ALLDER: Mr. Speaker, speaking in respect to these companies which are given such concessions as this Resolution asks for, it is not sufficient to exempt them from certain taxation, but to see that such relief does not limit itself to the Directors of these Companies and that part of such benefits should be passed on to the consumers and the general public. We have had the experience here, Sir, that where certain exemptions have been provided for such companies and such concessions, it did not cause the commodities which these companies produced to be sold cheaper to the consumer nor did the employees of such companies benefit. I take it that when Government decided to make certain taxation exemptions to these companies, the purpose was for the assistance of such companies to carry on their trade and it was also expected that their commodities would reach competitive prices and also that the employees employed by such companies would be able to get a living wage. I have in mind a particular company and that is the Cotton Mills which we have considerably subsidised over the past couple of years. No company, Sir, in this island which has benefited from taxation exemption pays for its employees.

Mr. LEWIS: I rise on a point of Order. I have a Resolution, Sir, about these Regulations, but I would like to know if there are Regulations that have to go along with the Resolution or whether the Regulations made last year are to be used.

Hon. R. G. MAPP: Mr. Speaker, I will explain for the benefit of the honourable senior member for St. John. I think that the honourable junior member for the City raised a very relevant point about it, because the honourable senior member for St. John, I think, if it is explained to him, will understand; but he is on the wrong line. They were laid before the House about December, 1955, and this is simply a Resolution to sanction the Regulations that the honourable member is speaking about. The granting of drawbacks was already laid; so any discussion on that is not relevant which deals with the administrative provision safeguarding drawback of duties and to see that they are not misapplied. If he reads the top of the Resolution he will see . . .

Mr. ALLDER: On a point of order, Sir, I was on my feet and the hon. junior member for the City rose on a point of order, and I do not think the Minister is in place to make a speech at this stage.

Mr. SPEAKER: He rose on a point of order to explain a matter to the hon. junior member for the City. The hon. member may proceed.

Mr. ALLDER: I am not against the passing of these Regulations, Sir, but what I was trying to do was to draw to the Minister's attention the fallacy of giving such companies any income tax or customs duty exemption unless he makes sure that part of such benefits are passed on not only to the consuming public but also to the employees of such companies and I am observant of the fact . . .

Mr. LEWIS: I rise on a point of order. I want to know whether after the prorogation it is not necessary for Regulations to be made again. I am not clear on the point; I admit it may be sheer ignorance I am talking, but this cannot come into effect until that is done. I do not know what the Resolution applies to; I cannot remember them, Sir.

Mr. SPEAKER: I think he is right. The Regulations have to be laid with the Resolution. Though the Resolution had been laid last year it appears as though they will have to be laid again.

Mr. BARROW: Mr. Speaker, on a point of Order. As Your Honour is aware, there are Regulations and Regulations. I am going into the sense and nonsense of the Regulations, but the manner in which they become law is inaccurate. These Regulations are made under Section 177 of the Trade Act, 1910. Your Honour will appreciate that certain Regulations like Road Traffic Regulations become law when not disapproved within forty days of both Houses. That is a negative way of making Regulations, but under the Trade Act there is to be the agreement of both Houses of the Legislature and to cut a long story short for the benefit of all honourable members, I would like to read Section 177, it reads as follows:—

"The Governor-in-Executive Committee may make rules and regulations concerning all or any of the following matters:—

- (1) any of the matters or things contained in this Act or any other Act of this Island relating to trade or navigation, and in particular concerning the importation, warehousing, and exportation of goods, and the prevention of smuggling;
2. the entry, stay, and station of any ship into and in the harbour of the Mole Head, and the fees payable by any ship which loads or unloads within the said harbour;
3. the examination, registration, and licensing of pilots;
4. the storing of ballast and ballasting of ships.
5. the fees and charges to be exacted and made in respect of any of the foregoing matters."

Now, this is the important and relative section of Rule 177.

"Such rules and regulations shall be laid before the Legislature, and shall when they received the sanction of both Houses of the Legislature, and the assent of the Governor be legally binding on all persons."

Now, this is nothing startling and I would say revolutionary: that is as from yesterday to today as the member for St. Joseph would have to say. I would like to support the hon. junior member for the City on this point. If the House was prorogued after 20th September and notice is not given by that Minister who may not know it, in 1956 the Regulations would be of no avail or legal force or validity, and I think it is a great discourtesy to the House to

foist upon us certain drawbacks on a particular industry (on which I will talk later) with out printing and circulating the Regulations and laying them in this Session whether it is the last or penultimate one, on the table of the House. I counsel the hon. senior member for St. Thomas and the senior member for St. Joseph to read Section 177.

8.45 p.m.

Mr. LEWIS: My point is this: I do not know whether the Regulations have to be made over again. What I am questioning is, whether we can approve them now, or if they died with the last Session.

Mr. SPEAKER: In section 177 of the Trade Act, it says this:—

"Such rules and regulations shall be laid before the Legislature, and shall when they have received the sanction of both Houses of the Legislature, and the assent of the Governor, be legally binding on all persons."

These Regulations have now come to us for sanction; they were laid before the Legislature, but they did not receive either the assent of the Legislature or that of the Head of the Administration. Therefore I think that these Regulations should be laid again.

### BELLAIRS INVESTMENT TRUST LIMITED (TAXATION EXEMPTION) BILL

Mr. SPEAKER: The next Order of the Day stands in the name of the Hon. Premier: to move the second reading of a Bill to exempt the Bellairs Investment Trust Limited from the payment of income tax in respect of the year of assessment 1955.

Hon. G. H. ADAMS: This Bill, as its "Objects and Reasons" show, will exempt from the payment of income tax, in respect of the year 1955, the Bellairs Investment Trust Limited. The late Commander Bellairs, by his will, left his entire estate to McGill University to be used in Barbados for the purpose of research and other projects of benefit to this Island in particular, and science in general. The estate is held by the Bellairs Investment Trust Limited, incorporated in Barbados, which pays the whole income accruing from the estate to the Bellairs Research Institute, which has been established by McGill University in order to carry out the wishes of Commander Bellairs. We have approved in principle of not calling on this Research Institute to pay income tax, and in consequence of the Amendment which we passed under the Income Tax Act, the of Commander Bellairs. We have approved in principle of not calling on this Research Institute to pay income tax, and in consequence of the Amendment which we passed under the Income Tax Act, the Research Institute was exempt from the payment of income tax.

However, the closing of the accounts of the Institute and the date for making income tax returns in Barbados do not coincide. As is set out in the "Objects and Reasons," the Trust closes its accounts on the 31st of July in each year, and under the provisions of the Income Tax Act, the annual income of the Trust upon which tax is assessed is the income actually accruing during the year ending on the 31st July immediately preceding the year of assessment. As we know, income tax is paid on income earned in the previous year. In respect of the year of assessment 1955, tax was assessed upon the income accruing to the Trust during the year ending on 31st July, 1954. This income was wholly paid over to the Research Institute, but not until after 31st July, 1954, since the Institute was not established until September of that year. Since no payment was made during the income year in which the income accrued, the Trust was unable to obtain the exemp-

tion granted by the Income Tax (Amendment) Act, (No. 2), 1954. This Bill therefore seeks to relieve the Trust from paying tax on that income.

