

X

THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1958

HOUSE OF ASSEMBLY

Tuesday 19th August, 1958

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*); Mr. J. E. T. BRANCKER, (*Leader of the Opposition*); Hon. Dr. H. G. H. CUMMINS, C.B.E., M.D., C.M., (*Premier*); Hon. M. E. COX, (*Minister of Trade, Industry and Labour*); His Honour Mr. L. E. SMITH, J.P., (*Deputy Speaker*); Hon. R. G. MAPP, (*Minister of Communications, Works and Housing*); Hon. F. E. MILLER, (*Minister of Social Services*); Mr. E. ST.A. HOLDER; Hon. D. D. GARNER, (*Minister of Agriculture, Lands and Fisheries*); Mr. C. B. SEARLES and Mr. T. W. MILLER.

Prayers were read

MINUTES

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

PAPERS LAID

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I am commanded to lay the following:-

The Civil Establishment (General) (Amendment) No. 17 Order, 1958.

Barbados Statistical Service-Selected Monthly Indicators - July, 1958.

GOVERNMENT NOTICES

Government Notices were given as follows:-

Hon. Dr. H. G. H. CUMMINS:

Resolution to approve the Order entitled "The Civil Establishment (General) (Amendment) No. 17 Order, 1958."

Hon. Dr. H. G. H. CUMMINS:

Resolution to determine the salaries of the Judges of the Supreme Court as set out in the Schedule to the Resolution.

Hon. Dr. H. G. H. CUMMINS: In connection with this Resolution, I may add that I intend to ask leave to proceed with it in all its stages today for reasons which would be given later.

Hon. Dr. H. G. H. CUMMINS:

Resolution to place the sum of \$4,854 at the dis-

posal of the Governor-in-Executive Committee to supplement the Estimates 1958-59 Part I - Current, as shown in the Supplementary Estimates 1958-59, No. 17 which forms the Schedule to the Resolution.

Hon. R. G. MAPP:

Resolution to place the sum of \$15,750 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1958-59 Part II - Capital - as shown in the Supplementary Estimates 1958-59, No. 18 which form the Schedule to the Resolution.

Hon. Dr. H. G. H. CUMMINS:

Resolution to place the sum of \$940 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1958-59, Part I, Current, as shown in the Supplementary Estimate 1958-59, No. 19, which forms the Schedule to the Resolution.

Hon. R. G. MAPP:

A Bill to repeal the Public Officers' Housing Loans Act, 1952 to make certain amendments to the Housing Act, 1955, and to provide for other incidental matters.

Hon. R. G. MAPP:

A Bill to provide for Chattel Houses built from Labour Welfare Funds and now vested in the Executive Committee, to be vested in the Housing Authority.

Hon. M. E. COX: Mr. Speaker, I beg to give notice of my intention to move the House into Committee of Supply at its next meeting to deal with the Money Resolutions of which notice has just been given.

QUESTIONS

Mr. BRANCKER: To enquire of the Minister for Communications, Works, and Housing:-

Whether the Minister is aware that the Public Works Department has not yet started to erect communal latrines and baths in St. Lucy, as recommended by Commissioners of Health for that Parish, for Half Moonfort District?

Will the Minister recall his answer, given in this House on 14th May, 1957, to Query of 8th January, 1957, that "every effort is being made to finalise legal and other arrangements so that the work may be put in hand and completed as soon as possible", and take urgent steps to ensure that this work is proceeded with, without further delay?

Mr. BRANCKER: To enquire of the Minister for Communications, Works and Housing:-

When will Government proceed with the removal of the St. Lucy Post Office to a more convenient site which in reply to my question of 8th January, 1957, the Ministry, on the 26th February, 1957 stated that such removal "will be undertaken as soon as financial considerations permit"?

Mr. BRANCKER: To enquire of the Minister of Transport:

Are there any Motor Omnibuses operating on Routes in this Island without any concession having been signed by their owners?

