THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1956

HOUSE OF ASSEMBLY

Tuesday 18th September, 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. G. H. ADAMS, C.M.G., Q.C. B.A.(*Premier*). Hon. Dr. H. G. H. CUMMINS, C.B.E., M.D., C.M. (*Minister of Social Services*), Hon. M. E. COX (*Minister of Communications, Works and Housing*) MR. L. E. SMITH *J.P.* (*Chairman of Committees*), Hon. R. G. MAPP (*Minister of Trade, Industry and Labour*), Mr. F. C. GODDARD, (*Leader of the Opposition*), Mr. F. E. MILLER, Mr. J. A. HAYNES B.A. Mr. E. St. A. HOLDER, Hon. C. E. TALMA (*Minister of Agriculture, Lands and Fisheries*), Mrs. E. E BOURNE, Mr. J. C. TUDOR, M.A.

Prayers were read.

MINUTES

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

DOCUMENTS

Mr. SPEAKER: I have the honour to inform the House that I have received the Financial Report of the Accountant General for the month ended 31st July, 1956.

PETITION

Mr. GODDARD: Mr. Speaker, I beg to lay a Petition of Taxpayers of this Island all of whom are married women and ask the House to look into it. The Petition is respectfully worded and I beg that it be taken as read.

NOTICES

Hon. Dr. H. G. H, CUMMINS: I beg to give notice of the following Resolution:—

Resolution to place the sum of $1,500 at the disposal of the Governor-in-Executive Committee to supplement the Estimates, 1956—57, Part I—Current as shown in the Supplementary Estimate 1956—57 No. 27, which forms the Schedule to the Resolution.

Hon. C. E. TALMA: I beg to give notice of the following Resolution:—

Resolution to approve the Compulsory Acquisition under the provisions of the land Acquisition Act, 1949 of a plot of land at St. Lawrence for the erection of Rural Market.

Hon. Dr. H. G. H, CUMMINS: Mr, Speaker I beg to give notice of my intention to move the House into Committee of Supply to consider the Resolution for $1,500.

Hon. R. G. MAPP: I beg to give notice of the following Bill:— Bill to encourage the Development of hotels within the Island.

PRIVATE NOTICES

Mr. TUDOR: Mr. Speaker, I rise to give notice of my intention to move the passing of the following Address to His Excellency the Governor.

HOUSE OF ASSEMBLY
TO
HIS EXCELLENCY THE GOVERNOR

The House of Assembly has the honour to inform Your Excellency that it has learnt in a communique issued by the Ministry of Health, that there is an unavoidable shortage of Medical Staff at the General Hospital.

2. The House wishes further to inform Your Excellency that a consequence of this situation is that in St. Michael alone large numbers of such persons are daily denied treatment in the Out-Patients Department of the Hospital.

3. The House is of the opinion that at least a dozen of the Parochial Medical Officers could, with the sanction of their respective Vestries, be induced to join the Hospital Medical Staff on a Part-time basis so that their services might be used to raise the dangerously low level in the numbers of Medical Staff.

4. The House hastens to assure Your Excellency that it will consider favourably and quickly, any financial measures which Your Excellency might submit, as arising out of an acceptance of the proposal contained herein.

QUESTIONS

Mr. F. C. GODDARD: Mr. Speaker, I beg to give notice of the following Questions:—

To enquire of the Hon. Premier:—

Is the Hon. Minister aware:

(a) that the Plan for a British Caribbean Federation agreed by the conference on West Indian Federation held in London in April 1953 and published as Cmd. 8895 made provisions for the first General Election in para. 22 section 2 as follows:

> The Governor-in-Council or equivalent authority in each unit to which more than one seat has been allocated should be empowered after consultation with the Unit Legislature by regulation to divide the Unit into as many constituents as there are seats to be filled.

(b) that other West Indian territories notably Jamaica and Grenada already announced their intention of dividing the unit into constituencies for the first general elections?

(c) that candidates for the first Federal General Elections do not yet know whether the unit will be divided up into constituencies or whether the people of Barbados are to be offered the experience of beginning the adventure of Federation as a single FIVE member constituency?

2. Will the Hon. Minister inform the House before it is prorogued for the local general elections, of his government's decision as to Federal constituencies, so that candidates may be given every opportunity to show themselves to their constituencies?

To enquire of the Hon. Premier:—

Is the Hon. Minister aware of the dissatisfaction of thousands of persons in St. Michael with the existing representation of that parish in the House of Assembly?

2. Will the Hon. Minister treat as a matter of most urgent priority the necessity for creating single member constituencies in Barbados based on a population basis and not as now on the old system of representation by parish?.

Mr. F. C. GODDARD

To enquire of the Appropriate Minister:—

What is the total amount collected and paid over to The Labour Welfare Fund for the financial period between 1947 and date?

2. What is the total amount loaned from the Labour Welfare Fund to workers in the sugar industry?

3. Is it true that Government has sought the permission of the Secretary of State for the Colonies to use large sums from the Labour Welfare Fund for purposes other than purchasing land and providing and repairing houses for workers in the sugar industry?

4. How much of the $500,000.00 allocated from the Labour Welfare Fund for Rural Amenities has been spent to date, if any has been spent, where and for what purpose has it been expended?

5. Have any applications for loans from the Labour Welfare Fund made by workers in the sugar industry been refused, if so how many?

6. Have any such applications been deferred?

Mr. F. C. GODDARD

To enquire of the Appropriate Minister:—

Is it true that the maximum amount loaned by the Peasants Loan Bank to peasant holders for the purpose of cultivation is £15 per acre whereas there is a minimum of £30 per acre—loaned to the Plantations by Sugar Industry Agricultural Bank for similar purposes?

BILLS READ A FIRST TIME

Hon. R. G. MAPP: I beg to move that the Bill to encourage the Development of hotels within the Island 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.

CHIEF JUSTICE AND CROWN LAW OFFICERS BILL

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker I ask leave to take Order No. 7 as the first Order of the Day.

Mr. SPEAKER: The hon. member has asked leave to take Order No. 7, namely, the second reading of a Bill to amend the Chief Judge and Crown Law Officers Act, 1907, as the first Order of the Day: and unless there be any objection leave will be granted.

There being no objection leave is granted the Hon. Minister.

3.15 p.m.

Mr. SPEAKER: The first Order of the Day now stands in the name of the Hon. Premier to move the second reading of a Bill to amend the Chief Judge Crown Law Officers Act, 1907.

Hon. G. H. ADAMS: Mr. Speaker, I have already intimated to hon. members that this Bill is a very pressing one. The mere fact that the Government has not awaited the completion of the Salaries Revision Officer's Report to bring down this Bill, is an indication of how pressing this matter is. I have kept the House informed from time to time relative to the filling of this post. On by last three visits to the United Kingdom, I was told on each occasion of the impossibility of getting this post filled by any suitable person at our present salary. The present salary of the Chief Justice is $9,600 without quarters; the Chief Justices of all the other West Indian territories have higher salaries, and either free furnished quarters or quarters for which they pay rent.

I do not wish to say anything much on this point; I think that some of us certainly know the position of the present Chief Justice more so from a physical point of view. The Salaries Revision Commissioner has been specifically asked to deal with the recommendations in respect of this post before he has completed the full report. He has therefore sent in this recommendation as an Interim Report while he is continuing the work which he is doing. He has pointed out that in Jamaica the salary of the Chief Justice is $14,400 with free furnished quarters; the salary of the Chief Justice in Trinidad is $13,440 with quarters provided at a rental of $600 per year; in British Guiana the salary is $12,000 with quarters provided at a rental of

$720 per year, and in the Windward and Leeward Islands the salary is $10,884 with quarters provided at a rental of $720 a year.

We are the lowest in pay, and the only West Indian territory which does not provide quarters for the Chief Justice. In addition to what I have said, as hon. members will know—or may remember,—that the post of the Federal Chief Justice carries a salary of $17,760 with quarters provided at a rental of 10% of the salary. There could be no difference from the point of view which I shall express that is to say, that a Chief Justice is something more than the Head of a Department; and although it is a fact that the Chief Justice should have, as we propose to have under the new Judiciary re-organisation, Puisne Judges who will perform Supreme Court work, there is no justification for thinking of the Chief Justice as merely another or even the principal High Court Judge. The responsibility of the office, the administrative work which he has to do—as hon. members are aware, he has, in effect to supervise the activities of the Police Magistrates. All of that points to the fact that the Chief Justice being the highest Judicial Authority in this territory, being, as he must be, independent of the Executive Government, is, in effect, for the proper functioning of a peaceful community, the most important citizen. It is not, I suggest, Mr. Speaker, enough, in our consideration of the post of Chief Justice, to think of the Chief Justice just as the Head of a Department.

Barbados has been fortunate that in all of its history from the time that we began to have a legally-trained man as Chief Justice of this Island, we have had more local people who preferred to be Chief Justice in Barbados than even to take promotion abroad. This has resulted in our having one or two Chief Justices who did not care very much, if at all, for other than the question of providing the necessities of life. In fact, the legal profession has suffered from the fact that the scale of costs laid down by a former Judge has been so low, that the fees for Barristers and Solicitors have been correspondingly low; but we cannot always be sure either that we will get a local man or even if we do get a local man that he will be content to accept this salary as compared with those of his colleagues in the West Indies.

I believe that no hon. member could question the necessity for raising this salary. Obviously, we are raising this salary, and obviously the Salaries Commissioner would not have been appointed if the Government did not feel satisfied that salaries should be revised upwards. I repeat, that it is only at our special request that the Commissioner has taken out this portion of the report, and has furnished us with what is now his recommendation in this respect, and what would have been his recommendation in the full report if this part had not been taken out.

There have been many rumours emanating from persons who are not members of the Government. There seems to be some fancy notion that the Salaries Commissioner has finished his work, that he has reported, that we are satisfied with this, that or the other, and that the only thing which we feel like doing at this time is this Bill. Well, in order to prevent any hon. members from the other side of the House from saying that — I know that this will not stop them from saying it — I tell them beforehand that it is not true that the Salaries Commissioner has finished his work; this is only a portion of his recommendations.

3.35 p.m.

The Colonial Office has recently given us the information that there is no chance of filling the vacancy or of getting anybody at this salary, and we in consequence have asked that this recommendation be made in advance.

I believe hon. members will find that when it comes to the question of officers paying rent, the present Salaries Commissioner is going to make a general recommendation that these officers should pay rent either at the rate of 10% of their salary or the economic value of their quarters, whichever is less. That is the reason why we propose this salary in this Bill. Later, the House will be told that the legislation which we propose in the case of the Chief Justice is not for free quarters but quarters on the basis which I have just mentioned.

Perhaps, it is too early to say what that rent would come to, but it is considered, taking into account the dignity of the Office that it will probably in the neighbourhood of $100 a month; so that hon. members will see that the salary of the Chief Justice will be diminished by £250 a year, that being the added emoluments of his office.

I may say here that this salary of the Chief Justice will be $480 per annum less than the corresponding office in British Guiana. It will be $360 per annum lower than that of the Attorney General in Jamaica, who at present get sa salary of $12,000 per annum, but his allowance for quarters is $864 a year. The rent of our Chief Justice will be in the nature of $1,200 a year.

I do not know if I can usefully add anything more. I do assure hon. members that only the direct necessity has caused the Government to anticipate the full report of the Salaries Commissioner by bringing this Bill before the House. It is proposed that the date when this new salary will come into operation will be the 1st April this year, which is the date that is proposed for all revised salaries to come into operation.

Now that we have passed the Act for the reorganisation of the Judicature and for other reasons which I hinted before, it is all the more necessary to have this Bill before the Legislature as quickly as possible. Mr. Speaker, I beg to move that this Bill be now read a second time.

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

Mr. TUDOR: Mr. Speaker, the answer—at any rate for me—is a flat, categorical "No". It is only four years ago, that in this Chamber this House debated at long length similar measures although on a wider scale, but with precisely the same import; and this Government was soundly castigated then for its lack of political decency in assisting the higher paid holders of posts in the Civil Establishment at the expense of the lower. This Government must even refresh the minds of those hon. members themselves who have since torn their coats and changed their speech. How bitterly opposed they were to the very principles that are now enunciated by the hon. senior member for St. Joseph!

Words fail me, Mr. Speaker, in describing what I really feel about this latest act of treachery to the unfortunate and lowest paid persons of the Government Service. All of us were looking forward to the report of the Salaries Commissioner. We were told about it; we expected it; but we little thought that the very first thing we should hear about it would be that the report is not yet completed: but that of what is completed, it pleases the Hon. Premier to bring before this House the recommendation to raise the salary of the Chief Justice.

I listened to the Hon. Premier with peculiar interest and I must say in passing, Mr. Speaker, that even if I were prepared to give support to this measure which I certainly am not, all the arguments he used would have put me solidly in the opposite camp.

He has not convinced this House yet that there is good and sufficient reason for extracting this particular proposal from the report which is to come. He has not convinced us that the whole administration of justice in this colony depends upon our doing the wrong thing now in order to avoid more disaster in the future. He presides over the Government, which according to him and those who think like him, works in the interest of the very poor in this Island. Is he prepared to tell this House now that the cares and troubles of the lesser Civil Servants are of no importance when matched against the impending poverty of the Chief Justice? When he casts his eyes about the whole range of the government officers, can not he find any cases of hardship or of bitter and degrading poverty which should be first attended to other than the Chief Justice? When he discusses with those who have to advise him about what should be done to raise the salaries of Civil Servants, is he totally unaware of the fact that there are thousands of them who are not Heads of Departments, who are not Deputy Heads, who are just ordinary Government workers who have been feeling the pinch of the shoe and who have worked for miserably low salaries and wages for the last four years only in the hope that in this year, if at all, something will be done for them?

Does he think it fair and honourable at this very moment, when so many of them are looking forward to some amelioration of their lot, for him to insult them and kick them in their teeth by extracting from the proposals one proposal which is the least necessary of the whole lot, and that is to increase the salary of the Chief Justice? All over this Island, Mr. Speaker, members of this Chamber come into contact with persons in the Civil Service. Their cry, their complaints, and their griefs are the same that they hope that this year at least the recommendations of the Salaries Commissioner, whatever they are, will be fair and generous enough to those who are at the bottom of the scale so that at long last some of the anomalies which are left over from 1952 can be straightened out and those thousand cases of hardship at least made better. Not one word of sympathy has the Premier given to them. He has not got the time to notice them, and he comes to us with his confounded views about what the Colonial Office has told him. Who cares about the Colonial Office sufficiently to take them on—and him? He is their servant and creature, and must do as they say; but he must not come to this House and tell us he is convinced of what they have told him, and that they cannot find a Chief Justice. If the seat or job is vacant, any Government that it is in power must take steps to fill it; and consideration must be given when the proper time comes for bringing the salaries not only of the Chief Justice but of all other persons into line with what is real and what is proper. But are you going to argue that because they are, as it were, a couple of hundred postmen and policemen to every one judge, that it is more necessary to dig in the Public Treasury to raise the salary of the Judge for some dubious reason because in other colonies they are paid more? If in Trinidad, Jamaica or British Guiana the Salary of the Chief Justice is higher, that is for a lot of reasons. Not the least reason is that the revenue of those colonies are larger, and that is a fact which must be taken into account. Why does he always insult the unfortunate people in this Island by pretending that whenever he gets an idea or one is pushed into him—because I am not sure he gets one for himself now—that this is necessarily the basis and that the only person in this Island who knows what is good for the Island is he himself or whoever advises him?

Mr. Speaker, this is not only a wicked and deceitful proposal, but it is senseless; and it is senseless because this House would be asked to accede to something on the basis of that thing alone. He would not even treat us—he is not in a position to—to the decency of giving us an idea of what the proposed new scales are; and therefore, what the Chief Justice is to have in relation to somebody similarly placed or placed below him. Nothing of that he knows: but we are asked to raise the salary of an officer just like that, because on the Premier's reasoning if we do not do it, the world, and certainly Barbados, will come to an end. We have had enough of him and that reasoning is not good enough for us even if it satisfies him. I for one will never be led away by it because he has said nothing on the proposal that is decent and clear. How comes it, Mr. Speaker, that he discovers that the position of this Island is so perilous and that we are standing almost on the brink of destruction if now on the 18th September, we do not put our hands or encourage him to put his hands in the Public Treasury and give it to one person for reasons best known to him? And, Mr. Speaker, when you reflect further, the proposal becomes more apalling if he has led this House to believe that somehow or other it is a matter of vital importance that the next Chief Justice should be a person who is not a Barbadian. Who, does he think, will go along with him in that except those who dare not oppose him? Why does he offer added insult to previous injury by making it appear that this Island is devoid of talent or that the West Indies itself is at such a low ebb of having men of calibre that he must needs go abroad to find somebody to be a Chief Justice, and therefore, to ask us to raise the salary for that very reason? This Island, Mr. Speaker, has had enough of him, and I am thankful that only a very few months remain before we shall put it to the test whether we are going to continue with him or make a clean sweep. When these things happen, I for one am never too sorry about them, because I feel the people of this Island must experience to the bitter end what it costs to have him in power.

Now, Mr. Speaker, we were talking about Chief Justices but valuable as they are, they are not the only people who make up the Civil Establishment of this Island; they are not the only people who are Government Servants. He thinks only about people like that and forgets all the others until he comes on a public platform to tell them that his Government is the best in the world, but for them to experience that of all people they are the most miserable. What about the other people who give equally loyal service to the public service of this island, who cannot have strings pulled for them, and who can only wait until something is said in this House or after the lapse of a certain number of years a Salaries Commissioner, brought by Government, recommends something for them?

Here, Mr. Speaker, are six cases personally known to me. A policeman: his salary is $76 a month; he is married and has seven children, three of which are at secondary schools. He rents a house at $24 a month and has to support his own mother as well as his wife's mother. Does the Premier think that that man remains satisfied today that nothing is said about him and people like him and everything is said about the Chief Justice? Don't you think that that policeman who has a wife and seven children, his mother, his wife's mother and himself to support

would be glad even to receive in half a year what the Chief Justice at the present salary receives in a month?

The next is a cantonnier; he works for something like $11.60 a week; he has nine children all under fourteen; he rents a house at seven shillings a week; he throws two meeting turns, a dollar each a week; he gives his wife $5 a week. Now, remember this is $5 a week out of his wages to feed his wife, himself and his nine children, but invariably the grocery bill is always between $6 and $7 a week, and you may ask why it is when he gives his wife $5 a week he continues to spend $6 or $7.

3.55 p.m.

The answer is simple. The children can eat more than $5 worth a week, but they try to keep it at no higher than $7 a week. Whenever he draws a meeting turn, he pays the shopkeeper, and he has nothing to buy clothes for the children. The Hon. Premier forgets people like that. Then there is the case of a Nurse who gets $62 a month; she is the eldest of six children and the father is paralysed; their home carries a mortgage on it, which mortgage was incurred during the father's illness, and the necessity of helping the second child to go off to the United Kingdom to work. That is before the Hon. Premier started to lend money to Tom, Dick and Harry. That is the only one in the family who draws an income and helps the family; yet the Hon. Premier is prepared to say that the case which he has brought in here is more urgent than this one. Furthermore, there is a Long Grade Clerk; he has four children, he is a diabetic, and his medical expenses are very high; he has to buy insulin and he has to eat a special diet and his wife is suffering from an eye illness, and the consequence is that she might lose her sight. He rents a house and he has two sisters to support as well as two children from a relative who has died; he is a man belonging to that category of people who do the bulk of work in the Government Department. They do not regard his case as one with which they should deal, but they come down with this deceitful wickedness and say that things will be bad for them otherwise. They want to give a man who earns $800 a month an additional $200 a month.

Then there is a woman who works for $25 a term at a school. She relies on gifts of food and clothing for herself and her mother from friends; it is people like that who are in need of assistance. Now there is a case which is a most pitiable one; there is a Postman who has six children and two of them are suspected tuberculars. His reputed wife's mother allowed them to live at her residence, but because of the frequent illness of the children and their mother, they had to leave that home and he had to rent a house for $20 a month. In addition to himself and his children and their mother, his own mother is an invalid, and he has to put somebody to sleep with her and look after her. Those are the pitiable cases where laudible service has been rendered to this island:—cases of hardship like these which make up the whole story of the lower-paid Civil Servants in this island.

There must be something wrong not only with what the members of the Government are thinking, but with what they are feeling. Do they expect all the members of this House to sit back idle and allow them to commit this crime and outrage on the Civil Servants of this island? There was a time when honourable members, in discussing a matter of this sort, made themselves and their opinions strongly felt here. I see in 1952 that there was a speech made in a similar debate by an honourable member who finds himself giving hearty consent and voice to the party over there, especially the Hon. Premier. I refer, of course, to the honourable junior member for St. John, and this is what he said on that occasion:—

"Sir, I do not know if any attempt will succeed, but I am warning those honourable members who feel so deeply against this Resolution that, just as the honourable senior member for St. Joseph had the courage to bring forward this Resolution, they must summon the courage to challenge him by opposition. They must not be political dependants perpetually, they must come into their own political stature if they want to convince the people of this island that they are deserving of political support."

And then the honourable member continued in more prophetic language. He went on:

"Let me warn them; the drums of public sentiment are beating a doleful future for the members of the Government Party if they do not make a concentrated review of their sins of commission and of omission. The people of this colony will not forever be hypnotized by the personality and unpersuasive talk of the honourable senior member for St. Joseph; they are experiencing harder facts every day."

It now remains to be seen whether the honourable member has eaten his words as to the very doleful future against which he warned the rest of us on that occasion. The answer is "No".

Mr. F. L. WALCOTT: Mr. Speaker, this is a very important measure; it is so important that the Government has thought fit that it should be taken out of its context. However, the public of Barbados would like to know what are the proposals of Mr. Godsall since we are asked today to deal with this question as a case of an emergency. Let us look at the "Objects and Reasons" of this Bill; this is what is stated:—

"The object of this Bill is to amend the Chief Justice and Crown Law Officers Act, 1907, so as to increase the salary of the Chief Justice from nine thousand six hundred to twelve thousand dollars per annum, in accordance with the recommendations of the Salaries Commissioner."

Well, the recommendations of the Salaries Commissioner are not now before us. The next paragraph of the "Objects and Reasons" says this:—

"The increase will bring the salary of the post within the range of those paid in the other West Indian territories, and without it, there would be the utmost difficulty in replacing the present holder of the post who is due to retire as soon as a successor can be appointed."

4.05 p.m.

Now, these words which are in the 'Objects and Reasons' are supposed to receive the approbation and the approval of the Introducer of this Bill who is the Hon. Premier. The Hon. Premier is telling the public of Barbados today that in this Island, His Lordship the Acting Puisne Judge, Mr. J. W. B. Chenery, is incapable of holding the post of Chief Judge. [A VOICE: Nonsense!] Only a person like you would say that. [A VOICE: That is more nonsense]. You are saying that you cannot have a successor to this post unless you increase the salary. We on this side of the Table are saying, if Government members are afraid to say it, that if you had men in public life here who were willing to do what the people in Trinidad did when Mr. Chaplin from South Africa was appointed by the Secretary of State for the Colonies as Financial Secretary for Trinidad, then you would not have had Mr. Blanche-Fraser as the now present Financial Secretary of Trinidad. I now present Finnacial Secretary of Trinindad. I say that because the Ministers of Trinidad had the guts to say that they were not going to sit back

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and have a South African coming into their territory to be Financial Secretary when Mr. Blanche-Fraser was suited for the post. Today Mr. Blanche-Fraser has been appointed Federal Financial Officer. Of course we know that that strength would not be exhibited in Barbados.