This is an easy Bill, and hon. members will understand how simple it is. Therefore I beg to move that this Bill be now read a second time.

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

Mr. LEWIS: Since this is something which will certainly redound to the benefit of Barbados we cannot oppose it, but I would like to find out something from the Hon. Premier. I take it that this Act of 1954, (No. 2) applied to the Bellairs people. I am wondering if we could not have amended that Act, and leave it at that; but this is an Act which will have to remain in the Statute Book for ever. [A VOICE: It is only for 1955]. I hear a member of the legal profession say that it only applies for one year; but if you get another Income Tax Commissioner coming here and he discovers this mistake, he will go back and deal with the matter.

8.55 p.m.

Clause 2 reads as follows:—

"The income of the Bellairs Investment Trust Limited assessed by the Commissioner of Income Tax for the year of assessment one thousand nine hundred and fifty five is hereby declared to be exempt from Income Tax." This cannot be repealed. This has to remain so. I am thinking that it will not be a bad thing if you were to put this in the Income Tax Act or rather that you pass a special Act for them. You can put in this and any other thing concerning this institute in that Act for them. Giving them exemption from customs duty can be incorporated in that Act and you can repeal those other Acts which you have concerning this matter so that they can have an Act for themselves. It struck me as unnecessary to have an Act only just to exempt them from Income Tax for a particular year.

Hon. G. H. ADAMS: I took the occasion, according to my recollection, when we were relieving Bellairs, if not in that same Bill about the same time, to help the University College of the West Indies and such other institutions which would be construed to be of an educational or religious nature by the exemption from income tax of any money given to carry them on.

The hon. member will see that the Bellairs Investment Trust Limited did not come into being until September 1954 but that it was assessed for income tax on the income accruing to the Trust for the year ending July 1954 when that income was really paid over to the Research Institute. It did not come into being until after the period which was subsequently assessed. When that assessment was made the Institute had three or four months to be born; so we have to make this specific exemption.

I suppose the Bill will be printed in the same way as some Acts which date back to 1670. Probably, in the future the Legislature will have to wipe out all those Acts that no longer have any real use. That is the explanation why it is done in this way.

Mr. BARROW: Mr. Speaker, I understand from the hon. member who just sat down that this is exactly in the year when the Government allowed expansions for charitable gifts such as to the University College of the West Indies. I invite the honourable member to look back at the Bill for charitable trusts and he will see that that has nothing to do with Bellairs at all. In not one instance do you exempt persons who are alive and making gifts to charitable institutions from Income Tax.

I think the hon. junior member for Christ Church made a substantial contribution not so much to the Bill as to the debate when he said that this is en-

tirely different from the amendment to the Income Tax Act of 1944 relating to the exemption from income tax of gifts made to Churches. That is an exemption in which you will find that a person or company has satisfied the Income Tax Commissioner that they were making a contribution to something which is designated as a charitable trust so that that Institution will be exempt from taxation. As regards the present Bill, this is to relieve the Trust itself, not the person, from making the actual contribution. It is to relieve the Trust from income tax. I may say that that Bill has been badly drafted like so many of the Bills which have come before the House in the last four years.

I think the hon. junior member for the City was suggesting that a much more sensible arrangement for the amendment was that instead of passing an Act to exempt the Bellairs Investment Trust from the payment of Income tax in respect of a specific year, which as he pointed out will have to remain on the Statute Book of Barbados until the day of Judgment—or until this Government is called down for their sins of commission or omission—that it will be a more sensible idea if the Income Tax Act, No. 2 of 1954 was amended to relate back to the year of assessment which in truth and in fact will be the income of the year of 1953. I rather deplore the fact that every time members on this side of the Table through their public spiritedness and the fact that their duty to the Island is higher than mere party politics, make valuable suggestions and contributions, that persons so ancient in Parliament (I would not say in experience) as the hon. senior member for St. Joseph, should get up and try to throw cold water on the suggestions made. The truth of the matter is that they come into this Chamber without even referring to their files or without the slightest idea of the subject matter of the Bills or measures which they are supposed to introduce. I will go further and say this, (if the hon. junior member for St. Philip will allow me to continue; he is making loud asides) that it is an insult to the intelligence, not only of members of this ancient Chamber, but to the people outside, the man in the street whom we represent, if they get away with that kind of behaviour. Unfortunately for us, by the time this debate reaches publication three or four years from now, we will see substantial modifications of the rash statements made by them on that side of the Table.

9.05 p.m.

Hon. G. H. ADAMS: Mr. Speaker, I cannot see how anybody who has studied law for so many years as the hon. senior member for St. George, can reasonably make a speech as he made just now. The Income Tax Act of 1921 gives certain exemptions but they are not enough to cover this case. The effect of paragraph 4 of Section 13 of that Act is to exempt from tax the income of a society or institution established exclusively for charitable, religious, educational or scientific purposes of a public nature within the Island and not carried on for private pecuniary profit.

The Income Tax Act, 1921 gave certain exemptions which were not enough if you are going to cover this case. Exemption from Income Tax is granted to a society or institution which is established within the island for charitable, religious, educational or scientific purposes which is not carried on by private aid. No exemption from Income Tax therefore, if you read these words carefully, could be allowed in respect of individual or private trusts used for charity. That was an obvious and logical restriction and we felt that both in the interest of the Bellairs Institute and the existing University College of the West Indies, we should so amend the

Act so as to make it possible for gifts to these Institutions to be free from Income Tax. The hon. member with that majestic indifference of facts which is the best exponent in a House that is not completely devoid of persons like himself has conveniently forgotten that. The Bellairs Trust gave this money to the Bellairs Institute and therefore the Bellairs Trust should not be made to pay income tax on it.

Mr. BARROW: Mr. Speaker, on a point of Order, I rather admire the remarks expostulated on the floor of this House. Nobody over here suggested that the Bellairs Institute should pay Income Tax. Why should I read the Act and assist him? When he is making the rash statement that the Bellairs Institute should not pay Income Tax, that is what we are saying.