If the answer is inaffirmative, will the Minister state the names of such owners; and whether such owners have been prosecuted for running such omnibuses without any concession; and, if not, why not?

BILL READ A FIRST TIME

On motion of Hon. R. G. MAPP, seconded by Hon. F. E. MILLER, the Bill to repeal the Public Officers Housing Loan Act, 1952, to make certain amendments to the Housing Act, 1955, and to provide for other incidental matters, was read a first time.

3.25 p.m.

On the motion of Hon. R. G. MAPP, seconded by Hon. F. E. MILLER, the Bill to provide for chattel houses built from Labour Welfare Fund and now vested in the Executive Committee to be vested in the Housing Authority was read a first time.

ORDER POSTPONED

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, as I intimated earlier, I am dealing with the Resolution to determine the salaries of the Judges of the Supreme Court. I am asking leave to deal with this Resolution. (MEMBERS: We have not got any copies.) All right, Sir, I will ask leave to proceed with this Resolution when the copies are circulated.

COMMITTEE OF SUPPLY

Mr. SPEAKER: The first Order of the Day stands in the name of the Hon. Leader of the House:- To move the House into Committee of Supply to consider the grant of sums of money for the services of the Island.

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

Hon. D. D. GARNER: I beg to second that.

The question was put and agreed to

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

SUPPLEMENTARY ESTIMATES 1958-59 No. 15

HEAD XVI - PRISONS

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, the first Resolution is an omnibus Resolution for the sum of \$17,186. The first Head is Head XVI - Prisons - and the Items are all new as follows:- Re-siting Kitchen, Installation of Natural Gas and New equipment for Kitchen.

As is set out in the Notes, it was recommended by Mr. R. D. Fairn some time ago after an investigation was carried out at Glendairy Prison that certain things should be done. One recommendation was the re-siting of the Kitchen, another was the installation of Natural Gas in the new Kitchen and the Bakery, estimated to cost \$3,350 and finally the provision of new equipment for the Kitchen estimated to cost \$1,900. The re-siting of the Kitchen which now stands in the compound of the female prison involves the renovation of certain buildings and the erection of a new garage in the Male prison estimated to cost \$2,800.

I beg to move that Head XVI - Prisons - stand part of the Schedule.

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

Mr. BRANCKER: Mr. Chairman, I notice that the installation of Natural Gas at the prison is estimated to cost \$3,350. I wonder if, when this Resolution was decided upon, the Government was fully aware of the tremendous increase in the cost of supplying Natural Gas, and I also wonder if this gas supply is within the district where a 300% increase in the supply of gas is proposed. Again, I wonder if the Government has considered the question of an alternative method of cooking; one has to think twice before installing Natural Gas when the Natural Gas Corporation is acting in the manner in which it is acting and proceeding with this fabulous increase which it has attempted to bring about.

Hon. F. E. MILLER: Mr. Chairman, in reply to the hon. member as to the cost of Natural Gas, I should like to say that I was at pains to enquire into the cost of Natural Gas consumed at the institution. I had a discussion on the matter and I am satisfied that we would have an increase based on the volume of gas used at the institution. I think that that will satisfy the hon. member.

The question that Head XVI stand part of the Schedule, was put and resolved in the affirmative without division.

HEAD XXIX - MISCELLANEOUS SERVICES

Head XXIX - Miscellaneous Services - was called.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, under this Head, there are two new Items - *Ex gratia* payment, \$375 and Hurricane Equipment, \$8,761. As to the first Item, hon. members will see from the Note that an area of 937 square feet of land at Orange Street, Speightstown, was compulsorily acquired from Mr. F. E. Miller on the 7th August, 1955, for use in the construction of an esplanade. No claim for compensation was made until after the expiration of the period specified in Section 50 of the Land Acquisition Act, 1949, during which claims would be admitted or entertained, and, consequently, the claim is statute barred. As it is not desired to deprive Mr. Miller of compensation, it is proposed to make an *ex gratia* payment in view of the fact that legal payment is barred. This Resolution therefore seeks the approval of the Legislature to pay the sum of \$374.80.