The "Objects and Reasons" to the Bill say that there would be the utmost difficulty in replacing the present holder of the post who is due to retire as soon as a successor can be appointed. Let us take a look at our Civil List. The Chief Judge, the Hon. Sir Allan Collymore, receives a salary of $9,600. The Puisne Judge is a temporary post and it is vacant. Next in the hierarchy are Judges of the Assistant Court of Appeal who are Mr. G. L. Taylor and Mr. J. W. B. Chenery who was a Barbados Scholar at one of the earliest ages—the age of 16 years—to achieve that honour. He was born in 1907. He cannot be regarded as an inmature person. He was appointed in the Public Service in 1949. Let us examine all that is being said in the "Objects and Reasons"; and when we examine it we are bound to tell the Secretary of State for the Colonies that if Mr. J. W. B. Chenery can fill the position of Chief Chief Judge of Barbados we see no reason today why we must pass this Bill to take this recommendation out of the salary proposals of the Salaries Commissioner. I am going to deal with that aspect of the matter later on. Why must we deal with the salary of the Chief Justice before we deal with the whole salary proposals of the Salaries Commissioner?

Now, Sir, what do you find? You find that the post of Solicitor General of Barbados is filled by a Barbadian in the person of Mr. F. E. Field. In this debate, Mr. Speaker I am not calling names on the basis of holding up to ridicule; I am only making comparisons. Mr. Field is at present acting as Attorney General. Why is it that Mr. Chenery cannot be Chief Justice of Barbados? Mr. Chenery's salary at present is $6,000 per annum, which is $500 a month. Can any one suggest that if the Secretary of State for the Colonies offer the appointment to Mr. Chenery tomorrow that what is contained in the "Objects and Reasons" of this Bill would be correct? I refer to the phrase "there would be the utmost difficulty in replacing the present holder of the post who is due to retire as soon as the successor can be appointed". Are we saying now that if Mr. J. W. B. Chenery were offered the post of Chief Justice at the present salary of $800 a month he would refuse to accept it? I would prefer to be dead than to support this Bill for the reasons given and my knowledge of how this Island stands with judicial officers. The gentleman whom I have just named is regarded by all sections of this community as a man who possesses the appropriate qualities for the Bench. He is calm, quiet and he knows the law. Apart from knowing the law, the gentleman won the Barbados Scholarship at a very early age, therefore his academic background is far superior to many of his contempories who are now on the Bench without his academic qualifications. There is no question about his ability to expound the law and to deal with the law as it should be dealt with. What do you find, Mr. Speaker? This Government which is aspiring towards a responsible government is telling us that it is bringing this Bill down because it is difficult to find a successor to the Chief Justice to fill the post at a salary of $800 a month. It is saying so when we have a gentleman working for $500 a month and who has academic qualifications equal to any whom we have in this Chamber today and whose legal ability can be compared with any on the Bench.

Are you saying that because of colour this Barbadian is not good enough to be Chief Justice or that we have to wait until the Secretary of State for the Colonies tells us that he is good enough; that is to say, we cannot say so in this Chamber? If hon. members are afraid to say, I am not afraid to say that this is the money of the people of Barbados with which we are going to pay for this post; and if the Government says that it cannot find anybody to fill the post, we say that there is a man in this Island, apart from looking at other people in the other West Indian Islands, in the person of Mr. J. W. B. Chenery who is as capable of holding the post of Chief Justice of Barbados as any Chief Justice in any of the other colonies. Is Mr. J. W. B. Chenery inferior to Mr. Mathieu-Perez, Mr. Frank Holder or Mr. E. R. L. Ward? What has the administration or the Government in Barbados against Mr. Chenery being appointed as Chief Justice? Is he too dark? Fortunately for him, he does not belong to the pigmentation group to which I belong, so that it can be said he does not qualify to the hierarchy or that he would not look like the others. In other words, that the gradation of is colour would be be too sharp. His gradation of colour is not too sharp; therefore it is the appropriate gradation when you come down from the milky-white because you are only coming a little lower down. Sir, you have a man like Mr. Chenery in Barbados and the Government has the temerity to bring a Bill to this Chamber saying that in order to find a successor to the present holder of Chief Justice you have to take this out of the context of the Salaries Commissioners proposals.

4.15 p.m.

They do not even give us the opportunity, Mr. Speaker, of discussing the salary proposals. Now, in view of the fact that you now have this thing, can you say why we should increase the Chief Justice's salary by £500? Now, Mr. Speaker, what are going to be the guides you have to go by in determining that this £500 which we are going to give to the Chief Justice is the appropriate amount when we do not know now what are the other proposals of the Godsall recommendations? We do not know if the Government has accepted the Godsall recommendations in its entirety; we know we would be nincompoops at this stage to look upon this proposal and believe that the Chief Justice of Barbados is of such, that you cannot find an appropriate person. But what do we find? The Attorney General of Barbados migrated to British Guiana and now will be migrating to the Federal Offices in the person of Mr. Campbell Wylie. Outside of Barbados you find people rising, but inside Barbados with the legal profession, you find, who is afraid of whom? Is it not an indication that someone wants to be a big fish in a small pond and no other big fishes are to arise? Is it not a question of somebody somewhere through subtlety trying to stultify the people in this position? We find Mr. DeLisle Inniss coming from Nigeria or Tanganyika into Trinidad as Attorney General; we find Mr. Chenery has been here on the bench for some years, acted as Puisne Judge and as Chief Justice of this Island. What did Mr. Chenery do? Did he send people to prison wrongfully? Did he administer justice in a manner in which he should not have done? We are not for one moment, Mr. Speaker, going at this stage to interfere with the administration of justice, because in my opinion you should not react in these matters. I am keeping quiet because I want to hear every *sotto voce* remark that comes from the Ministerial Bench, because I want to say that if we can have Ministers getting £1,500 a year which will be increased as part of the Godsall proposals, because

the Chief Justice's salary will rival that of the Premier, you can see from the point of view of the pyramid what will come next! If Mr. Chenery cannot be appointed—it is not a political appointment, it is true—we should have done with the Ministerial System. If he is incapable of being Chief Justice, I ask members of Government whether they are capable of being Ministers and working for £1,500 a year. If they are saying that Mr. Chenery is capable of being Chief Justice, why do you say in the Addendum that it is going to be difficult to find a man to fill the post? Mr. Chenery's salary is $500 a month, and the Chief Justice's salary in Barbados is $800 a month. Now I am going to deal with the economic side. Would you not see in that, Mr. Speaker, that if you took that alone, if we begin to increase salaries with this reason, we would have an inflated economy? You would be raising salaries out of proportion to the very things that exists. We are nothing to do with any Chief Justice in Timbuctoo or Hong Kong getting $12,000 a year. We have got to find a person who is willing to accept the salary we are offering. If we are going to fill this post, and you hear from the Bench that the Bar is overcrowded—overcrowded with whom? With laymen, idiots, people who do not know the law—who are going to be the prospective judges of the various colonies where you have a very fertile field? I do not wish for one moment to make anyone feel, and I am very glad to say it, Mr. Speaker, that the gentleman I have spoken about is any friend of mine; he is not a person with whom I had any discussion. I do not attempt to put these people in such an invidious position, but apart from Mr. Chenery, I know in this island there are young judicial officers who are likely to be too young for this, but we can say we have a very good field of people coming along. We have a young person, I understand, and from what I have seen of him and from what the people say, he is another prospective Judge in the making in the person of Mr. A. J. H. Hanschell. We do not have in Barbados or the West Indies to jack up the salaries of the Chief Justice in order to say you want to appoint another Chief Justice. There is Mr. Chenery; and I understand—I do not have all of the facts—that the salary of the Chief Justice in Barbados is no lower than that of British Honduras, and therefore they could shift around Judges from place to place. There are other people in the West Indies whose salaries are below this and they can be asked or offered the appointment. What is strange, Mr. Speaker, is this: that someone has been acting. Mr. Field has been acting as Attorney General of Barbados for nearly a year. I do not know if the Law Office or the Legal Department has broken down; but what will happen if we did this before the Godsall Report came before House? Let us see what there is in the Godsall Report. How are you going to take this out of the Godsall Report and ask us to agree to this salary for the Chief Justice when we do not know what are the proposals for the other people and you say you cannot appoint any person? You can appoint somebody to act as Attorney General; you can also appoint Mr. Chenery to act as Chief Justice and Mr. A. J. H. Hanschell to act as Puisne Judge. What could be wrong with these acting appointments until the Godsall Report comes before the Legislature? Are you afraid of what is in the Godsall Report? It is so vicious. How did you know to pick out this? Did you ask him to do that and he has presented the Report to Mr. Godsall to make a recommendation for the Chief Justice apart from the others? If you did not ask the Government, should not our question be, what are the proposals you are going to make for the other people? I am today, Mr. Speaker fighting a case on this basis; how could any member of Government say that Mr. Chenery—and this is what they would have us believe—is incapable of being one of our senior judges in this island, and that recommendation should be made to the Secretary of State for the appointment of a Chief Justice in Barbados?

4.25 p.m.

I am going to say that if the Governor of this Island has the interest of the people at heart, when you have a man of Mr. Chenery's capabilities, it would be a great injustice not to recommend him to the Secretary of State for the Colonies for appointment to this post, when it is realised that the salary is far above the salary which Mr. Chenery is at present receiving. To say that you are attracting a better person, is like the moonshine talk that you have to increase the Governor's salary. Although the responsibility rests with the Hon. Premier, we will have that the Governor's salary will have to be increased; yet the Hon. Premier is Governor General of this Island! What do you want a Governor for, if you are the Governor-General of this place? As today is the 18th of September, one of the things which they will bring down here is an increase in the Governor's salary to $3,000, and say that although you have Ministerial status and you have Ministerial Government, you want a Governor at a higher salary because you want a Governor to Govern the Governors. [*Laughter*] How are you going to explain to your constituents that the cantonniers do not know what are they going to get? This is not the politics of the matter; this is the commonsense of it.

Is it not a fact that you are going into certain Civil Servants' salaries? The present incumbent of this office is going to retire; therefore this matter does not affect him, and it means that the few dollars which he is getting would be infinitesimal. He would pay money more in Income Tax than what he would be receiving. If you add £500 per annum more to the salary of the present Chief Justice, the Income Tax which he would have to pay would take away his money more than anything else; therefore, it is not a question of satisfying the present incumbent of the office. What is more that you are saying in the "Objects and Reasons" of this Bill that you cannot find a Chief Justice to appoint at this present salary. I hear people say that they are West Indians first; if it is a West Indian post, they say that they are West Indians first. I am no hypocrite; I have to be a Barbadian before I can be a good West Indian. If I have a good Barbadian who can be appointed to a post, and I have some friends in other West Indian territories, I will appoint the Barbadian first if he is better than all the others. Then if I cannot find any Barbadian, I woud go to the West Indies. If I do not find a West Indian I would then go to any part of the world.

If you are going to quote an example from somewhere, could you imagine, Mr. Speaker, that Mr. Hochoy who is Labour Commissioner of Trinidad being Colonial Secretary of Trinidad to day. If he were in Barbados, could you see him as Chief Secretary? If the Labour Commissioner, Mr. Burrowes, could be appointed Financial Secretary off this Colony, could you not see that Mr. Chenery could be appointed as Governor of Barbados? [*Cheers*]. I say this: if the Secretary of State for the Colonies could appoint Mr. Burrowes as Financial Secretary, could you say that we are not telling the Secretary of State for the Colonies that he is crazy? Mr. Chenery could be Governor-General of the West Indies then. I hope that the present incumbent would not feel embarrassed by what I have said; but Mr. Chenery could be the Pope! We are not consulting any Colonial Office; the Colonial Office has too much to worry about in other parts of the world, like Cyprus and

other places, to tell us whom we should appoint to this post.

You do not bring down a Bill saying that the Financial Secretary's salary was too low. Any person could tell any hon. member that if the Governor makes a recommendation on the part of a Civil Servant to the Secretary of State for the Colonies, it would have to be something against that Civil Servant for the Secretary of State for the Colonies not to accept the Governor's recommendation. If the Head of the Administration is in favour of an appointment, —well, I will go further and say that under Ministerial Government, the Ministers themselves have been hinting it, because I heard a Minister who got on a public platform say that they were responsible for people like the Inspectors being made Superintendents and the Director of Education. Let them make all this moonshine talk; you are responsible for Mr. Theobalds having been made Director of Education. Let them make all this moonshine talk; you are say what would have been done in the matter of the appointment of Director of Education, and may be, you will say that the Auditor General was made Auditor General in the same manner, then the person who should be made Chief Justice is Mr. Chenery. But you have to come down with this Bill and say that it will bring the salary of the post within the range of those paid in the other West Indian territories and without it, there would be the utmost difficulty in replacing "the present holder of the post who is due to retire as soon as a successor can be appointed."

I ask: could you find it easier to appoint a successor to Sir Allan Collymore than to appoint Mr. J. W. B. Chenery? You have a successor to Sir Allan Collymore on your doorstep; you do not have to go anywhere for him. I say that here we have a clear indication; this is where the members of the Civil Service Association, if they have any spine or courage, can pass a Resolution showing confidence in the present people they have in their association or in their service, to hold the highest judicial post in the island.

I do not wish anything I say here to be mistaken for interfering with the administration of justice. [Mr. E. D. MOTTLEY: Do not apologize for that,] I am not apologizing; there are people who would not say what I say in here, but they will do otherwise What I am saying is that I am in favour of the British system of putting justice above politics; this is an appointment with which you are dealing and we are making criticsm of the salary of whom you can appoint. This is not a question about a Judge giving a correct judgement; you say that you cannot find a person to hold this post at the present salary and it is within our province to say whether we agree with that or not.

It cannot be true to say that you cannot find a successor to Sir Allan Collymore at the present salary when we have competent people here who can be appointed to this post. From my way of looking at it, I think far from it being that Mr. Chenery should be placed in the position from his present Office to be successor to Sir Allan Collymore, he should have been made Attorney General of this Island ever since. If you look at the salary scale of offices, Mr. Speaker you will find that Mr. Chenery as Judge of the Assistant Court of Appeal is getting $6.000 per annum and the salary attached to the post of Attorney General is $8,160 per annum. You find that the Labour Commissioner, Mr. Burrowes whose salary was in the vicinity of that of Puisne Judge or Judge of the Assistant Court of Appeal, or even lower than that , was promoted to the high rank of Financial Secretary and there can be no question of comparison between that of the Labour Commissioner who was going to fill the post of Financial Secretary and that of Mr. Chenery whom, we are saying, is qualified to fill the post of Chief Justice. If that is so, we will have to ask the Colonial Office what will be wrong if the post of Chief Justice of this Island is being filled by Mr. Chenery who is a barrister and who was on the Bench for so many years. Certainly, if you can appoint Mr. Burrowes to what you regard as a technical post in this Island, a post for which he has no big technical qualifications, you can appoint a barrister to the post of Chief Justice when you have one who is at present acting as Puisne Judge.

Only about three weeks ago, Mr. Speaker, it was my pleasure to read that the Financial Secretary of Jamaica was Mr. E. R. Richardson is a very young capable Jamaican. I think some of us would shudder to know that a young man like that would be appointed Financial Secretary. I met that gentleman who was then an Assistant Secretary of that colony when I went to Curacao about six years ago. Do you know what is the fundamental difference between the Government of Jamaica and this Government? The Chief Minister of Jamaica, Mr. Manley, is not afraid of saying publicly that when it comes to senior posts to be filled in that colony and things like that, he regards Jamaicans as not only fit enough to fill such posts but fit enough to rule. I will also refer to the example of the Ministers of Trinidad, without our Party system, when it came to Mr Chaplin being appointed by the Secertary of State for the Colonies to fill the post of Financial Secretary. Their objection to it has done something not only for Trinidad but for the West Indies. Therefore, those of us who sit here now and 'would soon have the pleasure of seeing Mr. Blanche-Fraser coming here as the Federal Financial Officer must say that if he were not made Financial Secretary of Trinidad through the people's objection to Mr. Chaplin, the South African, he would not be coming here in that capacity. We must say that were it not for the protestations of the Trinidad Ministers against the Secretary of States' appointment of Mr. Chaplin that Mr. Blanche-Fraser would not be appointed as Federal Financial, Officer. Let me say that Mr. Chaplin's baggage was in Trinidad and it had to be taken back to South Africa. I must again digress to say this. Those of us who have a sense of pride are glad to know that Mr. John Mordecai who is Secretary of the R.E.C. has been appointed as Chief Secretary of the Federated West Indies. But that is another indication of how the ambitions of the Barbados Civil Servants are so stultified that not one single Barbadian has reached the stage that he can be promoted to one senior post in the Federal Civil Service. That is an incidence of our making the mistake, instead of putting them to the fore we are saying that we have here

Mr. Speaker, let us look at the proposal we have in front of us in the context of the Godsall Report If the Government can bring this down today as an emergency next week we will have to deal with every single post at the General Hospital. We will hear every single proposal which Mr. Godsall has recommended for the General Hospital because at the General Hospital out of eleven Medical Officers we have only four. I understand the Superintendent of the Hospital has said not to make politics out of it. He can only deal with me personally when he finds me in a hospital bed. If this is an emergency, we are going to hear next week that we have to deal with the salaries of the Medical Officers at the General Hospital. [A VOICE: That should be so.]

I come to the reasons given of the Chief Justice desiring to retire as soon as possible. Mr. Speaker, if you examine the proposals I have shown of what can be done, you will see that those reasons fall to the ground. This is a proposal out of Mr. Godsall's recommendation. This House voted money to bring Mr. Godsall here. There is no one around the corner, fortunately for us waiting to be appointed as Chief Justice on the understanding that the Godsall Report is going to make recommendations for increase in salary to this extent. Let me say that people have been appointed to posts knowing that the salary for the post is under consideration and that it is likely to be increased. We do not hear today that someone is around the corner waiting to be appointed to the post if the salary meets with his approval. Here it is you are asking this House and the public of Barbados to agree to an increase in the salary of the Chief Justice before you have received the entire salaries recommendation. Do you know what it means as soon as you agree to this Bill today? It means that you have committed yourself to the increased proposals of a post which is at the top and you do not know what it is related to as regards the other salary increases. How can you ask us now to commit ourselves to this salary increase? As soon as you do this, you will find that you have a man working for $500 a month in the position of being the next post to the one which is worth twice as much.

4.45 p.m.

Look in the back of the Estimates, on page 172, and tell me then. Mr. Speaker; are you going to increase the man who is a gardener, cantonnier, or lorry loader at Highways and Transport by 22 cents an hour from a matter of $1.76 per day and bring it up with cost of living, maybe about $2 a day? Are you going to increase the salary by $4 a day? Are you making an increase that when a man gets promotion from this group he goes from one group into another group that is twice as much? Are we not entitled to know what the whole proposal of the Godsall Report really means? Now, one would be inclined to agree in dealing with the Chief Judge today,—some member said in a *sotto voce* remark, I think the hon. senior member for the City, that if it were people at the hospital because an emergency had arisen there—but even there, Mr. Speaker, one would be entitled to know what the whole proposal really recommended, what they really meant. These proposals were on behalf of the Civil Establishment. Why are we bringing this down? If you have good recommendations to make on behalf of the whole Civil Service, court the Civil Servants by getting votes before election, but do not tell me you are coming down with this only for the Chief Justice. [A VOICE: You are telling them what to do!] I am not telling them what to do, the side has been picked! It is not a question now of what you are going to do, but the question is that we do not know what the Godsall Report recommends. Can you imagine this happening in any place other than Barbados? The Chief Justice is going to retire; the Governor is going to retire. We do not know if the Governor is going to the present Head of the Administration, the Governor General of the West Indies, and because of that are we going to increase the salaries. We have heard too much of that. It is just like the time when you tried to increase the Governor's salary in order to attract another Governor, and the next week the same Governor we were talking about left and went somewhere else and took up another appointment as another Governor. You heard that the Governor which you appointed was only a Financial Secretary, and had no education, still he was one of the best that that came to Barbados. [A VOICE: Call names!] I am talking about Sir Alfred Savage. Now what control do we have over the Colonial Office in this way in a debate like this, and those of us who know anything about salaries, know that we have reached the stage when the Colonial Office is going to give the West Indies as much respect as we want. We have the best Constitution in the world, which everybody fought for; some of the people fought for the Constitution and handed it to us, but the completion came in the days of Sir Conrad Reeves. If we have the best Constitution in the world apart from the Gold Coast which the people fought for and gave us, these people in the old days criticised the Colonial Office; it is true some of them criticised the Colonial Office at times when there was less progress among the local Bourbons; but in my life time in this Parliament you were suggesting that you should bring back somebody to do Government business. For four or five years the suggestion has been made that the Colonial Office should send somebody in here to do Government business. It is a good thing that we remember these things. You say that the Colonial Secretary read all these debates; well, let me put something in the debate for him to read now: "Mr. Colonial Secretary we the members of the House of Assembly would like to tell you that we feel that Mr. J. W. B. Chenery [A VOICE: You will never get a C.M.G.!] You never carry it to the shop and spend it! [A VOICE You now know that, boy!] Let us say "we feel Mr. J. W. B. Chenery is a capable of being Chief Justice of Barbados as Lord Chief Justice Goddard could be is as capable of being Chief Justice of Barbados" Chief Justice of the United Kingdom." It so happens that he lives in a small place while Lord Chief Justice Goddard lives in the United Kingdom where there is a wider field to expound the law. We want to be proud of our own people and I have no axe to grind for Mr. Chenery; I am going to say it here today and I would not cease saying it over throughout the island until I see who is appointed Chief Justice. If members are going to sit down in this Assembly and tell me that the Chief Justice's salary needs adjustments in order to find a successor and you do not know what the other proposals are, you should get up and go outside and let somebody come in and represent the people. We are going to see what you are going to tell the people when the Godsall Report recommends more for the Chief Justice which is to be adjusted now, when the Chamber does not know what has been recommended for the whole Civil Service. But you know what we would be doing? We would be agreeing tacitly to the amount of money for the Chief Justice in the proposals; but when we get the salary proposals what are we going to do, reduce it? This is a Bill! When you are finished with this Bill, you cannot come with the Godsall proposals and say you do not agree with the recommendations for the Chief Justice. What are the proposals recommended for the Attorney General? What are they for the Financial Secretary? We do not know what it is, but instead of $8,160 we will hear you cannot get Financial Secretary; but I will tell you this; if you live until Doomsday you will have the present Financial Secretary on your back until he dies. (*Cheers.*) And if Marriott retires now there is going to be a lot of hemming and hawing before the appointment is given to Mr. Osborne. You will say you want a man who knows about Inland Revenue, and something about Death Duties, and Mr. Osborne will have to go out and come back. He cannot qualify for it; the gradation is too steep.