Hon. G. H. ADAMS: The hon. member is again making a speech. The hon. member said we should not amend the Act. The Act is put to cover every single individual who makes a gift to the Institution for charitable, religious and scientific purposes. The advice which he gives, as so often happens, is worth a little less than he gave for it. That is the advice the hon. member is giving this House. All that happens is that because we assess our Income Tax on the income earned in the previous year, this Act which was passed in 1954 did not relieve the Bellairs Trust because it was not even in existence then; it did not come into existence until September 1954, whereas in 1955 the Income Tax was assessed on the income earned by the Trust up to July 1954. I apologise to the House for repeating it, but in view of what the hon. member said after my explanation, it was necessary. It is a bare accident that the Institution was not born before the Act which we attempted to help it by, because it is only to be read with the principal Act referring to income of the preceding year. I do not think it is necessary for me to say anything more, Mr. Speaker. I think the position should be very clear to all hon. members including the hon. member who has just sat down who does not want to have it made clear.

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

Hon. G. H. ADAMS: I beg to move that Your Honour do now leave the Chair and the House go into Committee.

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

*The question was put and resolved in the affirmative without division. Mr. SPEAKER left the Chair and the House went into Committee, Mr. Smith being in the Chair.*

*Clause 1 was called and passed.*

*Clause 2 was called. It reads as follows:*

"The income of the Bellairs Investment Trust Limited assessed by the Commissioner of Income Tax for the year of assessment one thousand nine hundred and fifty-five is hereby declared to be exempt from income tax."

Mr. BARROW: Mr. Chairman, I wonder if the senior member for St. Joseph would care to repeat what he said at an earlier stage of this Bill. Is he saying we are exempting the Institute from Income Tax in favour of a charitable institution of this kind, something which was not in existence? I would like this particular thing to be made clear. He said it could not come under the provision of the 1954-49 or 1954-50 Act for the brilliant reason advanced that it was not in existence, so he is going to pass a Bill to exempt something that was not in existence in 1954.

Hon. G. H. ADAMS: You could not have paid Income Tax unless you existed and therefore, it is

obvious that the Bellairs Trust existed in 1954. The Research Institute did not exist until September, 1954. Bellairs Trust could not have made a gift until it came into existence. The income earned in 1954 was later given to the Research Institute, all of it, but its income having been calculated in 1954 they would have to pay because as soon as the Income Tax Commissioner assessed it they became liable to it. They did not give it away at the time when they were making the assessment; that is why I say nobody else needs an explanation.

9.15 p.m.

Mr. BARROW: I do not think that that is satisfactory. We know what is going to happen over here. No member on this side of the House perhaps with the brilliant exception of the hon. junior member for St. Philip (who is in a class by himself) is prepared to accept the explanation given by the senior member for St. Joseph because he is saying the direct opposite now to the statement which he made before at a different stage of this Bill. He said the Bellairs Trust did not exist in 1954, then he comes in here in this part of the debate and said the Research Institute and the Trust are two separate and distinct entities. In 1954-55 the funds of the Trust were vested in the Bellairs Institute. That is not what came before this House last year.

In other words, the gift made to the Research Institute, from what information we have been able to glean from the Government, was vested in the Government by the will of the late Commander Bellairs. The Trust and Institute are one and the same thing, and in the brilliant explanation which the hon. member has made, he made the mistake that the Trust was handed over to the Institute. I hope that the people who are reporting this debate independent of the *Official Gazette* will take it down for posterity to read.

Hon. G. H. ADAMS: I am not doing what, outside of this House, I would do when faced with such an exhibition. I not only said what the facts are, but I read the "Objects and Reasons". Let me read them again. "The late Commander Bellairs, by his will, left his entire estate to McGill University to be used in Barbados for the purpose of research and other projects of benefit to this Island in particular, and science in general. The estate is held by the Bellairs Investment Trust Limited incorporated in Barbados, which pays the whole income accruing from the estate to the Bellairs Research Institute on the St. James coast which has been established by McGill University to implement Commander Bellairs' intentions."

How can they be the same thing? The Research Institute came into being in September, 1954, and the Trust was unable to obtain the exemption granted by the Income Tax Amendment, (No. 2) Act which we passed. The income which accrued to the estate was in their hands for the period for which an assessment was made by the Income Tax Commissioner; in the year after it was liable to income tax. The spirit of what we are doing was and is such that we are not calling upon them to pay because they paid over income to the Research Institute, and we specifically passed this Bill in order that the Institute might profit by this amendment to the Act. I have only replied to show that the answer to what the hon. member has tried to accuse me of is there for everybody to read, but he has made a mischievous, slanderous and untrue statement.

Mr. BARROW: I am asking that the honourable member withdraw those remarks. He knows that the Institute is owned by the Trust. If he is not going to withdraw the remarks, then I will ask you, Mr. Chairman, to invoke the relevant

Rule. If he wants to be abusive, he can go out into the district, far, far from you, Sir, because I know you will not tolerate that sort of thing. If he is going to indulge in the virulent and unprovoked abuse in which he has indulged, then I will have to ask him to withdraw the remarks, or ask you to call His Honour the Speaker. I am merely suggesting to you not to adopt that recalcitrant attitude which they adopt on that side of the House. I am now asking that you call upon the honourable member to withdraw the statement which he has made.

Mr. CHAIRMAN: The honourable senior member for St. George has objected to the words which have been used by the Hon. Premier.

Hon. G. H. ADAMS: I do not intend to withdraw one word. Subject to any ruling by you, I say that the statement is slanderous, because it is lying, it is mischievous because it is designed to hold up the debate, and it is untrue because honourable members have only got to read the "Objects and Reasons" of the Bill to see that it is not true.

Mr. BARROW: I am asking that the words be taken down. Is the honourable member now saying that he did not make those remarks? I know that he will be running true to form, but is he going to say that he did not make use of those remarks? I repeat: I am asking that the words be taken down. Let His Honour the Speaker be sent for.

Hon. R. G. MAPP: Mr. Chairman,—

Mr. BARROW: Mr. Chairman,—

Hon. R. G. MAPP: Mr. Chairman, I am on my feet. Under what Rule does the honourable member want me to sit down?

Mr. BARROW: The honourable member cannot speak until you, Mr. Chairman, direct that those words be taken down.

Hon. R. G. MAPP: Why is the honourable member interrupting?

Mr. CHAIRMAN: Let me hear the honourable member.

Hon. R. G. MAPP: On a point of Order.

Mr. E. D. MOTTLEY: On a point of Order. I submit to the Chair the honourable member cannot make any speech until the words are taken down.

Mr. CHAIRMAN: Will the honourable member take his seat? Is it the pleasure of the House that these words be taken down?

9.25 p.m.

Mr. BARROW rose.

Mr. CHAIRMAN: I am going to put this to the Committee: is it the pleasure of the Committee that the words be taken down? Hon. members in favour will please say "Aye" and those against will please say "No".

Hon. R. G. MAPP: Mr. Chairman, I would like to ask under what rule does the honourable member object?

Mr. BARROW: Rule 131.

Hon. R. G. MAPP: I will quote that Rule. It is as follows:—

"In a Committee of the whole House, the Chairman, if it appear to be the pleasure of the Committee, will direct words objected to, to be taken down, in order that the same may be reported to the House."