As to the second Item, the Note says this:

"In the report of the Hurricane Relief Organisation Review Committee set up in 1956 it was recommended that consideration should be given to supplying the Department of Highways and Transport with its more urgent needs in respect of engineering equipment, as experience had shown that the department was in need of several items of heavy equipment. The cost of supplying the department with certain essential stores and heavy equipment for use in the event of a hurricane is estimated at \$8,761. As no funds are available to meet this expenditure, a supplementary provision for the amount is needed."

I beg to move that Head XXIX - Miscellaneous Services - stand part of the Schedule.

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

Mr. BRANCKER: What strikes me about the purchase of this land at Orange street, which one always understood is land which is almost given away in that part of the Island in contrast to the price which you have to pay for land in other parts, is that this price will work out at 40 cents a square foot. You have 937 square feet at 40 cents per square foot.
3.35 p.m.

Of course I know I will be told that it will be compulsorily acquired, and that that has been fixed by the Board which decided on this compulsory acquisition; but it is amazing, Sir, that the taxpayers should be asked to pay what I submit is this extravagant price for 937 square feet of land at Orange Street, Speightstown. It does not seem as if any of the realtors of the House are present who would give us further information as to the price of the land at Orange Street, but this is the price one hears for land which

is being sold in the "Gold Coast" or the "Platinum Coast" as the prices have gone up further; and when you hear that it will be compulsorily acquired from a Mr. F. E. Miller, one wonders whether it is a coincidence that those happen to be initials of no less a person than the distinguished Minister of Social Services, the hon. junior member for St. George, because I cannot imagine him, a philanthropist whom we have always heard expounding on the suffering of the poor people in this country and what he would do for them, requiring the people's representatives to pay the price of 40 ¢ per square foot for land at Orange Street, Speightstown.

Even if this price is fixed by the Board or as a result of the Court, Mr. Chairman, if it were brought to the attention of the Minister of Social Services, I am sure he would not accept the recommendation of the Board and might allow the Government to have it for nothing or at a reasonable figure, but certainly not to ask us to vote \$374.80. I do not know whether the hon. members for St. Peter, although not realtors, would know something of the value of land in the district they represent and what price they would normally get for land in Speightstown, but I was aghast when I read this figure, and I congratulate whoever it was for successfully persuading the Board or the Court to fix it at this price.

Mr. F. G. SMITH: Mr. Chairman, on this question of this *ex gratia* payment to one Mr. F. E. Miller for 937 square feet of land at Orange Street, I am not suggesting that anyone's land should be expropriated without consent or by force, but what worries me is that it has often been said that ignorance of the Law is no excuse. As you will see, this Addendum says that "no claim for compensation was made until after the expiration of the period specified in Section 50 of the Land Acquisition Act, 1949." Now if the person who is the owner of this land is the Minister, one would at least assume that he knew something of the Law; every citizen is presumed to know the Law. I hope that the Government, as in the case they are doing now, if it should happen to someone less fortunate than Mr. F. E. Miller that the time for compensation or sending claims should have expired, having established this precedent, will see to it that the same *ex gratia* payments are made to them, because if you go on allowing Statute barred matters to be subject to *ex gratia* payments, you would not know where to stop and where to begin, and therefore I hope Government in bringing down this Resolution, apart from the fact that the land is 40¢ per square foot, will realise that if it should happen to someone less fortunate in the future, equal consideration should be given to him.