Those of us who have the courage of our own convictions know that you die but once and you never die before your time, and we have to be courageous enough to say that these things are scandalous. These objects and reasons were written by the Premier. The Ministerial System say they are responsible for writing the objects and reasons. His feelings is that we cannot find anybody else. When you have propo sals such as this before this Chamber, what must we do, what must we say? Well, I have been accused in other places of attacking you, but you have to put reasons for me to do so, and I will attack you now from morning till night. When the Queen of Sheba saw Solomon she said, half has not been told!"

The House has not been told of the other proposals in Mr. Godsall's recommendations, and it will shock the cummunity to know what is forthcoming out of Mr. Godsall's report. Here they have taken something out of the report to their liking and brought it down. Imagine that the Chief Justice of Barbados cannot retire until you have increased the salary because you find that it is difficult to find his successor! I would prefer not to have a seat in this House at all than to accept a proposition like this today, in the first place, before you know what the proposals of Mr. Godsall's report are, and in the second place, to ask me to say that there is no local person who is capable of filling this post.

Mr. Speaker, I am going to offer a constructive suggestion. This is not the Kremlin or the Fascist Grand Council where Mussolini sits down and you go up to him and you tremble before you get to him this is a democracy in the 20th century. The constructive suggestion which I am going to offer is that I am going to move the postponement of this Bill until such time as we have the Godsall's report before the Assembly. I now humbly beg to move that this Bill be now postponed for further consideration.

Mr. E. D. MOTTLEY: Mr. Speaker, I am wondering if I should second the motion for the postponement of this Bill or whether I should decide that I will not vote for it at all. However, I will think the matter over as I go on to speak. I recall the position many years ago when the learned Premier came into this Chamber, made his name and won the hearts of the people of this Colony in a very witty manner. I remember the matter in connection with which Mr. Springer, brother of the present Registrar of the University College of the West Indies, came here with all the degrees that it was necessary to have as a West Indian, degrees with which he could have held a job in any part of the world. In those days, for no reason other than that this gentleman did not possess the national passport, but had what people describe as limited pigmentation, because he was a coloured man, he did not seem to fit in for the post of a Master at Harrison College, although he possessed the proper qualifications as a Mathematician. I remember listening with great admiration to the Hon. Premier fighting the battle that a West Indian who possessed the necessary qualifications should be appointed.

The Colony of Trinidad took that youngster. He was a Double First, I am told, and after the fight in those days, then the authorities of Harrison College saw the error of their ways; they saw the wisdom of making the appointment, because they felt that the people of this Colony would be behind the position of fighting a battle in having a good Master at Harrison College and therefore the Premier fought a strong case. The Premier made out a good case for public opinion; of course, Mr. Springer should have been given this post at once, because he had the necessary ability.

Mr. Speaker, I am one of those who feel that West Indians should only have jobs, all things being equal. I do not believe myself that, where you are dealing with a situation, whether it is an American, Canadian, a New Zealander or anybody else, you should just pick out a coloured man and pitchfork him into a job if he has not got the necessary ability and is not fitted for the job. What is more surprising to me that the so-called Socialists have not got the guts to say that the only position which should be filled in the West Indies under the Federal setup by somebody from outside should be the Governor-General for the first five years. Our sons and daughters, our brothers and uncles within the last half century have been receiving similar education facilities to those of anybody else, and they have been distinguishing themselves. I cannot see why Mr. Wylie should be appointed as Attorney General of the West Indies when, in a country like New Zealand, people cannot land until they have passed a Bill. The Secretary of State for the Colonies should know once and for all that it is not a question of race. I say that Mr. Inniss is as good as Mr. Wylie or better; and those Socialists who pretend to be Socialists, should let the Colonial Office know once and for all that if we are given this Constitutional advancement, let it also be understood that we have developed intellectually as well.

If we have a good Englishman, a top-rate Englishman, we agree that he should be Governor-General; I mean a really good Englishman with educational ability, not a half-drunk man or one who will corrupt the morals of the community. Mr. Speaker, I start on that note, and therefore you know for what I am standing. The Hon. Premier has said that we cannot make a man into a woman; sometimes you can make a woman into a man. You can tell the Colonial Office what you like. I am not making any apologies to anybody who thinks that I am interfering with the administration of the Colony. Let us reason out this matter; we should be calm in this matter because I am appealing to the Premier. I say that age must wither and custom must fail. Something is going wrong; why have you taken this matter out of the report of the Salaries Commissioner? Even if it is true that there is some difficulty in filling this post, it is not argued that there is somebody who can get another job, and you must fill this post now or that person will have gone; the argument is that there is going to be difficulty in getting a man for this post.

5.05 p.m.

What is the unnecessary and indecent haste in taking this out of the Salaries Commissioner's Report to bring it in here when you are going to find difficulty in getting a man to fill the post? If Sir Allan Collymore is sick and is going out, why should there be this indecent haste about filling the post and not allowing Mr. J. W. B. Chenery to act? Let us reason this matter out. The Hon.Premier must not come to conclusion that we are all fools or are bound to follow him blindly. They are those of us who do not depend upon him for our existence. There is no argument that there is a man waiting to fill the post and if you do not fill it now, you are not going to get that man. I am not dwelling on Mr. Chenery. They are also Mr. G. L. Taylor and Mr. A. J. Hanschell. Do you mean to say that either of them cannot fill the post temporarily? Let us say that you do not want to appoint them. Let us say that the work which they do will suffer as a result. Certainly you have sufficient barristers whom you can send up

the line as well as a sufficient number of laymen who can administer justice and who have been administering justice in a very efficient way. There are some young barristers of whom I am sure are not prepared to practise at law the hard way but who would be willing to go on the Bench. That must destroy any argument by the Hon. Premier about difficulty in getting a man because that point is logical. If that is so, why this indecent haste in taking this out of the Salaries Commissioner's Report to come in here and say let us do it in order to fill the post?

Do you know the reason why? When I come in here and say certain things, you say that I am going to make somebody lose their job. How can you reconcile this $200 a month increase for the Chief Justice in salary and only $40 a month more for the Long Grade Clerk who at 30 years of age only get $80 a month and is not able to marry or cannot even feed himself? This is one of those things of which the Hon. Premier should think most seriously. I do not think hon. members of his party have told him of the reaction of the public to this matter. Let us say that now that you have been given the reins of Government and are in a responsible position that you feel you have sufficient authority to do as you like Let me say that you have become drunk with power. So did Mussolini and Hitler and all the dictators who were pulled down and destroyed. This is nothing else but an attempt to destroy yourself. How can any reasonable man agree to this?

Let us disregard the question of who should be appointed to the post. You have a commission sitting to go into the salary scale of employees of this colony. You have started to deal with the salaries from your Governor right down the ladder You must give everybody something. Are you going to give the Chief Justice $200 a month more and then come down with something saying that another man must have a sixpence a day? That is what is going to destroy this Government.

What do you find? You are dealing with your whole salary structure but you pick this out and come in here with it today. Do not think of the person whom you are going to appoint although what I would prefer to see is that a West Indian is appointed. I have always felt this way about it. Barbadian first, West Indian second and British subject afterwards. If you take the Englishmen, you can see how well they can close their ranks. When I look around this Table on the other side, I wonder if save the Ministers, the other hon. members can go and face the public with any reasonable justification for doing this.

If you look around your legal Departments, you will see that the post of Attorney General is vacant and that you have appointed a Barbadian to act in that position. No permanent appointment has been made to that post which was vacant for some time now and nobody is suffering as a result. Your Chief Justice wishes to retire and you are saying that you must appoint somebody. Is it not the Attorney General who must advise the Government and drive the Police? Of course, the Hon. Premier is a lawyer and he can advise the Government. You are not worrying about the post of Attorney General but you are worrying over that of the Chief Justice which is not even vacant yet. At the same time, you are not arguing that there is somebody around the corner who will come to fill the post. Certainly, the post of Chief Justice is not like that of a Surgeon Specialist or a Radiologist whom they will want to take on in Latin America. I can well imagine that in the inner circle they said that public opinion is against this measure, but the Hon. Premier is in his usual style, butting his head to the wall and saying: "I am the all-powerful; I am the almighty; it must come down." I was at home sick when the Bushe Report was discussed and I have understood that that is the reason why you have this break away and these Left-wing Socialists.

Mr. SPEAKER: The hon. member needs not go to the working of the Party.

Mr. E. D. MOTTLEY: I was only stating the reason why you have these Left-wing Socialists and it is common knowledge that the Hon. Premier had to make the pronouncement that they are the most serious opposition he has ever had in this country.

On the question of the motion for the postponement and what is in the Objects and Reasons to the effect that the increase will bring the salary within the range of those paid in the other West Indian islands and that there will be the utmost difficulty in replacing the present holder of the post who is due to retire as soon as a successor can be appointed, I have a slightly different note to sound. 5.15 p.m.

While it is true, I will agree, that if you are going to review the whole salary structure you must make some offer to the higher posts, I am going to say here and now, in consideration of what happens in big countries — I am thinking of the United Kingdom and the United States, and let there be no mistake about it — If you take the economy of Barbados into account, $12,000 is a lot of money to pay a Chief Justice! Maybe the Chief Justice might be worth $50,000, but can Barbados pay it, I do not think so myself, and I am throwing it out now, whatever might be the gentleman's recommendations. Barbados cannot afford to pay the Chief Justice $12,000 a year. I have never agreed with Sir Alfred Savage that we should pay on the same basis as British Guiana and Trinidad. Look at the untold wealth of Trinidad and the possibilities of British Guiana. We have to find someone in these territories but you cannot allow these things to exist. I am glad the honourable junior member for St. Peter has been free to express these views. There were the days when I expressed these views over here, and with the exception of the member who is now trying to get back in under the auspices of the wings of the Labour Party — Mr. Garner — I would have had no support in expressing them. It was sacrilege to express views like those when I first came in here As far as the difficulty in filling this post is concerned, if there is the mention of the name of an officer, he is usually at least from the Colonial Office and is a marked man. I do not thing it should be so in these days, because we as West Indian representatives and politicians (and some are bordering on being statesmen) have sufficient courage to say we will not stand for that. The Premier will say we cannot interfere with a matter of this sort; it is a matter for the Government. But one wonders, if the Governor recommended a South African as Chief Justice of Barbados, whether the Premier would agree. I know the Premier cannot interfere with appointments, but I know further he has sufficient influence in his position that the Governor will hardly make one without consulting him.

Do not let us dwell on Mr. Chenery. I am not going to dwell on any man because he might be coloured. I am speaking of Justice Taylor who is a senior man in the service, a man with the same distinction as Mr. Chenery. He has a B.A., and he is a man who has given service to the Empire during the war. He left his job and went and fought: he is a man who was called to the Bar, and permitted to practise, whatever else anybody might think about him. I am not going to mention Mr. Chenery

alone, I am mentioning Justice Taylor who is a senior man; I am not thinking of Hanschell or Vaughan.

Now they will claim that the reason why this man was promoted in Barbados was because he gave war service. Taylor went to a University, did his Law Degree, was called to the Bar and was in the service longer than anybody else, and he has war service to his credit. Whatever qualifications you will find in a man coming from New Zealand or Timbuctoo, you will find he has. Are you really saying to this Chamber today that Mr. Justice Taylor would say to the Government of this country: "I am receiving $500 a month and that is enough" and will not take the $800 to accept the most coveted position among the legal luminaries of his island? What it means is this: I believe every barrister, with the rare exception in Barbados of the honourable senior member for St. Lucy who feels that variety of practice at the Bar is sufficient along with representing the people, has his eyes on this post.

Would the Government say here tonight that Mr. Taylor would not accept? Lest it be thought that this Chamber is pushing Mr. Chenery, what then about Mr. Justice Taylor who would have as much or more claims because of his seniority and his service to the British Empire in the war? So much for that. But I have not finished there' To become Chief Justice of Barbados must be one of the most coveted positions among the legally trained Barbadians whether they are in Barbados or abroad. Quite recently I understand Mr. Archer has been considered to be one of the best legal men by the Trinidad Bar. I think at my age I must know something of human nature. Archer came from a poor family, but because of his ability he got a scholarship, and I understand from the legal men in Trinidad he is an able man. He has a University degree and has considerable practice and experience. He has a degree and went to a University like any other Englishman you can bring, and I am told he is a sound man and a learned Attorney General through whose hands he has passed has said we have never had a better man Wilfred Fergusson, Mr. Speaker, is another good man. You know, when I saw that the Premier would represent us on the United Nations Organisation, I was serious when I stated in this House that as much as I dislike that Party, the selection was justified. I did not think of him as Premier, but that in this century a man of his type had been selected. That is why I often feel great pride because when I came here in those days I knew there was nobody like that. There is certain pride when you see things you did not see years ago, but still you do not want to insult your own people and let them down. Mr. Chenery, Mr. Taylor, Mr. Archer, Mr. Fergusson. I know there is a certain thing called jealousy and it is lower than the grave. The one whom I considered to be the most distinguished of them all because of his experience, is Mr. Erskine Ward, now Chief Justice in a place where there are forty-five to fifty thousand people. He left Trinidad to be his own boss in British Honduras. I am sure the Premier would be cast into utter darkness if he said Mr. Ward could not be Chief Justice of Barbados. He would get the shock of his life. Do not think only of Mr. Chenery or Mr. Taylor, think of another Barbadian. Let him say on the floor of this House that the salary of the Chief Justice of British Honduras is less than £2,000 a year, or less than the Puisne Judge of Trinidad. Can any member of this community except those who are jealous of the man say he is not a good man to have? I came along and heard my people say that they read about Sir Conrad Reeves who said when he got to the top of the ladder he would kick it down and no other man would get up there. Is that the attitude of the Government today? What is wrong with the man I have mentioned? Do not feel I am going to come in here and vote for any half-baked man because he is coloured if he has no ability. You have a lot of these. Many are called, but few are chosen. I am not talking about the Bar; some do not understand what the Bar is all about.

5.25 p.m.

Some have no sense of equity; some know the bars at which you drink. However, we must be very serious about this matter. No doubt we will have a reply from the Hon. Premier that we should not mention people's names. I can only go by what is stated in the "Objects and Reasons" of this Bill. This is what is stated there:

"The increase will bring the salary of the post within the range of those paid in the other West Indian territories, and without it, there would be the utmost difficulty in replacing the present holder of the post who is due to retire as soon as a successor can be appointed."

I say that this is not only designed to be misleading, but it meant for little children. When Sir Allan Collymore goes to the West Indian Court of Appeal or is ill, you must have somebody to act as Chief Justice; you either have Mr. Justice Taylor or Mr. Justice Chenery acting in the post. If Sir Allan had to retire say, six months from now, well, nothing here shows that Sir Allan must retire before the presentation of the report of the Salaries Commissioner. That report is bound to be out before the General Elections which take place either in December or January, so that the Party in power can get a little boost. If you did not deal with the report of the Salaries Commissioner before the Elections, the Civil Servants would vote against you, but when you are finished with this, the Civil Servants will vote against you.

You laugh, you smile; I know when the Hon. Premier is making a genuine smile, and I know when his smile is fraught with fear. The recommendations of the Salaries Commissioner are going to be put before this House. After we go on recess when the Premier goes to England or to the United States of America and comes back, one of the first things which he has to discuss is the report of the Salaries Commissioner. Do you imagine, Mr. Speaker, my Party being in power, and we had a Salaries Commissioner making recommendations as regards the various salary scale, that we would wait until after the Elections to deal with the report of the Commissioner? Why did they bring down the matter of the Production Bonus? I once heard Sir Lennox O'Reilly deliver a good address; Mr. Henderson Clarke was not present to hear it, and when he came in and was told that he was not present, he said that he knew that Sir Lennox O'Reilly was a brilliant man, and he could only have said such and such a thing.

It is stated in the "Objects and Reasons" that the Chief Justice is due to retire as soon as you can get a man. Well, that may be in 1959. I should like to say that a Judge improves with age. The Hon. Premier is saying that unless he brings down this Bill now, they will not get a man to this post. I know that some of the suggestions which

are made here, must strengthen the Premier's hands at the Colonial Office. I know that some men lack courage as they get older. As the Premier has said himself, all our speeches are read by the Colonial Office; well, let us tell the Colonial Office how we feel about this matter.

I am sure that the Hon. Premier will reflect; I am usually mild when I go into a constituency in this Island in which Labour candidates are running. I do not attack any particular individual; I am just drawing to their attention that this matter is something which will reflect against them in their particular Constituency. In 1951, the Hon. Premier was lucky enough to get the Minister of Finance without portfolio, the Hon. Sir Archibald Cuke, to work out the rate of 19% back pay for the labourers; the matter was brought down at the right time, and it worked in favour of the Labour Party against other parties. Just as that was the case then, I warn him that this Bill will operate against them now; the effect will just be the opposite. You cannot justify your action in taking this matter out of the report of the Salaries Commissioner and granting a salary with an increase of $200 a month because you want to get a Chief Justice.

5.35 p.m.

I do not want to be thought that I am merely criticising or that I have any obvious grudge against people who are super educated. Believe me, I have nothing against them.

Mr. Speaker, I wonder if any one of us on this side of the Table would even attempt to cherish the thought of opposing a Bill, if the Hon. Premier had brought in here to-night, the Objects and Reasons of which pointed out that the Radiologist, the Surgeon Specialist, or the Physician Specialist had left the Hospital and it was difficult to get either one of them; therefore, the object of the Bill was to increase the salary of the posts by $400 a month. Do you think any one of us would cherish the idea of opposing it? Oh no! We would not, because we would be aware that we were dealng with life and death. What do you find? You find that this Government's heart is hard and it is not thinking of the needs of the people because if it were thinking of the needs of the people, why should there be all those advertisements in the Press about the Medical Service? Government did not come and tell us that Mr. Irwin, the Physician Specialist, was not coming back and therefore they wanted $400 more per month to pay to his salary. They did not come and tell us that they wanted a Bacteriologist for the longest time and they cannot get one and the one whom they have is acting. Why did they not pick those posts out of the salary scales quickly? I would like to say that not one of us on this side of the Opposition would oppose the Hon. Minister of Health on that because that is a question of life and death. Let us not forget whence we came. They are those of us who can say: "Were it not for the grace of God, where would I be." I can imagine that if the Hon. Minister of Health came into this House on Tuesday next with a measure having as its object the increase in salary of the Radologist or the Pathologist at the General Hospital that not one of us would say anything against it. All of us would say "let us deal with the health of the people."

Sir, something is going wrong. The brains of the Government are suffering; they are bankrupt of ideas. How can you in this day bring in a measure like this? I am going to tell you this: anybody can pass sentence on anybody, because one has right of appeal. You can take the last Police Magistrate that was appointed, Mr. Williams, and put him to administer justice in a case which the Chief Justice would administer because he can give a right decision and if he does not give a right decision, you have the West Indian Court of Appeal; but I am going to tell you that when your Surgeon Specialist makes a wrong decision on your stomach, the only person to whom you can appeal is the grave digger. If you take Mr. Williams and put him on the Bench, you get one lawyer on one side saying you are wrong. I feel very strongly on this matter, and I see from the expression of Your Honour's face that you also feel very strongly on it. You know what people are suffering today. It is pathetic. The Government is going to say that this is an electioneering speech. All those persons who know me in public life know that the morning after I got into this House and this Bill had come down I would have made the same speech.

Sir, I am taking a different line to that of the hon. member who spoke last although I am going to second his motion for the postponement of this Bill for further consideration. I am taking the line that all things cannot be done by the Government, but the first things must be done first. I am saying here and now that you cannot continue to fool the people. The Chief Justice's salary at present is $9,600 per annum and you want to make it $12,000. I am voting for the postponement of it; but let me say that I am not going to vote for any $12,000 per annum for any Chief Justice: if you bring Lord Gort to this colony as Chief Justice because this country cannot afford to pay that salary to a Chief Justice. I have two boys studying. One boy is doing Latin and the other Science. I asked the boy who is studying Classics if he read what Russia is doing. The slant today is a scientific study and I beg my boy who is studying Classics not to get qualified and become one of these idiots. I am not objecting to any classical gentleman who has degrees, nor do I grudge him. I feel very proud to be British. When you give your Chief Justice another $2,400 a year, what are you going to pay your specialists in the field of medicine? I am dealing with the Ministers' salaries, but if there is one swindle going on, it is with a Minister's salary, I do not believe you must get all this money to do this job. I do not agree with those who say that it is chicken feed and they spend it before it comes!

As the salary scale goes, you get that of His Excellency the Governor, then that of the Chief Justice. I feel it should be so. As long as you have a man in a certain position, he must get a certain salary. What I am worrying about is not that if you give the Chief Justice a salary of $12,000 per annum that you must give the Hon. Premier the same salary, I am worrying about what the common man is going to get. He is the man who must matter. It matters infinitely more if you have a good Surgeon Specialist at the Hospital or a good Anaesthetist than to have a good Chief Justice when it comes to a woman with her dying child in her arms going to the Hospital, and then to see on her arrival there that a boy doing his internship is going to attend to her child. That is no solace to her. You cannot take that child to anybody for attention. You are only fooling the people. [A VOICE: Shame, Shame.] To all those who follow slave-mindedly the Barbados Labour Party and the Hon. Premier, and do not have the courage to say that what the Hon. Premier is doing is wrong but who are going behind his back and saying that it is wrong—to them I say, God help them!" We must say in front of his face that this is wrong. [A VOICE: Shame!] More than shame! Those of who come in contact with these people know

it is more than shame. But not one member of the Labour Party has the courage to say bluntly that the Premier is wrong, and that the Opposition it right. They dare not say it. To those who slavishly follow and are slaves to patriotism, I say, God help them. They must see this is wrong; two wrongs do not make a right. This is really wrong. I want it to be known that if it will mean postponing this to let the Premier reconsider and reflect—[A VOICE: Is he a child?] Once a man and twice a child! Do not fool yourself; [A VOICE: That is boasting] That is not boasting; my time will come for that, and when it comes I will say gracefully like Simeon of old. . I feel, Mr Speaker, very strongly on this. It being time for tea, I beg to move that the House do now adjourn for half an hour.

Mr. HAYNES: I beg to second that.

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

6. 00 p.m.

CHIEF JUDGE AND CROWN LAW OFFICERS BILL

On re-assembling,

Mr. SPEAKER: On the adjournment, the hon. senior member for the City was speaking.