Mr. BARROW: Are you satisfied now?

Mr. CHAIRMAN: I have put the question.

Mr. LEWIS: Mr. Chairman, I quite agree that the way for you to get the feeling of the Committee is by putting the question, but when situations like this arise, it should be the privilege of honourable members to do their best to settle the difference without letting it run the full course. You can very well see that if an honourable member who sees that he has the majority wants to press the question that it is easy to throw a member out.

it has happened already. I am not criticising a former vote of this House.

The Hon. Premier used the words "slandrous, mischievous and untrue." The honourable member might feel that since he considers that the words used by the honourable senior member for St. George were not truthful that they are slanderous and he might say that they are untrue because they were not in accordance with the facts. I do not know if anybody can object to the word "mischievous." I do not know the full meaning of that word. Certainly we have reached a stage when we can afford to take a sentence like that in our stride.

Whether the word "mischievous" is parliamentary or not, if the Hon. Premier feels that the statement by the honourable senior member for St. George is not in accordance with the facts or is an exaggeration of the facts, I am appealing to him not to allow this matter to go to the vote but to withdraw the words and allow the debate to go on. I am also appealing to the honourable member who has taken objection to see that it is not the first time that we have had statements of the kind in this House and to let it pass. I feel that this is not the time for an exhibition of strength in voting or extreme criticism of statements made. Since the Hon. Premier occupies the particular position he does in the House and in the Government of the Colony, I would say that the words, "slandrous, mischievous and untrue" are extravagant. I will appeal to him to withdraw those words.

Mr. ALLDER: Mr. Chairman, I too crave indulgence of the Committee to support the suggestion made by the hon. junior member for the City and am appealing to the hon. senior member for St. George not to press for the question being put.

Mr. CHAIRMAN: The question is—

Mr. TUDOR: I am a little bit confused. Without prejudice to what may happen, the hon. junior member for the City did make a valuable suggestion in this debate and he was followed by similar sentiments expressed by the hon. senior member for St. John. I think I can hardly suggest it to you that if you would allow the hon. senior member for St. Joseph to say how he views this matter, it may help the situation.

Mr. F. L. WALCOTT: Mr. Chairman, I was not in here when the row was going on but I can enter it now. It is really your duty to determine if the words which were used were of the effect that they should be taken down. [A VOICE: Oh No.] If you are satisfied that the words are parliamentary and in accordance with the debates of the House, are you going to ask the Committee whether it is the wish of the Committee that they should be taken down? If I get up and say that a member is a glorified fool and he wants those words to be taken down, are you going to ask the Committee whether it is the pleasure of the Committee that those words should be taken down? You as Chairman have to determine this thing before you put it to the vote.

I have heard that the words "mischievous, slanderous and untrue" were used. I would say that to those members who like parliamentary decorum to remain that those words are words which could be taken down. Of course, if any hon. member tells me something I am going to tell him something. I will not ask you to ask him to withdraw. However, I would like to know the context within which those words were used before I vote on the question. I will therefore ask you to ask the Clerk to read back the context in which they were used for my benefit. We did it already and you had words read back last Tuesday and the Speaker did it for somebody's delight, and I would like to know in what context they were used. I

want to know in what context the words "mischievous, slanderous and untrue" were used.  
9.35 p.m.

Mr. BARROW: Mr. Chairman, before you proceed I would just invite you to be consistent because on the last occasion—and I am relating to the time when the same member for St. Joseph accused someone of making a reckless misstatement thrown at the House unceremoniously—when the hon. junior member for St. Lucy made an allegation which was substantially correct at the senior member for St. Joseph. I will not refer to that unfortunate episode of disgrace when you, Sir, sent for the Speaker right away and that is what I am inviting you to do now.

Mr. CHAIRMAN: I am not sending for the Speaker this time.

Mr. BARROW: I will say, Mr. Chairman, you are not sending for the Speaker, because from a party point of view you are assured of the record. I just ask you to be consistent.

Mr. CHAIRMAN: I am asking the hon. member to take his seat and let me do my duty.

Mr. GODDARD: Mr. Chairman, I think it is the duty of members who have watched the proceedings to intervene and try to settle this matter. I would appeal to both members to let us settle this matter and get on with the business of the House. It is difficult when you arrive at this stage for members to pull back what they have said, and I do not know the way out; but I do believe both members can make some concession and let us settle this harmoniously and allow nerves not to be frayed because I can see it building up. If the senior member for St. Joseph realised that when he got up the second time, I think he actually said the words then that were harmful and not on the first occasion. When the senior member for St. George first intervened and asked for the words to be taken down. I think he need not have done that, but on the second occasion there is some reason for him wanting it done. I will ask both members to retract so that we may get on with the debate and finish the Bill. It is difficult for members around here to vote when we feel it was contributory on both sides.

Mr. BARROW: This is the Committee of the House and since I am the person who asked for the words to be taken down I insist that they be taken down at my pleasure. I would like to remind the House that the Minister of Truth read out Rule 131 which has nothing to do with this debate. The Rules are 132 and 133. They read as follows:—

Rule 132, "Every such objection is to be taken at the time when such words are used, and not after any other hon. member has spoken."

Rule 133, "Any member having used objectionable words, and not explaining or offering apologies for the use thereof to the satisfaction of the House, will be censured, or otherwise dealt with as the House may think fit."

Now Sir, this is the position that confronts us to-night. On many occasions members of the Government induce their members to stifle the debate of the House in order to flout the expressed desires of the people of the country taken at the polls by referring to the incident of the hon. junior member for St. Lucy. If we let it be noised abroad that members of this House can get in here and let unkind remarks no matter how unparliamentary to pass as long as you have a majority you can stick your tongue out like the hon. member, I mean the Minister of Truth who calls himself the Minister of Trade and hold up the debate of the House. If we allow it to get around this island that the members of this House have no respect for the law and custom of Parliament or the decencies of Parlia-

ment. I am afraid people who put their confidence in us will lose that confidence and I am insisting not with the feelings of the Government but of the House that an accurate record should be made of the matter and that it be reported to Mr. Speaker, after the words have been taken down.