Perhaps, Mr. Chairman, it may well have been a question of no claims having been submitted, because saying that you would give it at the time might have been politically advantageous, and that may well be the reason why we are here today to vote this amount of \$375. Of course it is very amusing to think that Government has to acquire land compulsorily from a man in this Hon. House whom I have heard on occasions talk about the starving bare-footed people, because his price might have been so high that Government had to establish a Board to value this land at the price of 40¢ per square foot. This is only an indication of how, when you want votes, the people are poor and starving, but when you have something to sell to Government, then all you have said stops and it is a question of bargaining at an exorbitant price. I would not suggest that Mr. F. E. Miller was present when it was decided to acquire his land, but Government has had to use powers under the Compulsory Acquisition Act, 1949, to obtain from one Mr. F. E. Miller just 937 square feet of land. The inference is obvious; either his price was so exorbitant or he was not motivated by the spirit which he often shouts about elsewhere, and therefore Government in the interest of establishing this esplanade had to use such powers as the Law requires. But do not let it be set as a precedent unless people less fortunate than he will get their claims satisfied after the period is barred by Statute. It is a bad precedent; ignorance of the Law is no excuse, and every citizen is presumed to know the Law.

I can see what happened here. The talk of giving the land was politically advantageous at the time, and now that it is no longer necessary to give because 1961 is so far away, we have claims for the piece of land. It must have been obvious to the person who owned the land, one Mr. F.

E. Miller, that it was his land and therefore he wanted money for it; so this is another indication that when it comes to selling to Government, the idea of having to use compulsory powers to acquire it is really interesting. He is no longer interested in the bare-footed people in St. Peter, and Government has got to use powers to acquire this 937 square feet of land at 40¢ per square foot. It is his land and he should have been paid for it, but he should send in his claim within the period of time. What is his excuse? What is Government's excuse? Is it that he is an ignorant man and does not know the Law? Why has the time passed by Statute that we have to vote this today? Surely Mr. F. E. Miller must have known that his land was compulsorily acquired; surely he must have been bargaining voluntarily for some time. It was not acquired haphazardly. Why has he allowed so much time to pass that the Statute caught up with him and we are forced to vote *ex gratia* payments? Some explanation should be given. Why was the claim not submitted? Was it through inadvertence, ignorance or some other reasonable excuse? Government should explain to us why they are forced to vote this money today and why the claim was not submitted within the period of time which the Statute requires.

Mr. WALCOTT: Mr. Chairman, I agree with the hon. junior member for St. Andrew, and I will go a little further. Ignorance is part of the Government's policy; so it is no wonder you can get this. I am sorry that it has fallen on the mantle of the genial Minister, but there is more I will have to say than the member who has just sat down which will be a little bit uncomfortable. I am a Parliamentarian and people sent me here. You would have thought that the Premier would have explained to us what caused Government to be paying Mr. F. E. Miller, who is a legislator of this colony, a member of the same Parliament and a Minister, *ex gratia* payments, because on the fact of it, he is a member of the Cabinet, and therefore the same Cabinet of which he is a member has decided to pay one of its members money out of the Treasury. It is a good thing it is not from the Labour Welfare Fund, because if it had been we would not have known about it.

3.45 p.m.

Now, let us go a little further. Since 1945 when I entered this Chamber for the first time, I asked questions and debated the need of an esplanade for Speightstown on part of the burnt out area. It has taken a long time to come into fruition; however, time is the wonderful healer. Now, Sir, this question is also going to involve His Honour the Speaker because the Hon. Minister of Social Services paid us the unusual compliment when he became Minister of accompanying him and discussing another matter. The esplanade in Speightstown has been built on an area where there were business places, such as Messrs. G. W. Hutchinson & Co., and as hon. members will recall, sometime last year a matter went to court in which one of the same residents who was concerned refused to move off the land and it necessitated a court's action to get this resident removed from the land.

The Hon. Premier has not stated why it has become necessary for this to be done, apart from what the Addendum says. I can remember at one time it was mooted that the Hon. Minister of Social Services was prepared to give this land up to the Government and I can also remember because when he bought this land from the person who previously owned it, no proper papers were drawn up. Sir, you would have thought that the Hon. Premier would have explained these things to the Committee. Now, Sir, in this same area the people have not yet had a playing field because they say that it is a question of acquiring land and they do not want to use agricultural land. There is land all around the Gibbes Coast.