Mr. E. D. MOTTLEY: Mr. Speaker, on the adjournment, I was discussing whether or not this should be postponed or whether I should today actually vote against the Bill altogether. As I said, my own feeling about the whole matter is that I think that the salary as put in here of $12,000 a year is what I consider out of proportion with the economy of this country: and, as I said, there are a tremendous lot of things which this Government or any Government taking on the responsibility of running this country would have to do—things of greater importance to the people of this colony than merely the salary of the Chief Justice. While I agree that you must pay salaries in keeping with the cost and standard of living and what not, I feel myself the economy of this country cannot go on the way some people think we can. It cannot justify our paying $12,000 a year to the Chief Justice. As the objects and reasons state, "the object of this bill is to amend the Chief Judge and Crown Law Officers Act, 1907, so as to increase the salary of the Chief Justice from $9,600 to $12,000 per annum, in accordance with the recommendations of the Salaries Commissioner." But we can very well see, if this is the recommendation of the Salaries Commissioner, what is wrong is going to be the difficulty. "The increase will bring the salary of the post within the range of those paid in the other West Indian territories." It is true, Sir, the arguments used for specialist posts, especially in maths and the sciences, make it very difficult for the salaries which we offer, because there is that great demand all over the world for such persons so qualified. In this case, I am afraid it cannot be argued or said that the position is somewhat similar, because indeed it is not. We have been hearing so much about overcrowding of the Bar, and without repeating the argument I used at first, we have very able West Indian men who will be willing to perform with great dignity and integrity the office of Chief Justice of this country. I am beginning to feel that one of the things I would like to see done would be this. You said that the increased salary will be paid in accordance with the recommendations of the Salaries Commissioner and that it will bring the post within the range of those paid in the other West Indian Territories; but we cannot always make the comparison with cases in Jamaica, Trinidad or British Guiana. As I said I never agreed with Sir Alfred Savage that Barbados with its economy can afford to pay certain similar salaries. I, for one, Mr. Speaker, think that the provision of a house for such a man as the Chief Justice of the colony would be quite adequate together with the salary of £2,000 a year. The salary of £2,000 a year together with a house which should be provided for the Chief Justice like any other high official would be quite adequate, but I do not see under the circumstances, Sir, how (a) we can take this out from the Salaries Commissioner's Report and increase one man by $200 a month and (b) you can claim that it will bring him in line with judges in these parts. I do not agree, because if you are going to use that argument you will use the same argument for £2,000 where it cannot be done. On the other hand, the question of taking it from the general report is wrong, and I counsel hon. members although it might fall on deaf ears to say tonight that if we accept this part of the recommendation out of the Salaries Commissioner's Report, it would be tantamount to saying that we accepted a $200 a month increase for one man without knowing what is going to be the increase for all, but only what we have been hearing. We would be, in a way, committing ourselves. I think I have said already on this entire question of salaries that my own view was, when I supported the bringing of the Salaries Commissioner here, that you find a lot of youngsters in the service at the age of 19, 20 and 21 who when they became 28 and 30 years old, were still drawing $80 a month. 6.55 p.m.

I think that that was a most disgraceful condition; I say it is wrong. It seems to be wrong not only in Barbados, but in the whole of the West Indies that a man can only get a proper salary so as to educate his children when he reaches the age of 45 years. I say that a man should enjoy life when he is young; the age of 25 or 30 years is the time when a man gets married.

I am not one of those who say things so as to catch votes. I know the hardship which a young man between the age of 25 and 30 years must suffer on the small salary which he gets to support his wife, rent a house and so on. I am not satisfied that the Chief Justice should get $200 a month increase, when the other people in the Service will get increases which will not meet with general approval.

The hon. junior member for St. Peter has said that the Civil Servants should show the Association for what they are standing. I do not belong either to the Association or the Union, but I have the ear of a tremendous number of people in this Island. The Civil Servants feel that those people in the lower brackets receive salaries which are too small at the beginning. I know that two or three girls were actually in the Civil Service working for a salary of $52 a month and they went out to a Commercial Firm and received salaries of $140 a month. I say, that no commencing salary of $20 or 25 a month will be sufficient for anybody; it is pathetic to watch young men and women who get into the service and all the money they can carry home is $70 a month; and sometimes they have to do some of the most important jobs. It is no wonder that these people are leaving this colony and going abroad. I ask: why should you take this matter out of the recommendation of the Salaries Commissioner and make it retrospective as from the 1st April this year? There could be absolutely no justifiable reason for doing that, none in this world; if Sir Allan Collymore wants to go home, when you fix the salary for this post, it will mean that he will get his retrospective pay.

Nobody is objecting to the principle of granting retrospective pay; this Bill takes retrospective effect and therefore whenever Sir Allan Collymore resigns he will get his back pay. Let them show me why they have to take this matter out of the recommendations of the Salaries Commissioner. Is it that you want it to be a known fact that you are giving this increase of $200 a month? I understand that there has been, or that they will be, severe criticism from the Civil Service Association in respect of other staggering increases. One would have thought that this recommendation would have come from a Tory Government. Show me any man who is working for $6,000 or $9,600 a year who must face similar difficulties as the Civil Servant who gets $40 a month at the beginning, who cannot marry, who must rent a house, who must credit and have the Writ Server at his door every morning. That is not good enough. Here you are saying that you cannot get a successor to this post unless you pay this increased salary.

I know that the Government will say that this speech of mine is an electioneering speech, but I say: "By their deeds ye shall know them." If I were a supporter of the Government Party, I would have to tell them with the greatest respect that this thing is wrong; and if they did not see that it was wrong, I would have to get up on the floor of this House and say it is wrong. I do not agree that in Barbados we can say that we should pay salaries similar to what Trinidad and British Guiana are paying, in the first place; in the second place, if Sir Allan Collymore has to go home you can have Mr. Chenery or Mr. Taylor acting as Chief Justice, and in the next place, to say that you cannot find a man to fill this post is not correct. That is not good enough.

I hope that every member of this House will be able to realise that there are people like Mr. Justice Hanschell, Mr. Justice Ward, Mr. Justice Vaughan, Mr. Justice Taylor and Mr. Justice Archer; and then there is the Attorney General of Trinidad. All these are distinguished Barbadians, learned in the Law, and therefore can the Hon. Premier say if any of these distinguished men have been offered this post? It is true that the recommendations are made by His Excellency the Governor to the Colonial Office, but how could the Premier face this country if he felt that the Governor made a recommendation from among any of these men, with the tension as it is today, and then a South African come here. If you are interested in the fact that first things should come first, you will have to support the Government with great justification, in reviewing the salaries if they must get scientifically trained men who must go to the Hospital. We must deal with matters from the point of view of the economy of this Island. You cannot tell a sick woman or a woman with a sick child that you have already spent the money in this direction; if you do not have people in the West Indies to be trained for the Specialist posts to deal with human life, then I say you are making a very great error. I am afraid that, in the circumstances, I will not be able to vote for this Bill, and therefore I will now formally second the motion for the postponement. That will give the Hon. Premier an opportunity to give further consideration to this matter.

7.05 p.m.

You should say whether or not (1) in view of the fact that the Salaries Commissioner's report would be retrospective, any harm will be done to anybody; and (2) if the present Chief Justice resigns, whatever the Commissioner recommends, he too will get retrospective pay. Of course, the job is not earmarked for anybody and if the job is in the offing owing to the Chief Justice desiring to retire now, what is wrong with any learned judge acting as Chief Justice as has been the case before until such time as you can fill the post? You should not try to force this on this Chamber which should be a democratic Chamber. Why take this out of the Salaries Commissioner's report? Why give the Chief Justice $200 a month more? Why do so without giving us the opportunity of discussing first the report of the Salaries Commissioner to let us see whether the Government is going to accept it in its entirety or not, or to see whether recommendations in the Report relative to the top flight salaries are proportionately in keeping with recommendations for those at the bottom? Surely you should come to this Chamber to discuss that Report before you pick this recommendation out. Under the circumstances I will not vote for it today; and I counsel the Hon. Premier to reconsider it as under the circumstances people must become suspicious Let me repeat that Mr. Chenery and Mr. Taylor have acted for Sir Allan Collymore and Mr. Hanschell has acted for Mr. Chenery; therefore there is no haste about this. Yes, there is haste if you want qualified people at the Hospital. If you ask us to meet tomorrow night to recommend something for the General Hospital, I am sure all members of this House will come. There is no question of your saying that you have some officer who is down in Trinidad waiting to fill this post if the salary is suitable, and you have to get him before he goes back to England. I am saying that thinking members of this community must become suspicious when you pick this out from the general report and bring it in today. The Chief Justice will get retrospective pay from April this year. You have qualified men here to act in his place; I am not arguing whether they are or are not capable Of course, no man will argue that Mr. Chenery and Mr. Taylor are not learned in the law. No one will argue under the circumstances that it is necessary to take this recommendation out of the report and bring it into this Chamber at this stage. Therefore, I repeat I am afraid I will not be voting for it, and I counsel hon. members of the Opposition not to vote for it at this stage and I implore members of the Government to give further consideration to it. This is one of those things which you can afford to do in the next two months when you are considering the Report of the Salaries Commissioner.

I sit down by saying that whether I am a conservative or not, whatever Party I belong to, I think in terms of being a West Indian. I agree with the hon. junior member for St. Peter when he advocated the necessity of appointing a West Indian with the necessary ability as Chief Justice. I repeat, if this is a message for the Secretary of State for the Colonies, then all of us Barbadians must be courageous to fight it. I am one of those who believe that if you have Barbadians in your colleges and high schools, wherever you get qualified Trinidadians or Jamaicans filling posts you should also have Barbadians. I have always contended that wherever you have specialists, whether they come from America, Trinidad or Jamaica, you should also have Barbadians. We are approaching nationhood and I will digress to say that it is good to see men like Mr. Mordecai and Mr. Blanche-Fraser appointed to the Federal Staff,

but it is a slap in the face when you bring in a man from New Zealand which is a place that you cannot admit a coloured immigrant unless you pass legislation to fill one of the high posts when you have similar qualified men in these parts. You have put a New Zealander to fill the post of Attorney General in the Federal set up.

Mr. Speaker, I cannot vote for this Bill, therefore I beg to second the motion of the hon. junior member for St. Peter so as to preserve the right of dealing with the question when you are dealing with the recommendation of the Salaries Commissioner and let the people in this country know that when you vote against something in a Bill you are not voting against a particular person; therefore there is not the idea of your losing his favour. I am voting for the motion for the postponement upon the broad basis of giving the Government the opportunity of seeing the error of its ways and to see that the Government is telling us nonsense when they say that you cannot get a man to fill the post of Chief Justice.

Mr. VAUGHAN: Mr. Speaker, there is one thing which cannot be doubted and that is the physical endurance of the last hon. member who spoke. Mr. Speaker, I have reason for making a few comments on this Bill at this time. We have heard a lot about democracy from the hon. junior member for St. Peter, but I will say that the elementary principles of democracy have been broken in this House today. The foundation of democracy is the separation of the Judiciary from the Legislature and the Executive. We are doing no good by the formal canvassing of personalities for judicial posts and I think it is most embarrassing to those jurists who have been cited as persons who should fill the position of Chief Justice. The day that the Legislature begins its tyranny by making appointments to judicial posts subject to legislative control, it will be the worse thing that could happen to our set up: because the worst thing that can happen to our democratic set up is to try to influence the position of Chief Justice from the floor of this House.

7.00 p.m.

Mr. F. L. WALCOTT: On a point of explanation. I was one of those speakers who spoke and the honourable junior member for St. John and those who were deaf should open their ears. I never said that this House should appoint the Judiciary, but I dealt with the words in the Addendum which stated that it is difficult to secure someone at that salary.

Mr. VAUGHAN: Sir, we are dealing with the Chief Justice. Honourable members seem to forget that we appointed our Salaries Commissioner and that this is part of the recommendation. [A VOICE: Not true] I take it as quite valid. From what I have heard in this House of that appointment, it is one which Government has been trying to fill for a long time and now it becomes a matter of urgency that the position be filled. There is no more important position from the point of view of the administration of justice than that of the Chief Justice, and by restricting the salaries we immediately limit the applications or the choice or the chance of getting the best type of judicial men to fill the position. By limiting the salary you limit the applications. [A VOICE: Did the Government tell you so?] My commonsense told me; therefore, a position like this should be open to wide applications I could say a lot, but I do not like to say everything that I do not consider politic, although other people say things without consideration. This position is one which every Barbadian would like to see filled by one of the best jurists available. It is not a light position; it concerns every citizen of the colony, and at best we have a tradition of having some able minds on the Bench; and if that tradition is to continue, we cannot limit the salary when surrounding Islands, the Windward Islands, Trinidad, British Guiana etc., are having bigger salaries. It is time that we bring our salaries as the Addendum says in line with these salaries. I regard the position important enough and I have imagination enough to know that the naming of the amount of the salary must influence the quality of jurist which would get on the Bench. The honourable junior member for St. Lucy did me the signal honour of quoting mentally from a speech I made on the revision of salaries on the last occasion it took place in this House in order to make me wrong; he took it completely out of its context. I remember talking strongly against the revision of salaries on account of the small addition, I think it was three cents a day as far as I can remember, added to the unestablished staff. I criticised it most seriously and if it is a similar small addition I will criticise again the relation of the addition to the small Civil Servants of Governments as compared with the higher officials. I have no crititism of the Chief Justice's raise in salary, so to quote that speech in order to feel that I cannot say anything on this is completely erroneous. So Sir, I have not got much more to say on it, but I must say again that when honourable members are going off at a tantrum and think they are saying things, they are only showing up themselves as most ignorant of the evil they may be doing the country by their thoughtless and noisy speeches, because that is what most of them amount to. There is no intellectual foundation aback of them at all, and least of all no imagination.

Mr. CRAWFORD: Sir, the last honourable member who spoke bemoans the lack of imagination on the part of the previous speakers in this debate. Apparently, Sir, tonight he has been overburdened with a dose of imagination, and he so pictures himself in the role of Defender of the Faith and riding like Sir Galahad on a white steed to the defence of the Government that he has made himself completely bereft of any sort of commonsense. He has failed to understand what he was trying to say himself, and he has so eaten words which he has made in this Chamber that he should not be taken seriously. I should like to know, Mr. Speaker, when at any time during this debate tonight has there been any attempt on the part of the Opposition to influence the appointment of the Chief Judge of the country? His talk about the day the Legislature participates in the appointment of the Chief Judge of the country, then goodbye to democracy, is absolute nonsense. Nobody in this debate so far has attempted to suggest that the right to appoint the Chief Justice of the colony should be vested in the Legislature. All that has been done is to reply to a point in the Addendum which says that it is impossible to get a man to fill this post, and previous speakers from this side of the House have merely cited the names of eminent men who could be appointed to fill the position. On the one hand, Government is saying we cannot fill the post unless there is an increase of $200 a month; that is all the Opposition has said. We said there is Justice Chenery, Justice Taylor, Inniss, Hanschell, Archer, Fergusson and Ward. What has become of them? Now how in the name of all that is reasonable the honourable junior member for St. John can interpret that to be an attempt by members in the Legislature to appoint a Chief Justice, only God in Heaven knows; and then he talks about imagination! He so imagines himself on the Ministerial Bench at some time in the distant future that he is willing, Mr.

Speaker, to endeavour to put into the mouths of the members of this House words they have not said. 7.25 p.m.

Mr. Speaker, there could not be any urgency, as it has been said, in the appointment of a Chief Justice. When the Chief Justice goes abroad to attend sittings of the West Indian Court of Appeal, or if he goes on sick leave or on holiday, there is no difficulty in finding a *locum tenens*. The hon. member must know that we have now had an acting appointment in the post of Attorney General for over a year. If he says that there is urgency in the appointment of a Chief Justice, then it is a waste of time to bother with him. The post of Chief Justice is not a specialist post; legal men in the West Indies are as prevalent as sea-eggs are in September. (*Laughter.*) I say that there is no urgency in filling the post of Chief Justice in Barbados or in the West Indies for that matter. However, I leave the hon. member to the tender mercies of the St. John electorate. (*Laughter.*) Imagine our being told what we have been told here tonight! There is no limit to the applications by legally-trained men for this post ———

Mr. VAUGHAN: On a point of Order. Mr. Speaker, I said that by limiting the salary to the present figure, you limit the number of applications, and I repeat that.

Mr. CRAWFORD: Could it be reasonable to put this proposal before us in respect of a little 2 × 4 Colony in the West Indies? The Chief Justice has no complicated or technical questions engaging his attention; this is an ordinary, simple, judicial appointment. We have a few Divorce cases, a few Murder cases and a few Chancery cases engaging the attention of the Chief Justice from time to time: whereas in Trinidad you have legal matters coming before the Court requiring the services of a man of more than ordinary legal ability. What is important, is not to extend the remuneration for this post beyond the scope of reason with the hope of attracting a legally-qualified giant; what is necessary, is that the salary attached to the post must bear some proportionate relationship to the salaries which are paid to other Government employees.

We do not need any outstanding legal luminary to fill this post. If that were the case, some of the people whom we have had in the past could not have adorned the position. The same Government which is now proposing this increase, is the same Government which is paying members of the unestablished staff $11 a week. In other words, it would take them half a year to work for the increase which you want to give to the Chief Justice in a year or two. What we have to keep before our minds is not the importance which the hon. junior member for St. John wants to attach to this post; we have to keep before our mind's eye the commitments of the Country; and if we pay an extraordinarily high salary to any one Head of a Department, we will be faced with demands from every other Head of Department. The hon. junior member for St. John used to appreciate that fact before he allowed his imagination to run away with him, before the Government dangled the prospect of sitting on the Ministerial bench before him.

Mr. VAUGHAN: Mr. Speaker, I object to that statement, and I ask that it be recalled.

Mr. SPEAKER: The hon. member has used a figure of speech.

Mr. VAUGHAN: It is alright if Your Honour regards it as a figure of speech.

Mr. CRAWFORD: Then the position is even worse than I thought it was; it means that the hon. member has lost his senses for no object at all. [*Laughter*]. If the hon. member has made a complete somersault for no reason at all, then his head is bad. [*Laughter*]. I just want briefly to quote from the *Official Gazette* for 1953 a part of the hon. member's speech when the same Government wanted similarly to increase the salaries of Civil Servants. This is what the hon. member said.

"The honourable Leader of this House is a courageous man; it takes a politician of great courage to bring forward a Measure like this under the circumstances which exist in this colony today,—circumstances where we know that thousands of under-privileged people face great hardship in getting daily nourishment . . . . ."

Perhaps the under-privileged people no longer face great hardship in getting daily nourishment, or the Ministers are in the same category with them, and therefore, it makes no difference. The hon. member went on to say this:

"I regret that I have had occasion to speak on this matter because it should not have been before the House at all. The proposal before us is to increase the administrative expenses of this colony by something approaching $180,000 a year, but it would be of much greater benefit to this colony if this money were spent in the relief of unemployment. I sit down by appealing to honourable members who belong to the Government Party and who have demonstrated tonight their conscientious objection to this measure; when members express their regret and use their powers of destructive criticism, they must know that there is something desperately wrong. Sir, this Resolution is too unpopular in this House."

Mr. VAUGHAN: Finish it.

Mr. CRAWFORD: Sir, some of it does not make any sense, and therefore I do not propose to read all of it. I just want to show the hon. member that there was a time when his mental faculties functioned properly. [Mr. VAUGHAN: I could not say that for you at any time.]. It may be either a question of old age, or with declining years the mental faculties of the hon. member have become beclouded, and he is willing to accuse hon. members who now think in the same way as he thought at that time, of losing their thinking faculties. 7.35 p.m.

It really, Mr. Speaker, is a very disgraceful commentary on the conception which some people in this Chamber have on the mentality of the electorate; because the hon. junior member for St. John thinks the mentality of the electors of that parish must be abysmally low if he believes that they will not be able to appreciate the marked change which he has undergone in his political representations in the last two years: and if he thinks he can get away with it, may I tell him that he is living in a fool's paradise.

I want to warn the House not to vote for this Bill. As a matter of fact, I can see no reason for its appearance before the House today. I have been searching my mind; I have listened carefully to what the hon. Introducer had to say and I must confess that I am still in the dark as to why it is before us. The arguments of the hon. members who spoke against the Bill are completely unanswerable; they are competely irrefutable. The hon. junior member for St. Peter, the hon. junior member for St. Lucy and the hon. senior member for the City have adduced arguments to which nobody on the floor of the House or the floor of any other House can find any logical answer. Even the hon. junior member for St. John in his zeal to put the Government's point of view could only trot out some fantastic notion about the importance of keeping the judiciary completely from the Legislature — an argument which has nothing to do with what is before us.

I have been wondering why this thing should be before us today and in my speculations I have come to two possible reasons. The first is that it may

be an ingenious and subtle attempt on the Government to prepare us for the increases to Department Heads in the Godsall Report; because, obviously, Mr. Speaker, the moment you come here today and say you are giving your Chief Justice $200 a month more, you must normally expect when you bring in your entire proposals, that you will see every Department Head getting an increase on a similar basis to that of the Chief Justice. Therefore, this may be the thin edge of the wedge to prepare the minds of the House and the public for what is to come.

We have to bear in mind, Mr. Speaker, that in 1952, we increased the salary of the Chief Justice from $660 per month to $800. Now, we are carrying from $800 to $1,000 per month which is an increase of $340 a month in four years. As I have said, Mr. Speaker, during the same four years the salaries of the Unestablished Staff have remained at the same rate of $11 a week. The last time that the Unestablished Staff got an increase was in 1951, which was election year. For the entire five years of this Legislative Session the salaries of those people have remained at that same level. Now, because this is election year and the Government dares not face the people with the same salaries they were getting in 1951, there is some talk of giving an increase; but during the five years the Chief Justice had an increase. He went from $660 to $800 which is an increase of $140 a month, and now even before there is an attempt to increase the salaries of the people who really deserve an increase in the Government Service, the Government is telling us that it is going to increase the same Chief Justice's salary by $200 a month and that unless we do that we will find difficulty in filling the post.

I said that one possible reason for the appearance before the House today of this Bill is the fact that the Government is attempting to prepare, our minds for the salary proposals when the Godsall's proposals are implemented. I am not prepared to argue like the hon. junior member for St. John that merely because Mr. Godsall recommended this salary increase for the Chief Justice that we must follow it, because one of the arguments he put forward is that this increase before us is in Mr. Godsall's report, just as if the Godsall's report is the law of Medes and Persians which cannot be changed; therefore anything he recommends we must put into effect.

Mr. VAUGHAN: Mr. Speaker, I rise on a point of correction. Nobody in this House can say that I mentioned Mr. Godsall's Report. As a matter of fact, I did not know the name of the gentleman. I was dealing with what was before me.

Mr. CRAWFORD: The hon. member distinctly mentioned that this figure was part of the Salaries Commissioner's recommendation.

Mr. VAUGHAN: I said that.

Mr. CRAWFORD: If he does not know the name of the Salaries Commissioner, he should not be in the House, and if he does not know this man's name he should not be talking of what the man was doing. If he does not know the man, he should not agree to the recommendations of the man because the man may be a lunatic as far as he is concerned. Imagine, Mr. Speaker, the hon. junior member for St. John who in 1953 talked so loudly and lengthily about people in perpetual need of nourishment and who are still getting $11 a week! There is not one cent increase for them. And now he is telling us that we must agree to give the Chief Justice an increase of $340 a month in the same period.

7.45 p.m.

Mr. VAUGHAN: Mr. Speaker, there is no $340 a month increase in this Bill. It is an increase from $800 to 1,000. That is not the amount and I am not letting hon. members get away with that.