Mr. E. D. MOTTLEY: Before you put the question, Mr. Chairman,—I can see the rush with which you are trying to get the feelings of the House so quickly. What the Hon. Leader of the Opposition said is really correct. In the first instance we on this side smiled when objection was taken because judging from the words, "mischievous, slanderous and untrue", they looked to me personal though they did not seem unparliamentary or directed to the hon. member; but in the second instance I was surprised that the Hon. Premier fell into the trap and gave himself away to the extent that they were words then in my opinion to be taken down; but in the first instance I agree with the Leader of the Opposition that "mischievous, slanderous and untrue", were not in our opinion sufficiently directed at the hon. member for St. George in the context in which they were used; but when the Hon. Premier got up on the second occasion he did infer them then pointing to the hon. member. I am a member of the Opposition who without putting it feel that there can be something which can be done. For instance, speaking for myself, if the hon. member got up and said those words to me I would just smile because I am going to reply and if there was any taking down he would be asking that what I said be taken down. I have the record of not asking anybody to withdraw words; you cannot withdraw what you say. I have never asked anybody to withdraw remarks, and I think the hon. senior member for St. George is capable of answering the Hon. Premier, I am wondering whether under the circumstances we could not get the hon. senior member for St. George and the Premier to see the light on this. On all occasions I vote against the Government when they are asking for words of members of the Opposition to be taken down, when we have to tell them something from over here I always vote for the Opposition and it is bad manners of some members of the Government not to realise that they are in the Legislative Chamber and should not display the conduct which they display, to make it necessary for members of the Opposition to say things to them; but I repeat, Sir, that I agree with the Leader of the Opposition that it was only on the second occasion and not on the first when these words were directed. Mr. Chairman, I have purposely been keeping the debate open because I know you are anxious to put the question.

Mr. BARROW: Mr. Chairman, on a point of order, I wonder if it is any part of the duty of the Marshal of the House to carry around . . .

Mr. CHAIRMAN: Is that a point of order?

Mr. BARROW: It is a point of privilege. I am wondering if it is the duty of the Marshal to take around a slip of paper to members informing them how to vote on this issue. To what depth now have we descended when you get the Librarian reporting matters to the Speaker and the Marshal using the chief weapon?

Mr. CHAIRMAN: Is the hon. member going to speak?

Mr. E. D. MOTTLEY: Mr. Chairman, as far as I am concerned, I am suggesting to the hon. member that in as much as the first words were not actually directed at him—we have got to face facts—but on the second occasion when the Premier got up, I would like him to make clear which are the

words he wants taken down. Do not get vexed; I would like before you put it to the House in Committee to find out the pleasure of the Committee, to tell us of what occasion you are speaking—whether on the first occasion when the Premier made reference to the words, or on the second occasion; and I want the words read back now because I feel on the first occasion they were not directed but on the second occasion they were directed at the hon. member. If we are to vote that the words used on the first occasion be taken down I will vote “no” but if it is the second occasion, I will have to say “yes”. 9.45 p.m.

You must make it clear how you are putting the matter. As to the second occasion, I will say “yes”; as to the first occasion I will say “no”. I want to know, Mr. Chairman, if you are seeking the pleasure of the Committee in respect of the taking down of the words used on the first occasion or on the second occasion. I should like to know to which words you are referring, whether they are in respect of the first occasion, or in respect of the second occasion.

Mr. CHAIRMAN: I am dealing with the words to which the hon. senior member for St. George has taken objection.

Mr. E. D. MOTTLEY: You were in the Chair all the time.

Mr. CHAIRMAN: I am seeking the pleasure of the Committee as to whether the words to which the hon. senior member for St. George has objected, should be taken down or not.

Mr. BARROW: I would just like to make my position abundantly clear. I have checked up on the words used by the hon. member and repeated by him on the second occasion.

Mr. ALLDER: If the hon. member is adopting the attitude which he is adopting, I would say that the Hon. Premier should not be asked to withdraw those words. The Hon. Premier was just making a safeguard in saying, lest any hon. member states any slanderous untruth—

Mr. BARROW: I would like an undertaking from the hon. senior member from St. Joseph himself that the words were not directed to me; I do not want it from any of his satellites.

Mr. ALLDER: I am going to let the hon. member know that he cannot make any kind of statement after I have sat down. I should like to say that it is better if the hon. member were a satellite, because he would have better discretion.

Mr. BARROW: I have seen several Rules broken and abused. I am asking that the Hon. Premier leave this Chamber while his conduct is being discussed, as was the case with the hon. junior member for St. Lucy. I would like to make it clear that I am objecting to all the statements made by the hon. member; if he says that they were not directed to me, then that is a different matter.

Mr. CHAIRMAN: I think that this matter would be easily settled by the Committee by the taking of a vote. The question is—

Mr. E. D. MOTTLEY: Mr. Chairman,——

Mr. CHAIRMAN: You understand the position as clearly as I understand it. If the Hon. Premier has used words which have been objected to by the hon. senior member for St. George, the words would be those which were used in the first instance. The words used in the second instance would only be a repetition. The question is—

Mr. E. D. MOTTLEY: However irritated you may be, Mr. Chairman, I still have the right to speak; that is absolutely plain. It has been pointed out what the hon. Premier said, lest any hon. member repeat any slanderous remarks. We feel that

that was not directed to the hon. senior member for St. George. The Hon. Premier seemed to have fallen into the trap and what he said on the second occasion was directly pointed to the hon. member, who asked that the words be taken down. If it is a question of the words used on the second occasion, then those words should be taken down. 9.55 p.m.

Mr. Chairman, I want you to make that point clear. With great respect to you, I want a proper explanation on it. You should have the contexts of each of the times the words were used. I am thinking of the second time that the words were used. Is it the second or the first time? Which do you want the Committee to take down? I have no apologies to make to the Government, the Hon. Premier or anybody; I vote quite clearly and to my conscience. If it were the first time, I would say that they were not directed to the honourable member; if it is the second time I would say “yes.” If you mean the second time that the words were spoken, say so. I would say that those words should be taken down but if you say that you mean the first time I would say that they should not be taken down. That is what I want you to make clear. I feel that the first time the words were used they were not directed to the honourable senior member were not directed to the honourable senior member.

Mr. CHAIRMAN: That is beside the question.

Mr. E. D. MOTTLEY: I know you are anxious to put the question. It is your duty to put it.

Mr. CHAIRMAN: Yes, when all the honourable members are sitting, not when an honourable member is standing.

Mr. E. D. MOTTLEY: Are you asking me to sit now?

Mr. CHAIRMAN: No, you can stand until tomorrow morning.

Mr. E. D. MOTTLEY: If it were when the words were spoken the second time, I would say “yes.” It is for you to say that you are dealing with the second occasion so that I would be in a position to know how to vote. If you say that you are dealing with the first occasion, I would say “No,” they are not unparliamentary because they were not directed to the honourable senior member for St. George.

Mr. CHAIRMAN: The question is—

Mr. BARROW: Mr. Chairman, this is not the first time that we have witnessed last minute attempts by the Conservative Opposition to save the Government from an embarrassing position. This behaviour has been going on during the course of the last Session. When the honourable member for St. Joseph spoke the second time he reiterated what he said before. He used exactly the same expression and I cannot find myself seeing how the honourable senior member for the City can distinguish between the first and second occasion at all. I can only consider the behaviour wicked and contemptible. We have been accustomed to the behaviour of the honourable senior member for St. Joseph and I consider the behaviour on that side of the Table and the Leadership wicked and contemptible.