What I want to emphasise is that I am not a person knowledgeable of the value of land. Maybe, the person who valued this land put it at a good price. My arithmetic may not be too good. I just had to call the Clerk of the House and ask him how many square feet there are in an acre of land because by this calculation this land is being sold at approximately 40 cents a square foot. In the vicinity of Speightstown, we want another playing-field and by my calculation at 40 cents per square foot, an acre of land in that area would cost \$16,424; therefore, if you want a five-acre plot for a playing field it would amount to over \$80,000. You

are going to hear it being said: "oh no, you cannot pay that." Now, Sir, Mr. Whitehead who has land in that area is not going to sell you land for less than that because the distance from Mr. Whitehead's land and the front of Speightstown is about 400 yards. That is one of the problems which the Hon. Minister of Social Services has on his hands now that you have paid this amount for this site. How can you acquire land at a reasonable price if it is stated that the Minister is getting the same high price as other people? They are bound to say: "you are getting the same exorbitant price for yours" because you have not said that you are not going to accept it at that price.

I do not think anyone in this House can challenge me of my representation of my constituency. That was decided in the General Elections and afterwards in the Federal Elections; therefore, it is not a question that my constituents do not have confidence in me. I see that the Hon. Minister of Agriculture has set up his face at my remarks. I speak now for the people of St. Peter and, as I have said, this is something which I asked for thirteen years ago.

Sir, what I am objecting to is the reasons that caused this delay, and I want to say that I am not concerned with the Hon. Minister getting money for his land nor do I think anyone in this Chamber would object to his getting money for his land even although it was mooted that he would give up this land to Government. These are not days for that philanthropic idea and I do not think the Hon. Minister has reached the stage where he is so rich that he can give away land, particularly in view of the fact that he has a respectably large family in terms of modern trends; neither do I think he would have to be so philanthropic to give this country his land when the money involved would not make Barbados bigger than 166 square feet, nor would it save Government any money. I do not object to the Hon. Minister getting the money which is set out here, particularly in view of the fact that it is like a mosquito on the hind of a rhinoceros as to what the Government has to pay out and I do not regard it as any money for the Minister himself.

The Hon. Minister can see the difficulty which we are going to encounter in negotiating for land for a playing field - and I say "we" because the Hon. Minister and myself are at one. I find he is more acceptable to the points I have raised on the question of having a playing field in St. Peter. It may probably be by virtue of the fact that the die has been cast and he finds that the people of St. Peter have confidence in me. As I was saying, he is going to find it difficult to pursue the other schemes he has in mind because of the price paid for this land. I know he is a man who has similar views to me as regards matters of taste, but he very well knows that Barbados is a small place, and very small indeed; and if it is known that he was paid the same price as the other people, the people are not going to say that the valuers put that price as the price to be paid for that land but it is going to be stated that that is the money which was paid to the Minister for the land he had in Speightstown. If it is forty cents or forty-seven cents per square foot that you are paying for land at Speightstown, imagine what the price would be if you had to go and buy some in Bay Street! I would therefore ask the Hon. Minister to look at the price which was paid for the property which now forms the Health Centre in Speightstown, and on comparison he would see how reasonable was the price for that land as compared with this land for the Esplanade. Sir, that is why I say it is going to make it difficult for the other things we have to do. I did not want the Minister to be involved in something like this.

The second point which I wish to raise is as regards the next item which deals with hurricane equipment. I find in this Chamber that the Hon. Minister who dealt with this matter does not think that the public needs to know for what purpose this money is being spent. It is \$8,761 to be voted for the purchase of this equipment and the note reads as follows:-
3.55 p.m.

The Note says this:- "In the report of the Hurricane Relief Organisation Review Committee set up in 1956 it was recommended that consideration should be given to supplying the Department of Highways and Transport with

its more urgent needs in respect of engineering equipment, as experience had shown that the department was in need of several items of heavy equipment."