Mr. CRAWFORD: The hon. member does not know what I am saying in simple English. I am telling him that since the last time — and I am sorry to bore the House by repeating it — since 1951 the underpriveleged man has been drawing $11 a week. In 1951 the Chief Justice was receiving $660 a month, and in 1953 it was increased to $800 and now it is going to $1,000; so that in the four years under review, the Chief Justice's salary has been increased from $660 to $1,000, an increase of more than 50%, and the underprivileged people who cannot get nourishment according to him are still getting $11 a week. If he cannot understand that, well, I cannot put it in his head; but if, Mr. Speaker, he regards it a reasonable thing for us to do, well then, all I can tell him is that the people in St. John have more sense than he thinks they have. I said, Sir, I was endeavouring to discover in my own mind why this Bill should be before us. I have advanced one possible reason. Another possible reason might be this. We are told that the Secretary of State for the Colonies says we cannot fill this post unless this increase is attached to the remuneration. Well, now the hon. junior member for St. Peter has answered that so well that I need not repeat it. If we had on the Ministerial Bench any full-blooded West Indian or any patriotic Barbadian who would do for Barbados and Barbadians what, as the hon. member for St. Peter said, the Trinidad Ministers did for Trinidad and the Jamaican Ministers for Jamaica, the Secretary of State could not be in the position to say what he has said, because he would have been told by the Government that we have in Barbados or elsewhere in the West Indies men capable of filling this post, and therefore we suggest that he search among these men and fill the post from them. I have come to the conclusion, Mr. Speaker, that the Colonial Office probably has some special blue-eyed boy whom they want to send out here, and the hon. member for St Joseph, who would be in England shortly wants to go up there and say, "look here, I have fixed that salary for the Chief Justice, you can send him down.", [A VOICE Shame!] Otherwise, Mr. Speaker, how in the name of all that is fair and reasonable can he come here tonight and ask us to put another $200 to the Chief Justice's salary? There can be no other explanation. But he and the Governor are going up there next month; [A VOICE: Is the Governor going too? What for?] to tell the Colonial Office that the Chief Justice of Barbados will now get $1,000 a month and anybody they want to send down they can send. I will tell you Mr. Speaker; in this thing you know, you can scratch my back and I can scratch yours, and when you prepare a position for a an to fill it, the man has to do what you want done in it. We have had in this colony a Crown Law Officer refusing to prosecute a case because a Government member was involved, and that is not a casual thing. The Hon. Premier would not want Mr. Chenery to be in the position of Chief Justice because Mr. Chenery is not stupid. He is a jurist of impeachable character and integrity, who is not going to play ball with the Government at any time, nor could he expect to twist Archer, Fergusson or Inniss around his finger. When there is this vicious attempt to go beyond the realm of

what is fair and reasonable, people are justified in attaching some motive to it. I do not care what the other colonies are paying their Chief Justice. We cannot afford to increase the salary 50% in four years. Do you think any other member of the Civil Service can be satisfied with this? We are raising a hornet's nest around our ears if we agree with it, because it is establishing a dangerously bad precedent. Do you think the technical men at the hospital or other specialist fields in Barbados are going to be satisfied not to get a proper increase? Do you think they are going to be satisfied by being given a 5% increase? Why, Mr. Speaker, should we sit here periodically and agree to this squandering of the money in the Public Treasury on the handful of Public Department Heads? It is worthwhile recalling that in 1951 there was an attempt to increase the remuneration of certain Government employees; the Government proposed this increase on the increase of the cost of living. They said that the cost of living was advanced to 15% and therefore they would give a 15% increase to Government employees in the categories which were under consideration. The Opposition demanded a 25% increase and eventually the Government compromised at 20%. But the argument advanced by the hon. senior member for St. Joseph was that since the recommendations was only 15%, the Government felt justified in only paying 15%. Apparently in their opinion the cost of living for the Chief Justice in Barbados has increased by 50% in four years, because even if we had the imagination of the member for St. John could we expect to see before us in the Godsall recommendations an all round 50% increase for all Government servants? I remember that when we demanded the 25% increase for those people to whom I referred earlier when Government offered 15% and came back with 20%, the hon. senior member for St. Joseph said that for the Government to give the additional 5% for which we are asking we would have to curtail the programme of social service, stop the programme of capital works and bring the building programme to an end.

7.55 p.m.

As a matter of fact, Mr. Speaker, it would have cost $155,000 to give that 5% more to the 4,000 people involved. The Premier said that we could not afford to do it, but he came in here six months afterwards with the Turner Report and gave 170 people increases costing $180,000. Six months before then, he said that he could not give a 25% increase to people, and that if he gave 5% more than what was proposed, then Social Services and Capital Works would go down. However, he allowed Mr. Turner to give Heads of Departments whatever he liked and came in here in a very bare-faced manner and put increases totalling $180,000 in the pockets of 170 people in the way of salary increases and leave passages. Now I see that there is an attempt to increase leave passages to £400. This means that in addition to giving this salary increase to the Chief Justice, we will be giving an increase of £400 for leave passages. In other words, the Treasury of Barbados exists for the Ministers and Heads of Departments; and the rest of the public employees, in the words of the hon. junior member for St. John, have to live in perpetual fear of not getting daily food.

I do not know how hon. members who correctly interpret, or who are aware of, their responsibility to this Colony, could sit and vote for this Measure. It is not true, Mr. Speaker, it is a deliberate falsehood to say that we cannot get a Chief Justice for Barbados easily. What happens when the present Justice goes on leave, or is ill, or is attending sittings of the West Indian Court of Appeal? Somebody acts for him in these cases. Can the Government claim that at any time when somebody was acting for the Chief Justice, there was any miscarriage of justice, or that the acting Chief Justice was guilty of any gross misdirection to the Jury, or that he made any outstanding legal errors? Mr. Speaker, from the point of view of the Civil Establishment of Barbados, the situation is even more serious.

As the hon. junior member for St. Peter has pointed out, where you have accepted West Indians being appointed to important positions in the Federal Civil Service, people like Mr. Mordecai and so on, if we cannot get an official to fill a legal post, it means by implication that we have none who is capable of going into the Federal Civil Service. Therefore, the entire thing is a dastardly scandal on the Civil Service of Barbados; it means that no Barbadian Civil Servant could aspire to filling any important Federal post. If we cannot fill an insular Chief Justiceship, how can we fill the Federal post? There is no doubt at all in my mind that many of the names which have been mentioned in here today as being capable of filling the Chief Justiceship of Barbados, would adorn the post in the Federal Civil Service. You are not going to get any more outstanding men in that Service than any of those mentioned here today for the post of Federal Chief Justice. We are doing a great dis-service to the Barbadian Civil Servant, and even to the West Indian Civil Servant if we support this Bill. If we are thinking in terms of a Federal West Indies, it means that even if, in the opinion of the Government and in the opinion of the Secretary of State for the Colonies, there is no Barbadian who is capable of filling this post, then there is not reason why the attention of the Secretary of State for the Colonies should not be directed to other West Indian Islands. There is no reason why his attention should not be directed to people who are not now Chief Justices, and people to whom the present salary of the post will be an attraction.

Mr. Speaker, when we paid the Chief Justice $800 a month, we were only paying him $40 a month less than what British Guiana was paying, and that is good enough for Barbados. We should not be expected to do more than that; [*Asides*], as a matter of fact, I understand that the position is even worse. I said just now that when we paid our Chief Justice $800 a month, British Guiana was only paying its Chief Justice $840 a month, and I am told that British Guiana is still paying $840 a month. If that is the case, why should we pay $1,000 a month for this post?

8.05 p.m.

Mr. Speaker, the Government is really playing fast and loose with the public purse. The reasons advanced for this proposal do not bear investigation and I will really like to know, Mr. Speaker, the real reasons which motivated the Government in bringing this Bill before the House. At the time when we carried the salary of the Chief Justice to $800 a month, the hon. senior member for St. Andrew was very strong in her condemnation of the proposal and it is to be expected again to-day that she will show the same sense of responsibility to her constituents and will not be a party to what the Government is trying to do. So far as I have been able to gather, no attempt has been made by the Government Bench to give the comparable salaries in the British West Indian islands of Trinidad, British Guiana, and Jamaica. I do not know what they are in Trinidad, British Guiana or in the other Islands.

Mr. SPEAKER: The Hon. Premier did give them.

Mr. CRAWFORD: Regardless of what they are, Barbados cannot be expected to pay what Trinidad pays, no more than Montserrat can be expected to pay what Barbados pays. If you want to be Chief Justice of Barbados you must take what you can get; that is to say, you must take the post at the salary which the Government can afford to pay you. A country which pays its teachers what we pay them cannot pay a Chief Justice $1,000 a month. Bear in mind, what I am telling the House, Mr. Speaker, is that they cannot think of the Chief Justice in terms of isolation. He is only a head of a Department. You have your Waterworks Department, your Medical Services your Education Department, Public Works Department and all the Heads of those Departments must bear some relationship one with the other. Unless we are planning to make the entire service disgruntled, we must do for the others what we are doing for the Chief Justice. The answer to this is that this country cannot afford to do it and there is no reason why we should commit ourselves to this unnecessary and unfair burden.

Mr. ALLDER: Mr. Speaker, I had thought after so many speeches from the Opposition an attempt would have been made by the Government Bench to at least influence members who have spoken against the Bill into another way of thinking on the matter. It does seem that the people in this Island have voluntarily given themselves over as slaves to the Government which is depending purely on the question of numbers rather than to logical and convincing argument for the passing of this Bill. It is not sufficient for anyone in a democratic chamber to force things of this sort without first pointing out the justification, not the justification from the point of view of satisfying an individual or individuals but the justification of satisfying public opinion.

In recent days, two calamitous statements have been made to the people of this Island. One is that the salary of the Chief Justice would be increased to-day from $9,600 per annum to $12,000 per annum, and this has caused a lot of discussion. The other one is that paupers and people who are in a penurious position who are compelled to make use of the Casualty Department of the Barbados General Hospital can no longer be allowed to do so; and the statements allied to that are that it is due to the shortage of Medical Officers, a very low condition of employment at that institution and also low wages and low salaries, plus the failure to improve accommodation at that institution.

Now, it is very remarkable that when the Hon. Premier and other leading politicians in the West Indies are assembling together and forming themselves into what they call a socialist group, the Hon. Premier comes back here to practise what are definitely antisocialists methods, by virtue of the disparity in wages in a poverty-stricken community such as this. The Hon. Premier continues to perpetuate what is termed by socialists to be an abhorent practice. What is more, the danger becomes greater when it is the votes of the masses which are causing this infliction upon their freedom to a reasonable existence in this colony of ours. You cannot mince matters in this respect because a lot of argument has gone on and it seems to the Government Bench as they always say that we are blowing a lot of hot air, but whenever we are finished nothing is done. Well then, it is our obligation to blow hot air in order to make a direct or indirect appeal to public opinion, in the hope that those who follow the Government will see the light of day and will do what should be done in the future.

8.15 p.m.

Now, I heard the Hon. Premier comparing the salaries of similar posts in the West Indies. That comparison was extremely onesided in view of the fact that he made no mention whatsoever about the natural resources of such places and their annual budgets. Now, in Trinidad, Sir, the Hon. Premier said that the Chief Justice's salary was $12,000. In British Guiana it is also $12,000. Well it is sheer stupidity for us to try to run race with these colonies in paying salaries. The only thing we should try to run race with these colonies in doing is to improve the social amenities for the masses. The Revenue of British Guiana is somewhat like $55 million per annum, and it is a world wide fact that the natural resources of British Guiana have not been fully developed and that that country is still under populated. Therefore, if British Guiana gave its Chief Justice $12,000 per annum, they are in a position to do so and they have shown vision; they have decided to pay their Chief Justice according to the annual revenue which they get. You get Trinidad with $96,000,000 in annual revenue and it is said that the Chief Justice there gets about $14,000 per annum. When you take the $96 million which is the annual revenue of Trinidad and compare it with our $15 million in Barbados, you would see Sir, that it is a waste of time our trying to compete with Trinidad by way of salaries to attract a Chief Justice.

Now, when the Hon. Premier made mention about the Chief Justice of the Leeward and Windward Islands, he would cause one to feel that we should give more because some people think that the political and constitutional status of Barbados is greater than the Leeward or Windward Islands. But it is not one Island in the Leewards and Windwards that is paying this salary to their Chief Justice; we all do know it is a collection of Islands paying the Chief Justice $10,000 per annum; therefore, I do not see the necessity for that kind of comparison. We go further; the Hon. Premier said that Jamaica also pays the Chief Justice $14,000 per annum, but Jamaica's annual revenue is around $140 million a year, and if we continue running a race with those colonies whose annual revenue is always several times ours, and whose annual resources provide greater avenues of employment for its population, then the community in Barbados is in danger from those who think such. I remember, Sir, that last time the revision of salaries was to be gone into, certain deductions were made from the then Report, and the Heads of certain Departments were considered while the unestablished staff and the junior Civil Servants were forced to await with uncertainty the provision which was made for them. It caused a lot of debate, Mr. Speaker, and there had to be some change affecting the key scale workers in Government Departments and others. To-day you are getting the same thing; and what we must do, Sir, in considering salaries is to bear in mind that there are two kinds of occupations in any community; some which are productive and for which adequate compensation should be made whether it is a Scientist at the Agricultural Department or the cantonnier who keeps the roads so that the produce of the country can pass over them. The other phase of employment is considered to be a parasitic kind, the kind which consumes the most wealth of the country but which does not produce any. Whatever you feel about the Judiciary, the Church and things of that sort, they come last in the finding of a community. It is the men who dig the holes and plant grass and potatoes and cut down timber and build roads and things of that sort who are the most important in the economy of any country. The pseudo socialists have changed

that progressive way of thinking and caused the white collared worker who produces nothing to get first consideration when compensation is about to be paid for what he does as against what the actual and manual worker who produces wealth gets. Now with the numerous changes which are expected in respect of these offices in the West Indies due to the introduction of Federation, I do not think that we should aim in filling offices of that sort with officers who would be employed in the Federation because it is the general feeling that most of these judicial and administrative responsibilities would be handled by the senior officers who would be officers of the Federal structure.

8.25 p.m.

Therefore, I feel that we need not worry our heads at this stage to make the salary of the Chief Justice so great as to attract the type of lawyer like Sir Hartley Shawcross. In a community like this, we have some important legal matters which are carried before the Courts. There is such a combination in big business, that they do not worry to carry each other to Court, and therefore litigation should only worry the Police Magistrates, the Judges of the Assistant Court of Appeal and the Petty Debt Judge. Unless you have Courts of Grand Sessions when you get cases of murder, house-breaking and larceny and so on, surely a simple man with a deep knowledge of the people will be able to fill this judicial post without expecting or demanding a salary as large as the one for which provison is made in a Bill of this sort. I notice that a matter of this sort is being taken extremely slight by the honourable members of this Chamber, and it is merely because some of us forget things.

We have had a report where the Student Nurses at the Barbados General Hospital were expected not to draw any payment for services which they rendered at that Institution during the period of their apprenticeship. Then it was brought to light, after criticisms were levelled in here against such practice, that few of them were selected and at the end of three months, they were given something while the others had to go without payment. We still know that there are Supply Teachers who are expected to travel long distances to the schools, and who are only paid the meagre sum of $1.20 per day. These teachers are not even employed by the week or by the month, and that means that they are not paid in respect of Saturdays or Sundays; and of course during the vacation period, they are not given any payment. I have just brought out that point in making the comparison as to how generous the Government can be in respect of cases which are not very deserving; but cases which are deserving have to go without recognition from the same Government.

What makes the matter more alarming, is that in recent months a few resignations have been taking place; there have been pending resignations, and the salary scales have been changed in order to accommodate some of these officers prior to their actually resigning their posts. In other words, the practice of Government in respect of some cases, has given the public the feeling that salary scales were boosted so as to accommodate the particular officers who were resigning shortly and whose pension rights would have been enhanced. I do not want to name these particular posts right now, but honourable members can reflect for a moment and they would easily remember those posts, which were dealt with by this same Government. What makes the position worse is that the suggestion has been made by the Hon. Premier that quarters might be supplied. I am wondering if the Government is going to waste time providing unnecessary quarters and attaching them to certain posts, after we have been accustomed to such quarters not being supplied to such officers over a long period of years. I am sure that it would be said that such quarters would have to be built commensurately with the status of the officer, and that means that a lot of money would have to be spent. I quite see the need for the improvement of the accommodation at many of the Government Institutions.

In my opinion, it is not true, as the honourable senior member for St. Joseph has said, that the post of Chief Justice is the most important one in the community. It suits the honourable member to say so now, and that is why you get a falling-down of the conditions at the General Hospital; that is why you cannot get Medical personnel who are employed at that Institution. It is true that there have been several appointments made to this particular post of Chief Justice over a period of time; several Judges have had to act in the capacity of Chief Justice from time to time, and I do not see why somebody from among those legal men could not be appointed to this post.

8.35 p.m.

If I may repeat some previous speakers, I do not see why some of our legal men should not be appointed. I do not want to call names but we do know that there are several members of the Bench who are highly respected in this colony. What happens, Sir, is that sometimes when Bills of this sort come to this Chamber, in order to bolster the passing of them in this place, the Colonial Office is always brought in. What I have seen happen in other colonies is that those colonies' legislatures have said openly that they are not willing to accept anything which might be foistered upon them by the Colonial Office, and they point out to the Colonial Office that if anything is foistered upon them they would refuse to vote the money for it. They have gone as far as to say that they would refuse to vote money for the payment of any officer or officers whom they do not want. I have heard on many occasions in this House of the advanced constitution of this island of ours. I have heard it said repeatedly that we are masters of our own house and nobody can dictate to us. I feel, Sir, that if such statements stood good at that time, they should remain good in this case. Of course, I do not believe in that kind of statement. No Secretary of State for the Colonies should tell us that we must pay a specific figure as a salary to any post at all. What I believe Colonial Office would do is that if we ask their assistance in the finding of any officer for a post in this colony, they would lend their good offices in so doing; but they should not compel us to pay a salary which our economy does not permit us to pay.

I heard some honourable members saying that this new salary for the Chief Justice would operate retrospectively and I am wondering if it is true. I hope when the Hon. Premier gets up to reply he would remove the doubt. I hope the Hon. Premer will clarify that and remove the apprehension that legislation such as this is partial. Such a thing should not be accommodated in a democracy especially by so-called socialists. [A VOICE: There is a clause to the effect in the Bill.]

I am almost sure, Mr. Speaker, that whenever the final Report of Mr. Godsall is presented to this House that we are going to see provision for the lower brackets of Government servants which are going to cause much dissatisfaction not only in the minds of those workers but many others in the community.

The Hon. Premier also drew our attention to what is intended to be the salary of the Chief Jus-

tice of the Federated West Indies. He said that it would be $17,760 per annum with the inclusion of British Guiana whose annual revenue is around $50 million, Trinidad $96 million, and Jamaica $140 million. I do not know what the revenue of the smaller colonies is like. When all these colonies are federated and a large part of their revenue becomes one, certainly it can be seen that the Federation will be able to pay its Chief Justice more than what Barbados can pay its Chief Justice. When you take into consideration that the salary proposed in this Bill is $12,000 per annum and to it must be added Cost of Living Allowance, you can see that it might not be very far below $17,760 which the Chief Justice of the Federated West Indies is going to get.

This Government has problems, social and economic, piling up on top of each other and these problems cause the Government great difficulty in solving. I am sure that it is some years now since this Government has been trying to extend our medical services, even by the erection of a physical structure, and, as a matter of fact, the extension of the General Hospital apparently is becoming an insurmountable task to those who have it in their control to carry out. Even now, after a number of years, I am told that the instruments at that institution have have to be sent to an outside clinic for sterilisation.

8.45 p.m.

Mr. SPEAKER: The hon. member realises now that he has strayed from the debate.

Mr. ALLDER: I was just trying to make a comparison, Sir. We cannot at this stage, Mr. Speaker, although we boast of a healthy revenue balance—I think it is somewhere in the vicinity of $10 million—and although we have other funds from which extractions are made for the providing of social amenities for the workers—and thereby we do not have to touch for many things our revenue balance, and although we boast that our revenue accumulations are healthy, yet the things which are presently needed for the service of the public are going unprovided: and it is so because, Sir, the energies and thought of the Hon. Ministers seem to be devoted to unnecessary things such as the increase in salary of officers who already have some handsome salaries when compared to general standards in this colony. As I said, I do not see why we have to run behind these other colonies to attract high salaried judges because I am sure that around the West Indies there are many Barbadians who have shown their worth at the Bar here and because of their outstanding merit are now employed in the other colonies, who would be glad to come back here and take the post of Chief Justice, and not all of them would be thinking in terms of how much they are going to get. Some of them would be proud to know they have been promoted to the post of Chief Justice in the colony in whch they have laboured previously I am sure about that. Many of them would deny a more lucrative appointment if they knew that this post would be offered to them at the existing salary. [A VOICE: Name one!] If I named one you still . . . . . If I were like some of them, Mr. Speaker, a Barbados scholar, and rubbed shoulders with other Barbadians, on the cricket field, in class-rooms, and at the Bar, and have my relatives and friends still in Barbados I would deny the extra couple thou- and dollars per annum, if I had the opportunity of coming here for the existing salary. I would not say that these gentlemen are any less worthy Barbadians than myself. Has the Government made an attempt? Have they sent out feelers or are they solely depending on directives coming from the Colonial Office in respect of this post as has happened in respect of other posts in this colony? Many times we have had officials saddled upon us because we did not try to promote people whom we knew had equal qualifications; but because they had been born in this colony of ours, because it is small and there are certain social and professional prejudices sometimes, many times, the best brains have had to withdraw their services from this community and go out to communities overseas. I do not think, Sir that the way how things are going, especially with technical officers, not only in the judiciary but also in the medical and other scientific fields, that no partial increase of salaries could help us to solve the problem of scarcity which now confronts us We have got to encourage our local men to prepare themselves for the taking over of responsibility Many of our brilliant men have had to appear as if they were not brilliant because no offer of responsibility has been offered to them, but we only realise their true merits after they had gone overseas Mr. Archer, Mr. Fergusson, Mr. Inniss, and Mr Ward are brilliant jurists born and trained in this colony. It is regrettable, Sir that a Bill of this sort is presented to us at a time when we are anticipating the Report of Mr. Godsall. We expected that we would have been able to go through all the provisions and make comparisons, but we have not been able I am hoping, Sir, that when we do get the full Report that there would not be much room for regret I am purely hoping that, Sir.

8.55 p.m.

In respect of the point which was made by the hon. junior member for St. John that the Legislature should not influence appointments to the Judiciary, the hon. member knows that there are certain theories which are observed in the breach. Does the hon. member want to say that any Government should stand aloof and pay no interest as to who is appointed to such an important judicial post as that of Chief Justice? If the Government is interested in this question, does the hon. member not expect that the members of the Legislature will be interested in it too? In the United States of America where it is said that democracy is always in its fullest practice you get posts, such as are held by Judges and others, going in for changes according to the change of Government. I therefore feel that we should always be interested in these matters because if we know of any particular Judge who is vindictive, and who does not like the poor coloured people, but who is about to get such a post, as representatives of the people, we should be able to use our influence and use this Forum in expressing our disapproval over the appointment. That is our responsibility, because the masses could not protest against an appointment in which the appointee would not be impartial enough as to guarantee them justice; therefore, we will have to do it for them. I see nothing wrong in suggesting who should be eligible for this post.

There are some people who as we know by their record in the past, should not be promoted too highly because, according to the general opinion, they approach their duties and responsibilities with too much vengeance; but we do know that we have now certain persons who have acted in the capacity of Chief Justice, and who have gained the respect of a large number of people in the community.