I have been asked by my colleagues and by the honourable junior member for the City, nothing to do with the implications by the honourable senior member for the City, to let the matter drop. I consider that a great deal of time has been wasted because of the recalcitrance and unseemly behaviour of the honourable senior member for St. Joseph, therefore having no intention of letting something degenerate in public brawl. I am not going to insist on the question being put. I would like to

congratulate you on the level-headedness you have displayed on this matter. [Cheers].

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

*Clause 3 was called and passed.*

*On motion of Hon. G. H. ADAMS, seconded by Hon. M. E. COX, Mr. CHAIRMAN reported the passing of the Bill in Committee.*

*Mr. SPEAKER resumed the Chair and reported accordingly.*

*On separate motion of Hon. G. H. ADAMS, seconded by Hon. M. E. COX in each case, the Bill was read a third time and passed.*

### ADJOURNMENT

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, before moving the motion for the adjournment I will fix the Order Paper.

Mr. TUDOR: Oh No, Mr. Speaker.

Mr. SPEAKER: Will the Hon. Minister please take his seat.

Mr. TUDOR: Mr. Speaker, we have just had the behaviour which is now becoming second to nothing—

Mr. SPEAKER: The honourable member is making use of remarks which cannot be countenanced by me. The honourable member will not at this stage tell me anything of what happened just now because I was not in the Chair.

10.00 p.m.

### Transport Board

Mr. TUDOR: Mr. Speaker, I rise to move the adjournment of the House for five minutes to discuss a matter of very urgent public importance which has to do with the workings of the Transport Board. Mr. Speaker, first of all I should like to say that it is becoming increasingly difficult in this House to raise matters which affect public interests because that lead which should be given to this House by the Ministers is very often lacking; and if matters of grave importance are to be debated at all, it is only fair, Mr. Speaker, that the lead should come from the Ministers of this Government. Only today, Mr. Speaker, when I was giving notice of my intention to move this motion, in the course of the debate which followed the Minister of Communications in his remarks said that he was not afraid of anything I might say or do, which I think, Mr. Speaker, is quite a wrong setting for discussion of a matter of this nature, and I think that Ministers must understand that since it is the function of the Opposition to criticise, criticism of the work of their department and exposure where necessary of their short comings is done in no personal manner, but as part of the public duty which members of the Opposition owe to their constituents, this House, and the community at large.

Now, Mr. Speaker, Your Honour is well aware that for the last nine months or so there has been in existence a Transport Board in this Island. This Board was set up principally to administer what was then thought to be a possible system of public transport, and Your Honour will recall that when that measure was before this House, and I have the debates before me, members of the Opposition were struck by the scant attention which the Minister introducing the Bill seemed to pay to the importance of the matter. Here was a supposedly Socialist Government making their first essay into nationalisation of public ownership and yet in his introduction of the Transport Bill the Minister of Communications spent less than four minutes on his second reading speech,

and Your Honour will recall that more than three members of this Chamber protested at the time at the scant way in which the Minister introduced the Bill, and consequently at the lack of information which was given to the House. Your Honour will also recall that hon. members on this side pressed the Minister as hard as they could to get from him two things: some indication of how this nationalised industry was to be financed, and secondly how it was to be administered; and it is within the knowledge and memory of all of us here that Government categorically refused to answer us on these two points. Now it appears, Mr. Speaker, that their refusal was not due to stubbornness but more to ignorance and folly because that has now come to pass by showing us quite clearly that they had not the faintest idea of what is involved in running a nationalised industry.

No doubt, Your Honour notice in your own constituency many more people on the roads than heretofore, not loiterers or vagrants but people whom Your Honour can see when you pass from your home to this House day by day, and I have no doubt that you, Mr. Speaker have been playing a very important part in filling the gaps created by the break down in the Transport system, because I have no doubt that many of Your Honour's constituents are favoured day by day with a lift in your car, and your experience is the experience of almost any other member of this House except the Ministers.

Sir, the Transport Board took over 116 buses from private concessionaires, and we need not at this moment go into all the negotiations which preceded the taking over. This House is only concerned with it after the Transport Board had taken over the but I also recall that during the debate on the Transport Bill, the Leader of my Party, the hon. senior member for St. George, warned Government that it might find itself being asked to pay over half million dollars as compensation to the private concessionaires. He did say that and it is recorded here in the *Official Gazette*, if subsequently, other copies have not been in some way modified by the Minister of Truth. Now, Sir, 116 buses have been taken over by private concessionaires, and you will recall that the things that the Government did not put into the ears of the members — particularly the Opposition — was that it was going to take over these buses and run them as a nationalised service, because it wanted to put a better service at the disposal of the travelling public, and they said in the debates that only over the dead body of the Premier would busfares be raised. But by a curious inversion, Mr. Speaker, they are going to be raised over the dead body of the Transport Board, and of course, of other persons; because you see in politics the very last thing that you should say is that. Well, the Transport Board was set up, they took the buses over and it started to run. Well, as in the case of the Statutory Board, this House could not get as frequently (or at all) as it would like, an idea of what was actually happening; and although the Minister of Communications was not required by law to tell us every week what occurred and how the service was going, you would have thought, Mr. Speaker, that this, their first venture into nationalisation, would have so excited them that they would hurry week by week to tell us what was going on or to give us a monthly progress report. No such thing! Well, the position has been reached that nearly 50 of their buses are useless. [A VOICE: How many?] Nearly 50. Further than that, large

numbers of their conductors and drivers are out of work, [A VOICE: Shame!] and they have established themselves as being the creators of unemployment. That is what they have done. [A VOICE: Shame! Shame!] But it is worse than that, Mr. Speaker; there is no member of this House who has not noticed almost every day a break down in one of their units. Only today, I was nearly knocked off the front step of the Democratic Headquarters,—and I know that had that happened the Minister of Communications would be a wiser and sadder man this afternoon,—but I was nearly knocked over because the bus almost collapsed in front of me: and when it was so difficult for me to understand what had actually happened, I saw a man walking around to the other side of the bus with a gasoline tank on his shoulder. I am not prepared to say that it was being taken away from the bus, but I got the picture of disintegration which is not a good thing. However, continuing from there, not only is it a fact that a large number of their buses have disintegrated, not only is that true, but there is even a more disquieting feature. It is said that so mismanaged are the affairs of the Board and so insolvent the Board has become that its credit is now being stopped with the firms with which it deals. [A VOICE: What! Shame! Shame!] 10.10 p.m.

All the garages and other places where parts and other services were obtained by the Transport Board are now telling the Officials of that Board that they cannot get credit. It is worse than that; without any member of this House actually knowing how the Transport Board was financed, I think every hon. member knows that large sums of money have been spent by it, in it and out of it. By repute and rumour which is as good as true, they are down to the tune of nearly \$200,000—it may be more—and that is in eight months.

All this must be set against the fact that neither the public nor the members of this House, have ever been told how they propose to administer the Transport Board in the first place, and secondly, how they propose to finance it; and without those vital aspects of knowledge about the Transport Board, it is difficult to withhold censure from them. Since they have not put in the new units which they were insisting that the private concessionaires should have added, obviously, they must have been repairing and refurnishing those buses which they already had. It is creditably reported that large sums of money have been spent on the repairs and equipment of buses, that vast quantities of tyres, engine parts and other accessories have been ordered, but have not actually arrived, and that there is some mystery which surrounds some tyres which had been ordered, and which, as I understand it, have been paid for and yet they have not arrived for the use of the Transport Board.

Hon. members of this House and members of the general public have heard of stories of engines or parts of engines which have been stolen, of gasoline charged up to the Transport Board far in excess of that which was actually consumed, and which was ordered. The position is even worse. I understand that people connected with the Board had been disclosing to their friends and the general public what they call the rackets being made, and they have been bold enough in some instances to mention the names of the people who, it is said, had been carrying on the rackets. I would say, Mr. Speaker, that those persons and the general public unconnected with the Transport Board who want to get new concessions for themselves or their friends, would have been prepared to offer monetary consid-

eration for the purpose of accomplishing what they have set out to accomplish. Those are the rumours which are going around. Where that is concerned, it is the Minister's duty to check up on these things. What this House must be more concerned with is the connection between all that we hear and what we actually see; if something were not actually going wrong, then we would not be witnessing that breakdown in Transport which we actually see. There are rumours which one has heard about the diminution of buses; the routes which used to take seven or eight or nine buses are now making out with three or five buses; in some cases there are only two and in some other cases there are none at all. The numbers of frustrated and empty people whom we see are evidence of the incompetence, the corruption and gross mismanagement which seems to exist at the Transport Board.

There is no need to mince matters. Every hon. member of this House knows that the whole set-up of the organisation is one over which the Government has a direct influence, and there is evidence to show that the personal friends, or supporters of the Ministers or other members of the Government occupy positions in it. 10.20 p.m.

It is not that which is wrong with it [Hon. M. E. COX. Name it.] What is wrong with it is that in addition to their being friends and supporters of theirs, they are people who do not know what they are doing and therefore they are not giving of their best to the service. You do not have to blame them for that. Any Government in power must have its supporters somewhere or the other; as a matter of fact, you cannot be in power unless you have supporters; therefore, you need not look at that as an accusation. That is a matter of fact. The information coming to me is that people whom they have running that organisation for them are not efficient and competent persons. That is the whole fact of the matter and the person who is solely responsible for it is the Hon. Minister of Communications. He is not a competent person, because if he has been hearing what all the rest of us have been hearing and he has done nothing about it, he has done the greatest possible disservice to this country and to the Statutory Board which he has set up.

If whatsoever has been heard is rumour, it is rumour serious enough to make him get up to see that it does not come true. Of course it is not rumour. So chaotic have the conditions of the Transport Board become that it is a question of Government unloading the embarrassment. All that was not known before can be known as soon as the Government gave the impression that it wanted to get the buses off its hand. It is reported that the Hon. Minister of Communications in his zeal to be rid of this embarrassment and to save the face of Government betook himself by night to the home of a bus concessionaire intent upon asking that gentleman to do what he can to ease Government of this embarrassment by taking back the buses which he handed over to the Government. [Hon. M. E. COX: Have you consulted the gentleman to find out whether that is true or not?] The report went out that the Minister went to the residence of this gentleman a second time and told him "now if they get hold of the fact that I have been to you already, if anybody comes to you and ask you, do not say I was here the first time." That is what was reported to me.

Now, even that, Mr. Speaker, is not necessarily a bad thing, provided it was Government's policy to say quite plainly that they cannot get through with what they have undertaken, therefore they have taken steps to reverse their policy. We have

no blame for them for that. No member of this House would blame them for changing their minds. We might have something to say as to the nature of the change, but after all they are in power, and it is for them to run the Government according to their policy. If they set up the Transport Board and they find out that it is not functioning as they want it and they want to wind it up, they can take some measure to wind it up just as they established it. If they are going around asking the concessionaires to take back their buses you cannot quarrel with them for that because that is their policy. They found out that they could not get through with running the buses; they did not wish to say so, so they found that way to do it.

What I blame them for is this. They made this House to understand that they were making a genuine and worthy attempt to provide the travelling people of this Island with a proper transport system. They have not done so. Far from doing so, they have so mismanaged their affairs that the taxpayers of this Island are called upon to pay off a deficit of \$200,000 or possibly more; and secondly, the big question which to them is still coming up is the compensation which they must pay for the buses they have taken over because everybody will not be Mr. Birch. I am sure the Bus Concessionaires will not want their buses back. It is said that they met Mr. Birch half way by putting new engines in the buses they gave back to him. [Hon. M. E. COX: Try to find out the truth.] That would be an administrative deal and not a concern of this House.

Mr. Speaker, when all is said and done, while it takes them all this time to get out of the mess that they got themselves into, people in this Island are driving uncomfortably in buses. They are getting their clothes torn on the sides of the buses and are being inconvenienced by the chaotic conditions which exist in the transport system. Large numbers of drivers, conductors and inspectors are thrown out of work by the system which exists at the Transport Board. So, Mr. Speaker, you will see if they continue as they are doing, it will be even to themselves a farce to speak of the Transport Board, because it will have no buses to administer and the travelling public will find themselves walking in ever-increasing numbers because the Government in whom it has put its trust has mismanaged its affairs on a worthy service.

10.30 p.m.

It is the fashion of the Minister of Communications and his colleagues to treat these matters as if there were personal matters, and it never occurs to them that people who disagree with them are equally patriotic, and equally interested in public affairs in there. Well, I cannot help it if he feels that this is personal, because I am convinced it is sufficient for me to say that I as anybody else following this Transport System have become fed up with it. I live in an area which used to be served by four buses and certainly by six buses on Saturdays and holidays. Mr. Speaker, I cannot tell you the last day when residents of that area have been guaranteed a proper running service for 24 hours without a breakdown, and that is the one I observe most. That has been happening all the time; but Mr. Speaker, I live in the Minister's constituency. The people in my area and other parts of St. Michael who suffer inconvenience because of the breakdown in the system are equally his constituents and I take it he does hear the same complaints I hear, and that people from all over this parish have either written to him or told him how much they suffer, especially those who live in other areas in St. Michael, or just as I or any

other member have heard; and you cannot cover up a distressing situation with indifference or by taking the persons who consider it their public duty to bring it to the notice of this House. Something has got to be done: and if it is true as they have said that a year must pass before the finances of the Transport Board can be examined by this House, are we then, Mr. Speaker, to sit in silence for another three months until the scandal reaches such proportion that the yard over there might resemble more a second-hand emporium or grave yard of junk? Is that what is expected of us? That is expecting too much, Mr. Speaker; but I want Government to bear in mind that they stand condemned because they deliberately chose this line of policy in answer to the Transport System as they saw it last year; and while I agree, as I said earlier, with the setting up of the Transport Board, and while I still think it is a good thing that public transport should come under public ownership, I still must say that they have brought discredit to what it otherwise a good principle.