Mr. BRANCKER: Mr. Speaker, this is a Bill which must be considered from many aspects. Now in the "Objects and Reasons" of this Bill, it is stated that " there would be the utmost difficulty in replacing the present holder of the post who is due to

retire as soon as a successor can be appointed." The first thing which one would notice about that very carefully worded Clause in these "Objects and Reasons", is that it is stated that there would be the utmost difficulty in replacing the present holder of the post; it does not say that it would be impossible to replace him, or even that they do not expect that the present holder of the post could be replaced.

Mr. Speaker, I do not know what the feeling of the House is. You have been sitting there for some time, and I will have to take a little time in putting my point of view, and therefore, if it is the feeling of the House that it would be favourable to take the adjournment for three quarters of an hour now, I would be quite willing to accommodate Your Honour and hon. members in making the necessary motion. However, I would like to have an intimation from the House lest if the motion is not carried, I lose the right to continue my speech. [*After a pause*] Mr. Speaker, in view of the intimation which has been given to me, at this stage I beg to move that this House do now adjourn for three quarters of an hour

Mr. GODDARD: I beg to second that.

The question that this House do now adjourn for three-quarters of an hour was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly.

9.05 p.m.

CHIEF JUDGE BILL

On re-assembling,

Mr. SPEAKER: On the adjournment, the honourable senior member for St. Lucy was addressing the Chair.

Mr. BRANCKER: Mr. Speaker, as I was saying, there are two significant observations which appear in the "Objects and Reasons". One is, that it is stated that there will be the utmost difficulty in replacing the present holder of the post and that he is due to retire as soon as a successor can be appointed. Nowhere is it stated in the "Objects and Reasons", nor have I heard it stated in this Chamber, that the present holder cannot be replaced. Well, Mr. Speaker, if there is difficulty of whatever sort or kind of nature in replacing the present holder, it is not impossible to replace him; therefore it does not seem to justify this hurried and premature attempt to separate the increased salary of this post from the comprehensive Resolution which I presume will be coming before the Legislature in due course.

Now, Sir, why is it felt or thought that there would be the utmost difficulty in replacing the present holder of the post? What I will like to know is if any restrictions have been made or reservations laid down in regard to the filling of the post in the future. Is it for instance, felt that is undesirable that in the best interest of the community or of the that the next Chief Justice should be a Barbadian? I would ask if it is laid down in the record. Is it felt administration of justice in the colony that we should not have another Barbadian Chief Justice? If it is so felt, there would bound to be some reason for it Why a person born in the same country as Sir Allan Collymore, Sir Herbert Greaves or Sir Conrad Reeves should not be a Chief Justice of this island? Is it felt that those persons whom I have good reasons to believe would be interested in this post would be barred on grounds of race, colour or any other reason? According to the information I have at my disposal, and as I gather from those in legal circles, one cannot help hearing that there are three distinguished West Indian jurists each of whom has been born in this colony, each of whom happens to be worthy and not one of whom would be disinterested in being Chief Justice of Barbados.

In regard to the question of salary, while that is of importance, there are other reasons which make a person interested in certain jobs. A Chief Justice is of course, the headship of a Department but along with that he has great power and great prestige. Second to the Governor, he is the most important official in the colony. As you know, he alone, apart from the Governor, is in charge of the official grading of the Police. As you know, apart from being the Head of a Department, it is the tradition of this colony that within a very short time, within a few years, the appointment carries with it a knightship. It inevitably follows. You will recall that in 1841, the then Chief Justice of Barbados Sir Robert Boucher Clarke, was made Knight Commander of the Bath. In 1884, Sir Charles Pitcher Clarke was also given that distinguished award. In 1886 Sir Conrad Reeves was knighted and in 1902 Sir Herbert Greaves. Only in one case, in 1925 (and he was Chief Justice for not more than two years) Mr. Theodore Orpen was deluded of the knighthood, but the explanation for that is that he was holding another office. Following him as Chief Justice was Sir Robert Furness who was knighted in 1927, and the present holder of the office, Sir Eric Allan Collymore was knighted in 1936. Everyone will agree that Sir Allan Collymore is an able practitioner. He is the most esteemed and highly revered leader of the Bench of this Colony. Not only is he the most experienced Chief Judge in the entire Caribbean area, but it was his good fortune after his call to be in the Chambers of Mr Raynor Goddard, who at the moment and was for many years (he is about to retire now) Lord Chief Justice of England. You will see that this distinguished Barbadian who is presiding over the Bench of this colony for 20 years is a person who has had a most illustrious career and whom, as Judges, like wine, improve with age, we of the Bar and the entire profession would like, unless his health is deteriorating with rapidity—which one does not observe—to have him presiding over the Courts of this colony

The "Objects and Reasons" of this Bill states that there would be the utmost difficulty in replacing the present holder of the post who is to retire as soon as a successor can be appointed.

9.55 p.m.

Well, Sir, as you know, some of the best Judges in this island become as good as those in England when they arrive at the age of an octogenarian. Their judgments are those which stand the test of time and which will live on for centuries. Of course that may be said to be a cold climate, but sixty is really a lot for a Judge in a warm climate, and Sir, as he has passed the age limit of sixty by 2½ years, I am wondering in respect of these remarks: "the present holder of the post who is due to retire" whether there is any insistence on his part that he be no longer permitted to carry on, because I feel like the bulk of those who practice in this island, that unless his health is rapidly getting worse he should hold the office until he is sixty-six; that is, giving him another two and a half years, particularly now the new system coming into vogue, to continue and have the new procedure and the new Acts properly working; and on his sixty-sixth birthday he could retire after the eminent service he has rendered to Barbados. If the present holder of that post has announced that he is not carrying on because he has done two and a half years more than is allowed

by law, therefore try and get somebody else. In that case, before we rush and pass a Bill of this kind, we should look around and ask ourselves if there are any persons whom we can see on the West Indian horizon who are able to step into the shoes of Sir Allan. I will just digress further by referring to two points, or in fact two remarks made by the honourable junior member for St. John, namely that we have been sitting here and saying that the Judiciary should be appointed by the Legislature. I cannot imagine any remark anyone made in this House which in the slightest imagination could be construed as suggesting that the Legislature should appoint the Judiciary. We would be completely bereft of all intelligence to suggest that the distinguished jurists whom we have good reason to believe are available and who should fill the post should be appointed by the Legislature. From the office of Chief Justice of Barbados with the same distinction and exceptional ability as Sir Allan Collymore does to-day, unless there is objection on the grounds that that Barbadian has considerable property, both real and personal in the colony, one could not see why they could not have thought of Mr. Erskine Ward. He has been to Harrison College, has studied at the Middle Temple, and is the criterion of a good Barrister, who has held the acting office of Chief Justice of Barbados with very considerable distinction and who has been Puisne Judge of British Guiana; and the Trinidad Bar which is the best in the West Indies has said there has never been a better man on the Bench than Mr. Erskine Ward. A certain Queen's Counsel said: "we keep posted and up-to-date, we charge proper fees for our work, which we prepare with extreme care; the latest news are sent to us by airmail; but we can never go into Court with a case which he had not read the night before and we were forty-eight hours behind him." Trinidad says that of Mr. Ward, and when they speak particularly of a person who is not a Trinidadian, he must be a man of exceptional ability. Of course he has foregone his other recreations, and after dinner at night all he does is to read law until he drops to sleep. There are Mr. E. R. L. Ward, Chief Justice of British Honduras, Mr. C. V. H. Archer, Puisne Judge of Trinidad; although the salary would be equal to that of Chief Justice of Barbados, as Barbadians and with the prospects of being Head of the Department, and with the possibility of a Knighthood within three years, there is no doubt that it would be worth their while to apply; and besides these gentlemen there is Mr. J. W. B. Chenery of whom we have heard so much to-day by the honourable junior member for St Peter who has acted on very many occasions during the past few years and with very considerable distinction. Is it to be suggested that not one of these illustrious jurists would be interested in holding the post of Chief Justice of Barbados—Ward, Archer or Chenery, not to mention any of the other names? So. Sir, one cannot but wonder if the idea is that it should not be a Barbadian. Is it felt in the best interest of the country that it should be someone from some other part of the West Indies, even from another part of the British Empire? If this is so, let us be told frankly that this is the feeling, and we would know where we are in discussing or rejecting the principle that the Chief Justice of this island should not be a person born in this country, because of his relatives or local financial interests and so on. But for us to accept that, we will have to explain why it is that in the past those very able Chief Justices Sir Robert Boucher Clarke in 1841, and Sir Allan Collymore from 1936 have filled the office and added so much lustre to that high legal post.

So, Sir, I take it that the Bill presented to us with the objects and reasons are presumed to be accepted by and agreeable to the Proposer of the Bill.

Well now, Sir, there is another major aspect of the matter, and it is this. We are told not merely that there is difficulty in filling the post, but that the present holder cannot be replaced at the figure which is now the salary attached to the office. We must be satisfied as to that; but if we are, we must still ask a question about the percentage increase which has been proposed. Now, Sir, the percentage increase proposed is 25%, not less than 25% for a post in the higher scale, that is for a post in the higher scale, that is for a post in the $2,000 a year bracket. The 25% increase works out at $200 a month, a hardly inconsiderable figure; and, Sir, if we are to take this away from the Salaries Commissioner's general recommendations, it is very difficult to do so when one does not know what is the scale or percentage recommended by him in respect of other employees in the public service of this colony, because as you know as an eminent Trade Unionist, the higher the salary scale, the lower the percentage rate; and if a person in the £2,000 a year category gets 25% increase, do not be surprised if we expect those in the $12 a week category to be recommended for anything between a 50% and 100% increase. If you, Sir, or the hon. member on my immediate right had to bargain with the barons of the sugar industry of this island and insist on a 25% increase, what reaction would you expect, Mr. Speaker, from your knowledge of these tight-fisted people in this island even for the agricultural or sugar workers of this island? Would they not tell you it would be ruinous to the sugar industry, fantastic and impossible, and ask you if you had gone mad? Well, Sir, if this is passed to-night, I have heard it said that the Heads of Departments are looking forward to what someone has been heard to describe as "the Godsall God-send." Although we have no objection, those who are christians will look forward to the "God-send." But let it be understood that it must be a universal "God-send" and not the Heads of Departments "God-send".

10.05 p.m.

Mr. Speaker, as soon as one Head of a Department gets a $200 a month increase, you know how loudly and vociferously and violently others will be agitating for something similar. They will say "if a £2,000 a year man is getting an increase of 25%, and I am only a £1,500 a year man, I should get a 40% or 50% increase." In the absence of any satisfactory and reliable assurance that there is really no one in this territory who can be appointed to this post, that there is an insuperable difficulty in replacing the present holder of this post, I do not agree that there should be this salary increase. If it is meant that Sir Allan Collymore is so beloved and efficient a Chief Justice that we cannot see curselves replacing him, well, that is the sort of argument which you cannot use. I should like to say that no man, however highly efficient and highly competent he is, cannot be done without; therefore, do not let us interpret this position to mean that unless we are prepared to increase this salary by $200 a month, we cannot get another Sir Allan Collymore.

I will make a second reference to the remarks of the hon. junior member for St. John. He said that by limiting the salary you limit the number of applications; but has anybody ever heard about fix-

ing an unlimited salary? You limit the salary of the Lord High Chancellor of Great Britain, you limit the salary of the Lord Chief Justice of England; you limit the salary in accordance with the economy of your Country. To suggest that you should not limit the salary attached to a post would be tantamount to saying that you should fix a minimum of $12,000 per annum for this post and whatever you can get anybody for above that, then put the figure there and pay him; but that is so impracticable and unrealistic a proposition that it does not deserve more consideration than what I have given to it. When you consider the proposed increase here, I submit that there is no evidence at all before this Chamber that you cannot get a very able man, even considering the names we have mentioned, to replace the present holder of this office. Unless the present holder has said that he does not want to carry on, I do not see why his tenure of office cannot be extended until he reaches 65 years of age; that is 2½ years hence, I believe.

The hon. member on my right (Mr. F. L. Walcott) has mentioned two names, Mr. Chenery and Mr. John Hanchell. Mr. Chenery possesses legal knowledge combined with impartiality together with an almost unrivalled amount of culture, and all that is coupled with general ability far above the average of the ordinary Barbados Scholar. He has no local financial interest, and his judgement is sound. It is true that at times he is not as severe, as some of us think he might be, with unruly members of the profession—unpunctual Solicitors or unduly pugnacious Counsels; but then you yourself, Mr. Speaker, are at times inclined to err on the side of leniency when hon. members occasionally lapse and become a little out of bounds but you will not get a Chief Justice who will not have some signs of human frailty. With a man of Mr. Chenery's economic background and innate culture it is hard to say that it would be most difficult to replace the present holder of the office who is due to retire as soon as a successor can be appointed unless Mr. Chenery said: I will not apply for this job at this salary.

The hon. member on my right also referred to Mr. John Hanschell who has acted as Puisne Judge during Sir Allan Collymore's absence on long leave, that acting appointment gave complete and the utmost satisfaction; it gave the utmost satisfaction to every legal practitioner. There was not the slightest sign of any partiality. There are one or two courts in which, if one is shrewd enough and knows who is Counsel on one side, it is possible to make a wise guess, irrespective of the merits of the matter before the Court, as regards the winning side. That has never happened—as a matter of fact, it could never happen when Mr. Hanschell sits on the Bench; his impartiality goes so far, that the person who finds it most difficult to win a case before him is his brother, Mr. Will Hanschell.

The reason is obvious and he is setting a good example to every member of the Bench. Of course he is young and I am not suggesting him at the moment as Chief Justice but he has it in him to be one as he is the grandson of the late distinguished, Sir William Herbert Greaves who from 1902—5 filled the post of Chief Justice of Barbados with remarkable distinction and whose judgments are so frequently quoted from the Court of Error Reports.

Sir, I am saying that the material is available from the triumvirate which I have mentioned. When the filling of the post of Puisne Judge is considered, obviously his is the name which should not be overlooked, because no one apart from innate impartiality tries to get at the root of the matter to find out what is the real truth of the issue before him more than that particular individual. As I have said, after giving the matter careful consideration, I come to the conclusion that a case has not been made out to justify the passing tonight of this Bill because it has not been established, as we say in the Criminal Courts, beyond all reasonable doubt either that it would be impossible to replace the present holder of the post or that the present holder of the post is insisting on retiring now without anymore ado. If that be the case, let him carry on so that he can bring in the new Bill with his unrivalled experience of the Courts of this Island. After all, before he was Chief Justice of this Island (and he was that or 20 years) he was Judge of the Assistant Court of Appeal. He also was Attorney General of this Island and Leader of this Chamber. No one has a better legal knowledge of the legal system and the Courts of this Colony than the Hon. Sir Allan Collymore and for those reasons I submit that the motion for the postponement is the one most worthy of support and the one with which certainly I will agree.

As has been said, not merely from the legal aspect of it, but from the Island-wide aspect *re* increases and adjustments of salary, we have to consider not merely the isolated case of 25% increase for someone who is in the £2,000 bracket; we have to consider the reaction and the economy of this Island to what would certainly amount to a corresponding increase for all. The lower you go in the salary scales, the higher should be the increase. We have to bear in mind what I do not think it is necessary to reiterate as it has been reverberated this afternoon: that the people at the bottom of the ladder are indispensable and as a class cannot be done without. We cannot do without the man at the bottom no more than we can without the man at the top. We should see to it that the man at the bottom receives an adequate living wage; so when we give a £2,000 a year officer a 25% increase, when we are dealing with people like the labourers employed in such Departments as the Highways and Transport and the Public Works Department, the postmen and people like that, they should receive correspondingly a proportionate increase having regard to the best recognised Trade Union principles, and I am sure Your Honour and the hon. member on my immediate right (Mr. F. L. WALCOTT) would be pleased to put your unrivalled knowledge at their disposal. What should be the corresponding increase of workers in the category of $10 per week? It seems to me that 100% would be a reasonable increase; certainly very little less than that. I say again, Mr. Speaker, that there has been no satisfactory argument adduced for the passage of this Bill either tonight or after midnight and for that reason I will be supporting the motion for the postponement.

Mr. GODDARD: Mr. Speaker, when the Salaries Commission was appointed, this was his terms of reference:—"To enquire into the remuneration of all Public Officers and Government employees and to make recommendations for remuneration for such officers and employees having regard to—

(1) the economy of the Island in relation to the neighbouring territories;
(2) to the need to retain and attract suitably qualified officers for appointment to technical Post and
(3) to maintain an efficient, economical and contented Public Service and any other relative consideration."

The last two are only corollaries of No. 1. To my mind the most important is No. 1. that is with regard to the economy of the Island in relation to

the neighbouring territories. We all know that the Government's revenue of Barbados is in the vicinity of $15 million. That of Trinidad is $96 million and that of British Guiana in the vicinity of $40 million. The salary of £2,000 is what we are now paying the Chief Justice and we propose to increase his salary by 25% or £500.

Well, that is a large increase for Barbados, and it is a large increase for any Government when we take into account that the national revenue of this island has been static for the last three years, and that has been shown to every member of this House in the Memorandum that has been presented to us at the opening of the Estimates or Budget time. If you look back over the last three years, you will see that the national income of the island has remained static. I only opened by saying that because the main point I want to make is this: It is unfortunate that the Government should see fit to take out of the Report of the Salaries Commissioner, although it has not yet been completed, this specific salary brought down to the House for our approval. We do not know the relevant facts. We do not know what he is going to recommend for other salary scales, and we do not know what are the very lowest salaries' increases to be recommended. We have had similar occasion on the last time when it was divided into two parts, but on this occasion I would even go as far as to ask Government, have they in view any other Department or any other salary scales that need to be adjusted before the Report will be completed? It is quite a reasonable request because we do know that the condition at the hospital today is of such that if they came down next week and told us they had to take out salaries' scales at the hospital because of conditions existing there, we would have to do something about it. As some members have already stated, their claim is more urgent and more pressing than this one. I would like to hear Government's urgency other than what was given to us this afternoon. Why do we have to take this out? Why do we have to take this out and treat it with such priority? I do know that we have just passed a Judiciary Bill and it is expected that a lot of recommendations and regulations and what not will have to be made, and will more or less have to be done by the Chief Justice. Some may argue that it would better be done by a young man taking up office than by someone now retiring; that might be quite in order, but is it so pressing that it should be done with such urgency? Can we not wait? I have seen not on one occasion but many occasions, advertisements for filling of posts, and the post will say the salary £X, and a note will be made that the salary is under review. Are you telling me to-day that any one who might be applying and who was told that the salary scale is under review would be hesitant in accepting the post under those conditions? In that case I would say the person you may have in view should not be appointed. No one coming to Barbados should expect a salary out of proportion to the economy of the island. I would expect that from someone in the lower scales but not a Chief Justice. Not only that; can we afford it? I say this with reservations, because we may have to pay that and that might be the adjustment necessary at this stage. I am not going into how much we should pay or not, but I only draw the House's attention to the fact that these salary scales should be adjusted to suit the economy and the ability to pay from the resources of this island. To take this out of the scale and give it to us like this is committing us to a Report that is not yet completed. It may be argued that when the Report is presented we either accept it or we reject it, but that is still not quite enough because we would have been committed; and if we say we are going to increase the Chief Justice's salary by 25% when other adjustments may to our opinion be not similarly related, we might hesitate because we might feel the Report is not what we expected. For that reason, I feel that the Government, unless they can give us something more tangible, more compelling reasons for the taking out of this, we should at this stage reject it or postpone it. It is not a matter of rejecting because we do not think the salary of the Chief Justice should not be increased. As I said, this may be the correct one, but we will not know until your whole Report has been presented. For that reason I am going to vote for the postponement.

The question that the Bill be postponed was put and resolved in the negative the House dividing as follows:—

Ayes: Mr. F. L. WALCOTT, Mr. BRANCKER, Mr. CRAWFORD, Mr. TUDOR, Mr. GODDARD, Mr. ALLDER, Mr. E. D. MOTTLEY—7.

Noes: Mr. SMITH, Hon. G. H. ADAMS, Hon. Dr. H. G. CUMMINS, Hon. M. E. COX, Hon. C. E. TALMA, Hon. R. G. MAPP, Mrs. BOURNE, Mr. HOLDER, Mr. VAUGHAN, Mr. BRYAN, Mr. MILLER—11.

The question that the Bill be now read a second time was put and resolved in the affirmative the House dividing as follows:—

Ayes: Mr. SMITH, Hon. G. H. ADAMS, Hon. Dr. H. G. CUMMINS, Hon. M. E. COX, Hon. R. G. TALMA, Hon. R. G. MAPP, Mrs. BOURNE, Mr. HOLDER, Mr. BRYAN, Mr. VAUGHAN and Mr. MILLER—11.

10.35 p.m.

On the motion of Hon. G. H. ADAMS, seconded by Hon. Dr. H. G. H. CUMMINS, 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. Dr. H. G. H. CUMMINS: I beg to second that.

Mr. F. L. WALCOTT: Mr. Chairman, I intend to make a comparison. Imagine that the Government has the effrontery to come down to this House with a solid proposal, which has been taken out of the context of which we know nothing, to give a 25% increase on a salary of £2,000 per annum. I ask this Committee this question: if in the Trade Union tomorrow I went forward and asked for a 25% increase in the wages of workers in the Sugar Industry, you would hear the Hon. Premier and others saying that I am trying to ruin the Sugar Industry. Some weeks ago, poor men were working for something less than what they should be getting and the Government said that I was trying to mess up things and they appointed a Board of Enquiry to go into the matter, but now they are asking for a 25% increase on this salary of £2,000 per annum. I ask hon. members if when the time comes to deal with the proposal for increased salaries in respect of other people in the Civil Service [*Asides*] Mr. Chairman, hon. members on that side are making *sotto voce* remarks——

Mr. CHAIRMAN: The hon. member must not pay any attention to any *sotto voce* remarks.

Mr. F. L. WALCOTT: Well, I will draw your attention to them. The Hon. Minister of Labour is saying that what I am saying is out of order; it is out of order, because he has no interest in it. He does not care what people other than political touts get. I am sure that this Government is not going to bring down any proposal which would increase the salaries of Postmen or those of any other employees by any 25%; the economy of the Island will not be

able to stand it. Let us see, Mr. Chairman, if the bulk of Civil Servants will get a 25% increase.

Mr. CHAIRMAN: The hon. member must stick to this Clause.

Mr. F. L. WALCOTT: Mr. Chairman, you must try and understand what is before this House; look at what this Clause says. It says this:

"Subsection (4) of section two of the Chief Judge and Crown Law Officers Act, 1907, as amended, is hereby amended by deleting the words "nine thousand six hundred" appearing therein and substituting therefor the words "twelve thousand".

That, Mr. Chairman, is a 25% increase in the salary of the Chief Justice, and you do not know what the proposal in respect of the other salaries are. If that suits other hon. members, it does not suit me; what am I going to tell the people in the lower brackets? The Hon. Minister is there smirking; it is illegal for these people to join a Trade Union, but they still want the support of the Trade Union. This Assembly does not know what the bulk of Civil Servants are going to get, but we have before us this increase of 25% in the salary of the Chief Justice, when we have not seen the proposals in the Godsall's Report. If you can satisfy your conscience that this is in the interest of those who work under full Dominion Government, you may do so; but it will not be done as long as I have breath in my body. I am opposing this proposal, because you are asking me to vote for a 25% increase in the salary of one of the highest paid posts in the Island; in fact, the only post which carries a higher salary than this is that of the Head of the Administration. Do you think that we can compare this Colony with Trinidad. Do you think we can compare it with Jamaica which has a population which is 7 times greater than ours, or with British Guiana which is a bigger Country? If you are talking about the economy of this Island, how can you say that a 25% increase should be given in this salary when other Departments are asking for an increase and you take this recommendation out of the Report of the Salaries Commissioner ——

Hon. R. G. MAPP: On a point of Order. We have debated the second reading of this Bill at length. [MEMBERS: Sit down]. We went on *ad nauseam.*———

Mr. F. L. WALCOTT: I am going to speak *ad nauseam.*

Hon. R .G. MAPP: I am speaking on a point of Order.

Mr. F. L. WALCOTT: I am not giving way because there is no point of Order; I am speaking *ad nauseam.*

Mr. CHAIRMAN: Will the hon. member for St. Peter must take his seat, and let me hear the hon. member's point of Order.

Mr. F. L. WALCOTT: I do not see that there is any point of Order.

Mr. CHAIRMAN: Will the hon. member take his seat?

Mr. F. L. WALCOTT: I repeat: I am speaking *ad nauseam.*

10.45 p.m.

Mr. CHAIRMAN: I am asking hon. members on my right to keep quiet when the Chair is speaking.

Mr. TUDOR: Mr. Chairman, I rise on a question of privilege.

Mr. CHAIRMAN: The hon. member must take his seat. The hon. member is breaking the Rules of this Committee. [*A Pause*:] Will the hon. junior member for St. Lucy take his seat?

Mr. TUDOR: Mr. Chairman, I rise on a question of privilege.

Hon. G. H. ADAMS: There is no such thing as a question of privilege.

Mr. CHAIRMAN: The hon. junior member for St. Lucy is breaking the Rules of this Committee.

Mr. TUDOR: It must take precedence.

Mr. CHAIRMAN: While the hon. junior member for St. Peter was speaking, the hon. senior member for St. Thomas rose on a point of Order and I asked the hon. junior member for St. Peter to take his seat in order to hear the hon. senior member for St. Thomas.

A VOICE: [*To Mr. Tudor*] Sit down now.

Mr. CHAIRMAN: For the last time, I am warning the hon. junior member for St. Lucy to take his seat.

Mr. TUDOR: Mr. Chairman, I sit but under protest.

Hon. R. G. MAPP: Mr. Chairman, as I was saying, we have heard all these arguments—

Mr. F. L. WALCOTT: Mr. Chairman, I rise on a point of Order. The hon. member has to say right away what is the point of Order.

Mr. CHAIRMAN: [*To Hon. R. G. Mapp*] Let me hear the point of Order. Come to it right away.

Hon. R. G. MAPP: I am coming to it. As I was saying, we have heard all these speeches already.

Mr. F. L. WALCOTT: Mr. Chairman, I rise again on a point of Order.

Hon. R. G. MAPP: I am asking, Mr. Chairman: is it in order to hear a repetition of a second reading speech?

Mr. F. L. WALCOTT: Mr. Chairman, that is challenging your ruling.

Hon. R. G. MAPP: Mr. Chairman, I am asking for your ruling on that point.

Mr. CHAIRMAN: Take your seat. [VOICES: Hear! Hear!]

Mr. F. L. WALCOTT: Mr. Chairman, according to Clause 2 of this Bill, sub-section 4 of Section 2 of the Chief Judge and Crown Law Officers Act, 1907,——

Hon. R. G. MAPP: I am asking Your Honour for a ruling on the point.

Mr. F. L. WALCOTT: Put him in the Chair.

Mr CHAIRMAN: Will the hon. junior member for St. Peter address the Chair? You are taking too much notice of asides.

Mr. F. L. WALCOTT: As I was saying, Mr. Chairman, Clause 2 of this Bill deals with an amendment of Sub-section 4 of Clause 2 of the Chief Judge and Crown Law Officers Act, 1907. The amendment is to delete "Nine thousand, six hundred" appearing therein and substitute therefor "twelve thousand". That is what we are now considering. That has nothing to do with any second reading speech when Mr. Speaker was in the Chair. The Hon. Minister is telling you that it is a repetition; you cannot hear me. So far as your position as Chairman no member can tell you of anything that took place in this House. I am saying, and I have the right to say it, that this amendment changes the salary of the Chief Justices from $9,600 per annum to $12,000 and I am dealing specifically with that now.

I am submitting that when we are called upon in this Section to increase this salary from $9,600 to $12,000, we are doing something without the knowledge of what are the other proposals in the Godsall's report. What we are attempting to do is to pass an amendment which increases by 25% the salary of one of the highest paid posts in this Island and I am submitting that this 25% increase is a considerable increase for any salary. During the peak of the last World War, salaries were not increased by 25%. Now, the Hon. Premier is asking us to pass quietly this amendment when we know nothing of the other recommendations in the report of Mr. Godsall. I am

not going to pass this quietly. I am not going to agree to a 25% increase for any one person especially when that salary goes up to $1,000 per month.

Are you asking me who is a Trade Unionist to be content to have salaries much lower than that, throwing it at us that you do not want to injure the economy of the Island and telling us when we are clamouring for increases to salaries of the people in the lower walks of life that we are trying to ruin this Island? Can this Island stand an increase of 25% to the salary of the Chief Justice? What are the increases which you are going to give? Are you giving an increase of 25% to people in the $2,000 brackets and then giving a 10% increase to people getting £1,000? You are giving a contonnier 22 cents an hour now and you are quite potent to do that. This is a vicious thing and I am sure it could never pass an Assembly which realises its responsibility. You have set up a Salaries Commissioner to investigate salaries and you have picked out the Chief Justice to give him £500 more per annum which is the equivalent; we are gradually by the diminution of the democratic process accepting dictatorship. One of the worse things we can have is a vicious dictatorship.

Mr. E. D. MOTTLEY: This Bill is one which we have to fight against to the last. This Section deals with the deletion of the words "nine thousand six hundred appearing therein and substituting therein "twelve thousand". I think the Committee should appreciate this: I am going to move that the words "twelve thousand" be deleted and that you insert in place "nine thousand six hundred." What I am worried about —

10.55 p.m.

Hon. G. H. ADAMS: That is out of order.

Mr. E. D. MOTTLEY: I am always willing, Sir, to listen to the honourable and learned Premier on his knowledge of procedure. Immediately he wants us to sit and he stands up: so I will sit down.

Hon. G. H. ADAMS: If the honourable member is so kind as to make that offer, he is above making electioneering speeches. There is no necessity for him, because he is a member of the Opposition, doing something that his better sense must tell him is wrong. You have just passed the principle. How can you come back now having decided in the House that you will vote for something more, then come back to $9,600? I suggest he is perfectly out of order to reduce it because that would be contrary to what the House decided.

Mr. E. D. MOTTLEY: All right, Sir! There are some things you must learn and I feel on this occasion that he is right. I think he is right; but I am still going to reduce it nevertheless. Instead of $12,000 I am going to put $9,600 and half-penny. am I in order?

Hon. G. H. ADAMS: No!

Mr. E. D. MOTTLEY: Well, $9,600 and one penny. Perfect order now? All right! Now, unlike the last speaker, Mr. Chairman, I know that the Premier would be very shrewd and he would see some of the points we have been making. He will see the Commissioner's Report before we get it. What I am woried about . . . .

Mr. CHAIRMAN: This is the last time I am going to warn the honourable senior member for St. Philip that he must not interrupt honourable members.

Mr. E. D. MOTTLEY: Now. Sir, I am somewhat worried about what was said about the 25% increase in the top bracket and not increasing the people in the lower bracket by 25%. As I said, there is nothing wrong in increasing by 25%, but the people who are working for $10 or $12.50 a week, are they going to get a 25% increase also? What I am worried about and have never agreed to or will never agree is that this salary is the right salary. As I said, I am going to vote for the postponement because (a) you took this out of the Report and (b) as the Leader of the Opposition said, in the terms of reference, you should make recommendations in keeping with the economy of the island. This country cannot pay any Chief Justice, I do not care where he comes from, more than $9,600; it is not worth it. If this island pays the Chief Justice this salary, you can look out to pay Surgeon Specialists £5,000 a year; that is all I am saying. Where the hon. member made his mistake is here. To my way of looking at it, it is quite easy for the Premier to say you are giving a 25% increase to the Chief Justice; if you take all the surrounding circumstances and terms of reference, standards, cost of living conditions and so on and increase his salary by $200, and you are also going to increase the salary by 25% of those working for $10 or $12.50, then there is nothing wrong with that. Increase in salaries should never be the same from top to bottom. You give an increase in ratio from top to bottom, thus the people at bottom should get a 25% increase and those at top should not get more than 12%. To get $800 in any country is a princely salary, and is a lot of money anywhere. It is a lot of money, and it is very nice for the Ministers to grin and sneer when members get up here and speak on these matters because they are now fat. When they were making $10 and $12 a week they did not sneer. I hate to see some of them sneering like hyenas and what not. My amendment is that instead of "$12,000" substitute "$9,600.02" It is true we have made speeches on it and from the depth of my heart I do not believe the post of Chief Justice in Barbados is worth more than $9,600. As hon. members said, since 1951 you will be increasing the salary of the Chief Justice by $340 a month and you have not increased others since. You have raised his salary from $600 to $800 and now you are increasing it again; and this is retrospective. I presume if you have any brains you will bring in the other salaries before December because this is election time. You have increased the Chief Justice's salary by £340 since 1951; you have also appointed Puisne Judges to do the work. At least you have had a man acting and if you say now that you cannot get a man with integrity and you have to build a man or get one created, God have mercy. Women go to the Hospital with young children and there is nobody there to attend to them. This is morally wrong; it is absolutely wrong; it is not worth any more money and Barbados cannot pay anymore. Do not look for any compromise in this. My amendment is to that instead of $12,000 it should be $9,600.02 Do you know why I am fighting this? I do not like to stay in here late now; I am getting old like the Premier, but I feel we should fight this. Let the Secretary of State see that they are still those of us who are prepared to fight on every inch of ground. It is not worth it unless you are going to bring whom you like to Barbados for this salary. It is upon this and the Hospital that Government will fall, believe it or not.

Mr. CRAWFORD: Mr. Chairman, I am really surprised that an experienced member of the House like the hon. senior member for the City allowed himself to be taken for a ride by the Premier.

Mr. CHAIRMAN: The hon. member must speak on the Section or on the amendment to the Section.

Mr. CRAWFORD: I said, Mr. Chairman, that I am surprised that the hon. senior member for the

City allowed himself to be taken for a ride in the same manner that the Premier has taken the whole public for a ride. He has just voted against one cent increase for this job and then he let the Premier bamboozle him into putting on a penny. He did not vote for the increase, the Government voted for it. He was not part of this criminal action because it is nothing short of a crime against the people of this country. It is an absolutely vicious and immoral action to the people of this country, and like the hon. junior member for St. Peter I would say that for the sake of argument, from the economic point of view, with the proportionate salary increases throughout the entire service from top down, you have to think of the increases in terms of 50% and not 25%.

11.05 p.m.

When you compare the increase which is being given to this post with the increase given to people of the Unestablished Staff and the lower ranks o the Government's ladder, the increase is really 50% not 25%. The members of the Unestablished staff got their last increase in 1951, and the salary of the Chief Justice was then $660 a month. The Government came in here in 1952 and increased the salary of the Chief Justice to $800 a month and now they have come back to make it $1,000 a month; therefore the increase is really from $660 a month to $1,000 a month during which time the members of the Unestablished Staff got no increase at all. I repeat, therefore, that the Chief Justice actually got more than a 50% increase when the other people got nothing. When the hon. junior member for St. Peter said that the members of the Unestablished Staff are entitled to a 50% increase and not a 25% increase ———

Mr. F. L. WALCOTT: On a point of Order I was dealing with what this amount happened to be. What I did say, was that if I had asked for a 25% increase in respect of the workers in the Sugar Industry, they would have said that I was asking for a big increase for these workers.

Mr. CRAWFORD: All I meant to say is that the Government has come down with a proposal to implement the recommendations of Mr. Godsall in respect of this post, and the proposed increase is really 50%, not 25%. Well, if they can afford to do that for the Chief Justice, they can afford to do it for other people as well. You either come down with a 50% increase for these people in the lower brackets, or you withdraw this Bill. I am not at all surprised that, of the entire array of members on that side of the House, not one single one of them for the entire day, has had the effrontery to get up to support this proposal, except the Hon. Minister of Trade. The Hon. Leader of the House is too much ashamed to talk; the other members are "mum" because they cannot satisfy their consciences to get up and support such a proposal. We need not include the three hon. members on the extreme right of the Government members.

Those of us who really take our duties seriously in here must leave this Chamber tonight with bleeding hearts to think that we sat here in 1956 and perpetrated such a crime in this Country. In a small place like this, we are going to pay the Chief Justice $12,000 a year because Trinidad and British Guiana are doing it! I do not think that the members on this side of the table have acted correctly I do not agree with wasting my time in beating the air, and since the members on this side are going to be overwhelmed with numbers, they should have left this Chamber immediately the vote for the second reading of this Bill was taken. The hon. Introducer of this proposal—

Mr. CHAIRMAN: I should like the hon. member to keep to the Section which is before us; the hon. member is now making a second reading speech.

Mr. CRAWFORD: That is what I am here to do. As I was saying, the Hon. Premier introduced this Bill, and not one word was said in defence of it in reply to what has been said by the members of the Opposition. The points made by the members of the Opposition are completely unanswerable. In some parts of the world, any Government which was guilty of an act of this sort, would have to walk the streets in fear of their lives. The people of this Colony were so misguided as to give you a majority and now you turn around and betray them completely, for what reason, nobody knows. I ask: what justification could there be, even if the Salaries Commissioner recommended this figure, or anything near it, as the salary to be given to the Chief Justice, for accepting it? No Government in its right senses in this Country would accept it. When they bring out people as Commissioners to recommend what salaries should be paid in the middle and lower brackets, we are told: "We are only able to spend so much, and therefore your proposals must remain in this category." There is no ceiling at all in respect of the salaries attached to the higher posts; in the case of these posts, the Government says: "Anything you do, we will support." After what has happened, in respect of the Turner Report in 1953, what is before us tonight is an example of what is to come with regard to Heads of Departments; one of them is biting off far more than he is able to chew.

11.15 p.m.

Mr. BRANCKER: Mr. Chairman, I will not second the motion of the hon. senior member for the City. I will point out to him that the principle aback of his motion is quite wrong. It is true, the second reading speeches have been passed but it is also equally true about the matter of procedure of which you are fully cognizant that when the second reading of a Bill has been passed, it is the duty of the Chairman of Committees in respect of each section to put it to the vote; that is to say, you must say "those in favour of such and such a Clause will please say "Aye" and those against will please say "No"; therefore the procedure is perfecty clear. Every member of this Committee when you put the question, as indeed you must, is entitled to vote on the question. I suggest that that is correct parliamentary procedure but certainly not the proposal that you cannot go against a Section in Committee when you accepted the principle in the House.

Hon. G. H. ADAMS: If the hon. member will give way, I said nothing of the sort. I said that the House having voted for the principle for increasing the salary, we would be going back on the principle for which we voted if we accepted the motion of the hon. member for the City. In May's Parliamentary Practice (Fifteenth Edition) at page 504 we read:—

"In Committee the details of a measure are the primary object of consideration, and alterations in its provisions are proposed. But amendment must be compatible with the principle of the Bill which the House is taken to have affirmed on second reading. Hence destructive amendment, for instance, is out of order."

The amendment must be compatible to the principle of the Bill which the House has taken to have agreed to when the second reading was passed, hence a destructive amendment is out of order. To move an amendment to go back to "nine thousand, six hundred" is completely out of order I did not agree to raise the point again because the numbers are over here. I specifically said that in order that the hon. junior member for St. Lucy may make his usual mendacious remarks.

Mr. TUDOR. Mr. Chairman, I take objection to that.

Mr. CHAIRMAN: The hon. junior member for St. Lucy must take his seat.

Mr. TUDOR: I object categorically to the remarks just made in reference to me by the hon. senior member for St. Joseph about mendacious.

Mr. BRANCKER: The hon. senior member for St. Joseph should be the last person to say this. He got up by saying that I must give way.

Hon. G. H. ADAMS: I did not say that.

Mr. BRANCKER: He used those exact words and if the Official Reporter is reporting accurately, he would have them. I am the only member of this House of whom that phrase would not be appropriate. As it is my duty to give way, I would give way. Do not let him use that phrase to me again.

I was only dealing with the point made by the hon. senior member for the City who seemed to be misled because it is the procedure apparently of the Vestry of the metropolitan parish but which is not parliamentary. I gather that that is what caused him to make that motion for the increase by one penny. If the "Noes" are in the minority, the result would be carried to maintain the *status quo* of the proposed increase.

The question that the Clause 2 stand part was put and resolved in the affirmative, the Committee dividing as follows:—

Ayes: Hon. M. E. Cox, Hon. G. H. ADAMS, Hon. Dr. H. G. H. CUMMINS, Hon. C. E. TALMA, Hon. R. G. MAPP, Mrs. BOURNE, Mr. HOLDER, Mr. BRYAN and Mr. MILLER—9.

Noes: Mr. F. L. WALCOTT, Mr. BRANCKER, Mr. CRAWFORD, Mr. TUDOR, Mr. GODDARD, Mr. ALLDER and Mr. E. D. MOTTLEY—7.

Clause 3 was called and passed.

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

Hon. G. H. ADAMS: I beg to move that this Bill be now 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. G. H. ADAMS: I beg to move that this Bill be now agreed to.

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

The question was put and resolved in the affirmative the House dividing as follows:—

Ayes: Hon. G. H. ADAMS, Hon. Dr. H. G. H. CUMMINS, Hon. M. E. Cox, Hon. C. E. TALMA, Hon. R. G. MAPP, Mrs. BOURNE, Mr. HOLDER, Mr. BRYAN and Mr. MILLER—9.

Noes: Mr. F. L. WALCOTT, Mr. BRANCKER, Mr. CRAWFORD, Mr. TUDOR, Mr. GODDARD, Mr. ALLDER and Mr. E. D. MOTTLEY—7.

INCOME TAX BILL

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I am asking leave to take Order No. 9, as the next Order of the Day.

Mr. SPEAKER: The Hon. Minister has asked leave to take Order No. 9 as the next Order of the Day, and unless there be any objection leave will be granted the hon. member.

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

Mr. SPEAKER: The next Order of the Day stands in the name of the Hon. Premier: Second reading of a Bill to amend the Income Tax Act, 1921.

Hon. G. H. ADAMS: Mr. Speaker, in view of the importance of this Bill, I propose to read the Objects and Reasons and then to add further explanations by way of anticipation of any questions that may be asked. The present state of the Income Tax Law as hon. members will remember, is that up to only a short time ago no provision was made for deduction by employers of taxes either on a voluntary or compulsory basis. We have passed an Act, hon. members will remember, which is a modified form of this Bill in the sense that this is compulsory. The present Bill seeks to make compulsory what is now taken advantage of by some persons in having their employers voluntarily deduct anticipated income tax. Obviously deduction can apply only to employees. A Lawyer or Doctor would not come under this because he employs himself. [A VOICE: What about the nurses he employs?] I do not know if any doctor employs nurses. Some doctors may employ a nurse, but I have yet to hear in Barbados of a doctor employing a nurse in the same way as people are employed in the ordinary way. I always thought that the nurse was free to go and nurse with other people. Well, when I come to deal with other things, I will deal with that as the hon. member has suggested. I take it hon. members have been thinking of this for some time and because of that and because it is so important I prefer to read the Objects and Reasons again. Let me in passing remind the House, Sir, that the Government has told the House that it proposes making several amendments to the Income Tax Act, but that it was advisable instead of waiting for a comprehensive bill, to come down in bits, a thing that normally we would not do; but it would take a long time to have waited for all the amendments of the Local Government Act and so we would have taken quite a long time over the amendments to the Income Tax Act. As it is, it is so cut and they have been so many bits made since 1921 that the Government feels that in the consolidation of laws which has got to take place sooner or later and sooner rather than later to the Income Tax, all the amendments should be brought together in a single consolidated bill when we get through all the amendments. It is for that reason that we came down with the Medical and Dental concession; [A VOICE: Not the Dental; we asked for it.] Not Dental, Optical. We have agreed that we are not going to confine it to Medical and I apologise if I anticipated that it has been passed. Just as we came in with amendments so that the Bellairs Trust and the University College would benefit, so we are bringing in this instead of waiting for all the amendments.

At this stage, I would like to say I believe that the intelligence of the Electors Association has begun to be more progressive than it used to be. I could have informed them that Government has been considering the question of married women and what allowance should be made. I could have told the hon. member. What could he expect with all those signatures? Some of these people talk. I knew the Petition was coming today and I might remind the Introducer that this Government has decided what I have said a few minutes ago when we had

the question of Medical expenses, but we proposed instead of waiting to do it bit by bit. I think I am going to read the Objects and Reasons because I am going to suggest it is not merely pertaining to the passing of this Bill, but I suggest an amendment to the Objects and Reasons which will make clear what we have in mind. There are one or two amendments in the Bill which I will deal with later.

The first portion deals with the definition which is contained in the new Section 38C.

"As income tax under the Income Tax Act 1921 is assessed on income of the year preceding the year of assessment and since in certain cases the tax assessed is not required to be paid until the 31st of March in the year following the year of assessment."

Well, the second portion says we are bringing it in on April the first or otherwise people may be paying instalments in February and at the same time have deduction made in January or February; so to prevent two amounts of taxes in the course of a year we propose to do it this way. This is the passage I want amended.

"By providing that the tax to be deducted shall be calculated by reference to tax tables, the bill seeks to ensure that the proper amount of tax to be deducted may be easily calculated." Now instead of "as the tax tables to be prepared by the Commissioner will reveal only that the person from whose emoluments tax is to be deducted" I propose this will explain the matter better; 'As the person from whose emoluments tax is to be deducted will only be required to reveal to the person deducting the tax whether he is single or married or supporting children or relatives". In short, if we followed either the English or Canadian system, an employee who was working for $60 month would have to tell the employer what money he might be working for outside; he might have a kitchen garden or another job, and the employer would be surprised if he had to fill out the other form. He might get into trouble; of course there are some persons who might have passed for married men who may turn out to be bachelors and so on. The object is that the employer will deduct in respect only of what he is paying the employee, and the employee who has another source of income will have to return this to the Income Tax Commissioner so that he would not be in jeopardy of knowing he has a $500 a month man and not a $100 a month man. If the remark made by the hon. senior member for the City can be taken as applying to other members of the Opposition that they have read the Bill, then it is not necessary for me to speak at any particular length, but if there is any special question that hon. members would like me to deal with, I will deal with them as I said in two or three places chiefly for clarification.

11.35 p.m.