Mr. Speaker, you will recall when the Transport Bill was before the House, I made a very lengthy speech on it and fully half of that speech was taken up in meticulously explaining to the Ministers some of the problems involved in running a nationalised transport. You will recall I quoted extensively for him the British Transport Act of 1947 and explained to him in some detail how the British Transport System runs, how the Minister of Transport manages to administer it, and the method of administering it and I spoke in such detail because I was certain that no member of that Government would have taken the trouble to familiarise himself with all the problems involved in what for them was a new venture. It is no pleasure for me to discover that everything I warned them against both as to finance and administration has come to pass, and little did I think that only nine months would elapse before I was proved right. So Mr. Speaker members on this side of the House, have certain public duties to perform; and they have to perform them however uncomfortable it may be for the Government and however unpalatable. The Minister of Communications had thrust on him the responsibility which he could not have carried had he wanted to, but he wanted to carry it because to carry that responsibility would have involved for him taking advice from persons who really know, and in this connection we witnessed the folly of that new departure which we seem to have established of excluding members of the Legislature from these Statutory Boards. It is a folly for which we shall pay dearly. Something has happened in the Housing Board that will soon erupt on the floor of this House, and so it must always happen because you must have competent persons in these statutory authorities which you set up. No one has asked the Ministers or the Government generally that they should spend all their working hours supervising these Statutory Boards because they have other things to do, but a method of administration if it is well-founded would pay dividends to them. My chief concern of this matter is not the deficit, large as it is, which now exists, because it would be improper to comment on that until Government tells us what it has done with all the money collected and how they are financing that particular Board. My chief consideration is not even with the amount of material which has been stolen from the Transport Board or the amount of gasoline ordered and not used or delivered. None of that is my chief concern. My chief concern ought to be the concern of every member of this House, Ministers included, and that is that people who used

to travel in reasonable comfort when private concessionaires ran their own buses, are now finding it impossible and definitely inconvenient to travel now that Government in whom they had placed confidence has accordingly on its own principle created a Transport System ostensibly for the purpose of giving better transport, but with the actual result that they have created chaos to the transport system. That is a serious thing, and although, Mr. Speaker, it is no part of my duty to distribute praise to people who owned these buses before, yet no man ought to withhold praise from persons to whom it is due, because the experience of the travelling public has been that they have lost much of the comfort and convenience of travelling which they formerly enjoyed.

Mr. Speaker, you will recall that when the Bill was before the House on the last occasion, the Minister in introducing it and in giving his reasons said something which was pertinent, the significance of which we only understand now.

10.40 p.m.

This is what the Hon. Minister said:

"I should like to say at this stage that at least from the point of view of first-hand information as to the running of this service, it is Government's intention to run at least one of the concessions. With those few remarks I beg to move that this Bill be now read a second time."

Of course, they had to start out with that policy in view of running only one concession. It may be that the neglect and the delay which has fallen on the whole enterprise is due to the fact that the one concession which they proposed to run was as much as they could do, and everything else outside of that is of no concern to them. But there appears to be a much more sinister implication; if the Minister's contention is that it was the Government's proposal to run at least one concession, if that contention is what has motivated them, then you can see from the beginning that they had no intention of really making a "go" in this matter. The Hon. Minister's own words in moving the second reading of the Transport Board Bill, are here to indicate to us that the Government has only followed the policy which it intended to follow.

I hold that this matter was such an important one, that the Government should have considered it to be its duty in the interest of the people to tell us, of often as it could, what has actually happened. It is of no use anybody being annoyed, because people have been hearing these things. It is not of any use being a bit embarrassed because of what has happened; things that happen have their causes. You will be surprised to know that there is a direct consequence of all this uncertainty and disintegration which have been going on at the Transport Board. I seem to be regaling this House with rumours, but even Your Honour must have heard of the dismissal of employees of that Board in respect of which the Chairman did not seem to be able to say why the employees were dismissed. Your Honour must have heard these rumours. [ASIDES.] If the Hon. Minister of Communications imagines that these irrelevant and silly asides will throw me off my point, I say that it is the chaos in the ministry over which he presides, which should excite his laughter. These are things which are known. It is the whole administration of the Transport Board which makes possible all the things of which people

complain. It was surprising to me, as it was to other honourable members, even to look at the personnel of the Board itself. I do not think, Mr. Speaker, that any member of this House should criticise people who have been placed in positions of authority, but rather the criticism should be levelled at those who put them there. With all that is proposed, there is only a certain section of the House who feel that the personnel of the Board really inspires confidence; even that is part of what we are complaining about.

That seems to be their attitude towards this matter; they are sitting on a volcano at that Transport Board and they do not know it. What is facing the Minister and this Government is a complete breakdown of the Transport system of this island; that is perhaps what the Hon. Minister is laughing at and what is staring him in the face. In the last resort, however, the people of this Island must triumph and it only requires the courage of the Transport Authorities to tell the people of this island what the facts are. Last year, they would not allow the concessionaires to raise the fares, but it may well be that we shall all live long enough to see the Transport Board raising the same fares.

10.50 p.m.

I do not know what they are going to do; I can only say that it is a very serious matter. When it comes to the Hon. Premier, I do not know what worries him nowadays. It does not appear to be buses, anyhow, but even he would spend sleepless nights in his discovering how serious is the situation.

If the buses are proving to be of no good and you still continue to run a service to the public, you must have new units. Have they been purchased and paid for? You might find yourself doing the very thing that you would not allow the private concessionaires to do. Anyhow, that is a matter for the Government; that is their worry. I do know that something has got to be done quite soon because too many buses are out of commission, far too many parts of buses are not only away from the Transport Board but actually on other people's vehicles and far too much money has been spent and taken from them fraudulently. All that has got to be done. If, Mr. Speaker, they do not do it in time, everyone in this island will then be brought face to face with what is the real problem; and the real problem, of course, is that we have a Government which took over part of the Transport Service of this island and literally does not know what to do with it. The duty which it owes to the public of this island is to see to it that unfortunate affairs do not come to pass.

Mr. SPEAKER: [after a pause.] Is anybody seconding the motion?

*The Order Paper having been fixed,*

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I beg to move that this House do now adjourn until Tuesday, 5th June, 1956 at 3 o'clock p.m.

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

Mr. ALLDER: Mr. Speaker, may I enquire if this procedure is correct?

Mr. SPEAKER: Very, very correct. I particularly asked if anyone was seconding the motion.

*The question that this House do now adjourn was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.*

11.00 p.m.