The Bill is a simple one, and we are dealing with it as simply as possible. The Canadian method makes a man disclose more than the English method makes him disclose; not only that the English method is better than the Canadian method in the sense that by this system of giving certain figures as to a man's position, you can see the income which he is earning and which is taxable. By the use of code figures, you know from time to time how much a man has paid and how much he must pay as long as his salary is fixed. You know that he has only one source of income; you know that he is married and has two children and you know what the exemptions are. You also know exactly what he has to pay in Income Tax at the end of the year, and therefore you can divide the amount by 12.

Under the Canadian system, you take what a man may earn every pay day and under that system, it is possible that he may either pay too much income tax and has to get back the excess, or he may underpay: in which case, he will be called upon to pay more. Under the English system, if you have many sources of Income, it can be calculated pretty accurately or entirely accurately. We have said here that we do not want to put anybody "in a fix," and therefore, we are asking the employers to collect only what the employees should be paying on the salaries which the employers are paying. A person does not get off any source of income, because he has to make this return direct to the Income Tax Commissioner, and only the Income Tax Commissioner or his Clerks know that he has only one source of income.

As we know, Income Tax is paid in the year in which it is assessed, but it is assessed for the preceding year. I do not see the Opposition giving us any credit for completely wiping out the payment of Income Tax for this year. [Mr. F. L. WALCOTT. It could not work otherwise]. The earning in last year is assessed this year; if you make a man pay for 1956, he would have to pay one-half in September next year and one-half in February, 1958, but at the same time you would be deducting in 1957 every month, so that when September comes around, you would have a deduction for 1957 and you would be paying a moiety for 1956. We are wiping out Income Tax in respect of 1956; it is not necessary that we should wipe out Income Tax at all; it is only that the Government feels that that should be done. Actually, Jamaica is giving less concessions than we are giving; we are not calling for Income Tax in respect of 1956 from employees except in certain circumstances which I will explain. We are doing that because we consider that it would create a hardship on people otherwise, but there is nothing wrong in calculating and collecting Income Tax for 1956.

It would be a double hardship to collect Income tax for the current year; however, some Countries still collect it and spread it over a long period of time. There would not be anything wrong in principle in making people pay Income Tax in every year in which they earn the Income; there are complications because you have to see that the taxpayer does not suffer on the one hand, and you also have to see that the revenue is not hurt on the other hand. People knowing that no Income Tax will be collected for 1956 can collude with their employees and raise salaries from $500 to $1,000; but in that case unless your salary is kept at $1,000 next year, you will have to pay the difference between $500 and $1,000. We are trying to avoid any hardship on the Tax payer but we are certainly not making it possible for him to deplete the revenue.

It is difficult to estimate what we are likely to give up. I may tell hon. members that I took a couple of months very well before agreeing to all the proposals to which the Government has eventually agreed. I agree with them now but I was not persuaded at first, especially as I know that Jamaica itself collected some of what might be said to have been given up. I was persuaded by the argument of the Income Tax Commissioner who points out that a person might work for 5 or 8 months of the year, then he goes abroad and does not pay any Income Tax. In that case such a person would now have to pay 5/10ths or 6/10ths or whatever it

might be of the Income Tax that was due as nearly as possible.

11.45 p.m.

The Income Tax Commissioner assures the Government that judging from the experience of other countries and judging from his figures here of arrears of people who live in the Island, he is convinced that the Government will actually collect more in 1957 from the introduction of P.A.Y.E. than he will get without their paying for this period. [A VOICE: I do not know that.] Only quite recently, after a comparison and a study of its working in the United Kingdom and the United States of America and to a less extent, Canada (I had very useful textbooks on the subject affecting Great Britain and the U.S.A.) I have come to the conclusion that the Income Tax Commissioner is right and that it is likely, going by the experience of other places, that in the long run what the Government would collect in 1957 from everybody who is being employed will be very much more than what they are collecting from those who have to pay the whole year afterwards.

I do not think, Mr. Speaker, that I can in this general reference to the Bill add anything to what I have just said. I repeat, there may be other points which may occur to the minds of hon. members: and to whatever extent I can answer those questions, I will answer them so long as they are confined to the legislation. If I am asked a specific question on a specific matter, I may not be able to answer that.

Mr. E. D. MOTTLEY: Mr. Speaker—

Hon. G. H. ADAMS: Is the hon. member going to ask me something before I sit down?

Mr. SPEAKER: The hon. member must wait until a motion is made.

Hon. G. H. ADAMS: I was really only giving way because the hon. member may have wanted to ask me a question before I sat down.

Mr. SPEAKER: The motion must be made first. What you are doing is not the correct form.

Hon. G. H. ADAMS: 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. E. D. MOTTLEY: Mr. Speaker, what I want to ask the Hon. Premier is this: I went through the Bill as carefully as I possibly could and I was somewhat worried over it. Surely, the Hon. Premier could have given us some figures. What is the position? Will you be giving this up to everybody? What is the position with respect to the employees of the Government? Do you actually take it out from them monthly now? [A VOICE: It is voluntary.] You say that you are giving up one year. Is that to be given up to all employees whether their income is from £1,500 to £2,000 per annum? What I am worried about, and apparently it has worried the Hon. Priemer, because he said it took him some time to be convinced by the Income Tax Commissioner, is when he said that you will collect more to compensate for what you will be giving up for one year. I understand you to say that you have a voluntary system operating with respect to Government employees. Although that system is voluntary, are you going to give it up for that particular year which you will not be paying?

As I was saying, I was wondering if there are not some figures which could be given. Surely, there should be some figures. If it is that Messrs. Musson Sons and Company Limited, Messrs. Goddard and Sons and other business houses must make an income tax return of all the wages on salaries of all its employees over a year's period, certainly the Income Tax Commissioner from such returns can give some idea of what that amount would be.

I do know that this new system will bring in much more people, and that we have people who should be paying who are not paying at all. I feel that this is a system which we are somewhat behind hand in putting into operation although, as the Hon. Premier has said, it is a system in which a man might get back something. For some time this matter has been discussed by the commercial elements of the Chamber of Commerce. Some of those people feel that a tremendous lot of people are getting away from paying income tax and that income tax if distributed equitably would allow those people who work for money to assist in bearing the burden of the State.

Mr. F. L. WALCOTT: The hon. member who just sat down said he did not understand this system but this is another check-off system.

Mr. E. D. MOTTLEY: Mr. Speaker, I rise on a point of Order. The hon. member said that I do not understand this system at all. I said the point which I did not understand was the one in which the Hon. Premier made an explanation.

Mr. F. L. WALCOTT: Mr. Speaker, this is one of the Bills which make it easier for people to pay income tax by means of the P.A.Y.E system. It is one of the systems when a community becomes more complex that you have to put into operation. The point made about relief is that in Jamaica when this system was brought into operation, that country gave up a year's taxation just as we are going to do.

There are two reasons for giving up a year: (1) it relieves the Income Tax Department of a certain amount of work and (2) as the hon. member would understand, the year you are going to start to take out compulsory tax is at the beginning at April or March next year. All that you are due this year are now beginning to be collected. The whole idea is that you will take all this money from a man between now and February, and at the same time you are beginning to take out compulsory tax from a man's income. If he does not get relief for this year, what you would have done is to dry up his income because he would be paying what is due in 1956, in 1957. If you did not relieve him of that so that the money is now taken off, you would be drying up his liquid income because you are now deducting in 1957, and at the end of 1957 he would have paid two years income tax. The other advantage of the P.A.Y.E. system is that government can take all collectible income tax at the time the man happens to be in Barbados. Every person employed now would be paying income tax and those who cannot get away—and I hope even with the lawyers and doctors that the Income Tax Commissioner has a system whereby you can assess them on a basis of what they earn. I think the hon. senior member for the City will say if he did not relieve a person, even if you did not know the figure, of income tax for that year, what would happen next year is you would have to pay in 1957 two years' taxes in one year. You would have to because by the end of the year all collectible taxes from 1957 would have been taken and you would have been called upon for 1956. [A VOICE: I do not see that!] The hon. member says he does not see that. He is a reactionary. Every place in the world started the P.A.Y.E. and had to give that relief. What you are going to lose in income tax is what Government is going to get back in a period of years. What they lose in one year they will get back in a number of years. You are obliged to get more with the P.A.Y.E. system than the other system. However, that has not been

made clear to the hon. member yet and he did not see the first point. What he should be regarding now is that it is easier for the Government to take the burden over a period of years than to pay the tax on a period of years, and they would get back what they lose in 1956 much faster.

Mr. GODDARD: Mr. Speaker, this is not new to other countries and not entirely new to Barbados because we have been talking about the P.A.Y.E. system for the last five or six years. The hon. junior member for the City was always considering that Government should introduce a Bill such as this. What I would like the Premier to state is how well it is working in the Civil Service, because I understand the entire Civil Service is on the basis now. Is that so?

Hon. G.H. ADAMS: I do not know if they are

Mr. GODDARD: I know you have this system and I was told almost the whole Civil Service is on this system. It is undoubtedly going to throw additional accountancy on all businesses; they will have to be much more careful and will have to institute a form of book-keeping that now hardly exists. That will be inevitable. and it will have to happen: and special care would have to be taken by the employers of the funds so collected because if it is used in any way and is not protected, the employer can run into great trouble. We may have one or two instances in the first year, but I undoubtedly think it will be resolved, and Government will stand to gain additional revenue from this system that they now use. Until Regulations are made and we know more fully how it is to be operated, we can hardly express opinion as to the amount of accountancy and trouble it will maintain, because we do not know on what form or scale deductions will be made, but I am only going to tell Government about this is: when they are bringing in this, make sure of what they consider to be the minimum which a person should pay. If you have any indication that the minimum should be raised please do that before you come in Make your amendments now. The $720 that are exempted seem small with today's value of currency and you might find it necessary to take that minimum on to $1,000. If that is the case and it can be done, do so that we will not have to make small returns on the border line cases. At this stage I would suggest to Government that they should investigate the possibilities of an Income Tax Commissioner, and investigate the bearing of cost of living in Barbados on taxes as a whole. Taxes today in all walks of life are pressing very hard on the people, and it is time an investigation into the taxation system of Barbados should be instituted for the purpose of saying whether it is pressing and unduly hard, and what necessary relief can be given. I introduced a Petition only today and I am very pleased to hear the Premier say they have it in mind, because it is not today but for a couple of years I have drawn to the attention of Government that when a woman has to go to work to supplement her husband's earnings she has involved herself in additional expense, even if it does not mean more than the employment of another servant or nurse to take care of the children at home, and that is not deductible. It is not fair or equitable to have to add a working woman's earnings to her husband's and consider it as one. I am very pleased to hear him say they have it in view, and I do hope at the the very earliest opportunity they will bring down relief to that hard pressed section of the community This P.A.Y.E. system has been pressed for by the Chamber of Commerce for years, and when Mr. Finch came here I attended a meeting, and he said it was just introduced in Jamaica but they had run into such difficulties that he was not inclined to put up to Government the advisability of introducing it here. I do hope Government has investigated how well it worked in Jamaica because these things can be made to work in big countries where they have methods of organisation and machines, but in these territories we cannot get the efficiency that you can expect in a big country. I do hope they have investigated it and made quite sure it is working well in Jamaica and that we will adopt a simple form and system that we can get for this Island.

We will await the Regulations which are to be made, and I hope that they will be made in time so that we can get our Auditors and Book-keepers to draw up the necessary forms of Book-keeping which will be required. Do not just give us a month or so in advance, but give us a proper time.

12.05 p.m.

Hon. G. H. ADAMS: I have here a letter which was written by the Income Tax Commissioner of Jamaica to our Income Tax Commissioner only a month ago. Actually, this letter was the result of our wanting to know all we could know about how this method worked in other places. The Income Tax Commissioner of Jamaica points out that the system has worked very well in that Colony; that in the first year, the number of employees increased by 80%, and the collections trebled. He points out that they have got off to a very good start and employers showed a very keen interest. He says that in so far as the payment of one year's Income Tax is concerned, the Government stands to lose nothing, what he has stated, is true when it is read literally, but obviously until Doomsday comes you will never collect this Tax for 1956. Therefore, in a remote sense, you may say that the Government is losing taxation for 1956, you cannot abandon the tax in 1956 and then say that you are not losing it. Strictly speaking. The letter refers to arrears being collected for a period of 3 years; we have had discussions with the Chamber of Commerce and the Income Taxpayers Association has also been in conference with the Government. The letter ends up by saying that it is their experience that the increase in staff compensation *in lieu* of revenue is greater.

Faced with that information, it was impossible to hold out indefinitely with this matter. The revenue in the Treasury will not suffer although you are giving up the Tax for this year. If you do not give it up, and you went on collecting it in the old way, you will find that numbers of people will go away, whereas they are now going to pay for the time when they were here. I am glad to think that there is general agreement that this matter will not work any hardship either on the Treasury or on the Taxpayer.

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. Dr. H. G. H. CUMMINS, 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: Mr. Chairman, I am asking leave to make an amendment to this Clause. There is a recent Civil Establishment Order under which the Commissioner of Income Tax and Death Duties is referred to as the Commissioner of Inland Revenue. In paragraph (a) of this Section the word "Commissioner" is defined as meaning the "Com-

missioner of Income Tax and Death Duties"; I am of Inland Revenue.

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

asking leave to substitute the words "Commissioner

Hon. G. H. ADAMS: Mr. Chairman, I beg to move that Clause 2 as amended stand part of the Bill.

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

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

Clause 3 was called and passed.

Clause 4 was called.

Hon. G. H. ADAMS: Mr. Chairman, I am asking leave to make the following amendments to this Clause:—

By inserting the words "resident in this island" after the word "person" in the first line of 38A (1); in respect of 38B (1) by inserting after the word "section" occurring in line 23 the following words "or that the person from whose emoluments the amount to be deducted or withheld is not resident in this Island;" by inserting after the word: "section" occurring in line 6 of the proviso, the following words: "or whether any allowances claimed in a declaration made pursuant to section 38A of this Act should be admitted;" by adding at the end of the proviso the following words: " and to the provisions of this Act relating to appeals."

In short, we have 38A where everybody who is getting money and is employed has to file a declaration.

38A (1) Every person whether a taxpayer or not to whom any payment is made at any time during the income year one thousand nine hundred and fifty-seven or any year thereafter of or on account of any emoluments shall from time to time as may be prescribed by rules made under section 43A of this Act and by such date or dates as may be specified in the said rules file a declaration in such form as may be prescribed by the said rules with the person making any such payment:

Provided that if any person required by this subsection to file such declaration is at the time or times when required by the said rules to file such declaration in the employment of more than one person by whom any such payment is made, then subject to the provisions of any rules made under the said section 43A he shall file such declaration with only such one of the persons by whom any such payment is made as he shall think fit.

(2) For the purposes of this section the expression "employment" means the position of an individual in the service of some other person (including Her Majesty, the Government of this Island or a foreign state or sovereign).";

The amendment for which I am asking leave to put in is the insertion after the word "person" appearing in line 1 of sub-section 1 the words "resident in the Island".

Then there are amendments to Section 38B which reads as follows:—

38B,(1) Notwithstanding anything in this Act contained, on the making of any payment after the thirty-first day of March one thousand nine hundred and fifty-seven of or on account of any emoluments arising or accruing in or derived from or received in this Island during the Income year one thusand nine hundred and fifty-seven or any income year thereafter tax shall, subject to and in accordance with any rules made under section 43A of this Act be deducted or withheld by the person making the payment notwithstanding that when the payment is made no assessment has been made in respect of the emoluments or that no declaration required by section 38A of this Act has been filed whether by reason of failure to do so or in compliance with the provisions contained in the proviso to subsection (1) of that section and notwithstanding that the tax on the emoluments is for a year of assessment other than the income year during which the payment is made:

Provided that if any question arises whether any emoluments are or are not emoluments in respect of which tax shall be deducted or withheld pursuant to the provisions of this section, such question shall be determined by the Commissioner subject to any provisions as to appeal against such determination as may be provided by the rules made under section 43A of this Act.

(2) The tax deducted or withheld pursuant to the provisions of subsection (1) of this section shall be paid to the Commissioner by the person deducting or withholding the same at such time or times and by such date or dates as may be prescribed in the rules made under section 43A of this Act, and on the payment thereof the Commissioner shall send to the payor a receipt in the form prescribed by the said rules which receipt shall to the extent of the amount referred to therein be a good and sufficient discharge of the liability of the payor for any amount deducted or withheld pursuant to the provisions of this section.

(3) If any person shall fail to remit to the Commissioner any amount deducted or withheld pursuant to the provisions of subsection (1) of this section by such date or dates as may be prescribed in the rules made under section 43A of this Act, he shall be liable to a penalty of ten per centum of the amount or part thereof not remitted or ten dollars whichever is the greater in addition to the amount itself together with interest on the amount at the rate of five per centum per annum.

(4) All amounts deducted or withheld by any person pursuant to the provisions of subsection (1) of this section shall be deemed to be held in trust by such person for Her Majesty, her heirs and successors for the use of this Island and shall be kept by such person separate and apart from his own moneys and shall not be subject to attachment in respect of any debt or liability of the said person and in the event of any liquidation, assignment bankruptcy or winding-up the said amounts shall remain apart and form no part of the estate in liquidation, assignment or bankruptcy or of the assets of the person being wound up.

(5) Every person who shall have deducted or withheld any tax pursuant to the provisions of subsection (1) of this section, shall, subject to any rules to the contrary made under section 43A of this Act, not later than the thirty-first day of January in the year next following that in which such tax was so deducted or withheld by him deliver personally or send by post to each person to whom any payment of or on account of any emoluments was made by the person so deducting or withholding the tax or to such other person as may be prescribed by the said rules a certificate in writing stating—

(a) the total emoluments of or on account of which any payment was so made; and

(b) the total amount of tax so deducted or withheld.

(6) If any person shall fail to comply with the provisions of subsection (5) of this section without reasonable cause (the proof whereof shall lie on him) he shall be guilty of an offence and liable on conviction by a court of summary jurisdiction to a fine

not exceeding ten dollars for every day during which he shall fail to comply with the provisions of the said subsection.

(7) No action shall lie against any person for withholding or deducting any sum of money i compliance or intended compliance with the provisions of subsection (1) of this section.

(8) Where by this Act any obligation is imposed on any person to deduct or withhold any tax pursuant to the provison of subsection (1) of this section any agreement made by any person not to withhold or deduct such tax shall be void and of no force or effect whatsoever.

(9) Every person from whose emoluments any amount shall be deducted or withheld pursuant to the provisions of subsection (1) of this section shall upon the amount being so deducted or withheld be deemed to have paid the same and shall thereupon cease to be liable for tax to the extent of the amount so deducted.

After the words "of that section" occurring in sub-section (1) insert the words "or that the person from whose emoluments the amount to be deducted or withheld is not resident in this Island."

After the words," of this Section appearing in the proviso to sub-section 1, insert the words "or whether any allowances claimed in a declaration made pursuant to Section 38A of this Act should be admitted."

Delete the fullstop at the end of the proviso and substitute a comma and add the following:—
"and to the provisions of this Act relating to appeals."

Delete the words "in the form prescribed by the said rules" occurring in sub-section (2).

Delete the word "receipt" where it secondly occurs in this subsection.

Insert the word "or" before the word "bankruptcy" where it firstly occurs in subsection (4)

Delete the words "or winding up" where they occur in the said sub-section.

Delete all the words appearing in the said sub section after the word "bankruptcy" where it secondly appears therein

Subject to all these amendments, I beg to move that Clause 4 stand part.

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

Mr. F. L. WALCOTT: Sub-section 2 says "the taxes deducted or withheld pursuant to sub-section (1) of this section shall be paid to the Commissioner by the person deducting or withholding the same at such time or times and by such date or dates as may be prescribed in the Rules made under Section 43A of the Act"

I would like to know what "person" means because in the Trade Union, if I may give an example, the General Secretary of the Union is not a person to be sued for things like this; it is a matter of the trustees. Who will be responsible in these cases for the deductions? This is a point which from my own position in the Union I would like to get clarified. ified.

12.20 a.m.

Hon. G. H. ADAMS: That would have to be done in the Rules for that matter. I cannot say offhand to whom it applies in the case of Government Offices; the Accountant General I suppose or whoever would be the legal person. It will be said in the Rules. In the case of limited liabilities, the particular person, in the case of Trade Unions, the General Secretary or whoever the person may be; but that would have to come in the Rules.

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

Clause 5—was called and passed.

Clause 6 was called.

Hon. G. H. ADAMS: As regards Clause 6 there is a slight amendment in Section 40 sub-section 2 (a) delete the word "are" and "have" where they occur in the paragraph and substitute therefor "is" and "has" respectively. With those amendments I beg to move that clause 6 as amended stand part.

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

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

Clause 7 was called and passed.

Clause 8 was called.

Hon. G. H. ADAMS: Two slight amendment in Clause 8. In Sub-section (1) of the new Section 43A, by deleting the words "are required to" occurring in Sub-section (1) of the new Section 43A to be inserted in the principal Act and substituting therefor the word "may".

(ii) by deleting the words "have effect notwithstanding anything in this Act contained; provided that such rules shall" occurring after the word "shall" where it first appears in sub-section (3) of the new Section 43A to be inserted in the Principal Act;

(iii) by deleteing the word "twelve" appearing before the words "of that Act" in sub-section (4) of the new Section 43A to be inserted in the principal Act and substituting therefor the word "thirteen."

With these amendments I beg to move that clause 8 stand part.

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

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

Clause 9 was called and passed.

Clause 10 was called.

Hon. G. H. ADAMS: In place of this being Clause 10, I am asking leave to insert a new Clause 10 before Clause 10. The amendment to section 55 of Act 1921—6 reads thus:

Section 55 of the Principal Act is hereby amended by inserting immediately after the word "return" appearing in line 3 thereof the words:

"or makes or furnishes a declaration required by Section 38A of this Act knowing the same to be false."

There is no provision for making a false declaration. Naturally we need no provision: so we are not inserting that.

I beg to move that this be the new Section 10.

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

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

Clause 12 was called.

Hon. G. H. ADAMS: I beg to move that the printed section 11 be renumbered 12 and that the phrase "which but for the provisions of this Section would be" be deleted wherever it occurs in the said Clause.

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

The question 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 question that Clause 12 *be re-numbered* 13 *and be Clause* 13 *of the Bill was passed.*

On the motion of Hon. G. H. ADAMS seconded by Hon. Dr. H. G. H. CUMMINS the question that Clause 13 *be renumbered* 14 *and be Clause* 14 *of the Bill was passed.*

On the motion of Hon. G. H. ADAMS seconded by Hon. Dr. H. G. H. CUMMINS the Chairman reported the passing of the Bill with amendments 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.

ADJOURNMENT

The Order Paper having been fixed.

Hon. Dr. H. G. H. CUMMINS: I beg to move that this House do now adjourn until this day week, Tuesday, 25th September, 1956, at 3 o'clock p.m.

Hon. G. H. ADAMS: In seconding that motion, I should also like to ask for three weeks leave of absence as from next Tuesday. I think it is my duty to say that before I return here, I shall be visiting the Colonial Office in connection with matters of general interest to Barbados, but especially for discussions with respect to our next Five Year Plan of Development.

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

The question that this House do now adjourn until this day week, Tuesday, 25th September 1956 *at* 3 *o'clock p.m., was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly.*