What is this heavy equipment? Is it a road roller, a steam roller, a boiler or what? Is it something to collect nuclear energy? Let us know what it is. You are asking for this sum of \$8,000, and I ask again, what is this heavy equipment? I think that we are entitled to know what this heavy equipment is. We want to know what it is so that we can say that the Committee made that recommendation in 1956; we want to see, in the light of present-day circumstances, if there is not anything better to be used than what is now required. I ask again; what is this heavy equipment which the Department of Highways and Transport requires? The public which reads what Parliament is doing, should be entitled to know what this heavy equipment is. It is on those two points that I think we should have some information.

Hon. F. E. MILLER: Mr. Chairman, I should like to reply to the remarks of the hon. member. It is unfortunate that this matter is connected with F. E. Miller who is Minister of Social Services. I do not know that I should vote on this matter. (Mr. WALCOTT: You cannot vote on it). The hon. senior member for St. Peter has suggested something about my being made uncomfortable in the matter of the establishment of a playing field, but I am sure that there is nothing in it or on this earth to make me uncomfortable. As to this site to be used as a playing field, there is a brief history as to the sale and purchase of this little plot of land; and you will appreciate that this land is in hub of the Speightstown area. Invariably, we would be reluctant to sell this land; we enjoy the happiness of a family and I regard it my duty to have something to put up for my children, but it is a question of putting this land at the disposal of a greater number of people.

I think you will find in the debates that I offered to sell this land for less than its value; the tenant who was there was willing to pay three times this amount for this area. The tenant came to my office and asked me to take \$1,000 for this land. I do not know what is in the mind of the hon. senior member for St. Peter. The decision was taken by the Government and there was the question of title. I was reluctant to sell this land at the price fixed by the panel of valuers. The whole Esplanade was built around the last house before we got the order to eject this person. For some reason or another, the claim reached the Department too late and we had a deadlock.

There is an element of decency, and I would say honesty, because one would not want to deprive six children of land - and this land could be sold easily. What is more, we are reflecting on the decision of Parliament. This matter was decided in this House; it was agreed to purchase this land. (Mr. F. G. SMITH: What did you pay for the land?) We can discuss that in the Lobby. Today, I would still like to be in possession of this land but the Government decided that it should be used as a recreation centre for a larger number of people. If you are capable of decent thinking, the least you could do, is to give up this land.

The hon. senior member for St. Peter thinks that I am a little uncomfortable. I still believe that this should be regarded as the function of any Minister. If people are representing a district, the least you should do is to have a discussion with the responsible members representing that district. I have had discussions with the two representatives of St. Peter in this matter and we decided on it, but apparently, the hon. senior member for St. Peter has the idea that the Heywoods area should be acquired for a playing field. It is expected of me that I should carry out what was right. Let us take Heywoods; I would play either cricket or football on the sidewalk rather than walk two miles to get to a playing field. I still object to the question of taking land out of cultivation so as to use it as a playing field. Land in the hub of Speightstown is regarded as marginal land.

Mr. Chairman, I think I have said enough on this matter, and I am hoping that the hon. member will cease to think that anything that he has said as regards playing fields in St. Peter will cause me any worry. Like the hon. member, I am concerned with the welfare of the people.

Mr. WALCOTT: Mr. Chairman, it is not a matter of causing the hon. member any discomfort. If 40 cents per square foot is paid to the hon. member for land, whether that price is fixed by valuers or not, that is an indication of what you will have to pay for land in that area.

4.05 p.m.

I only want to point out that \$16,000 for an acre of land in St. Peter is going to be fairly steep if you talk in these terms. You are talking about putting a Playing Field at Speightstown as well as an Esplanade, but Speightstown is not like Bridgetown; it is a very narrow town. This Resolution deals with the compulsory acquisition of land and it was agreed to build an Esplanade out of public funds, and Playiny Fields were to be put in other parts, but hon. members must bear in mind that it is not a question of agricultural land. In a general way I do not agree with taking agricultural land and making playing fields, but you cannot make a playing field out of the sea, and I am surprised to hear the hon. member talk about having to go so far from the City. He knows that in our younger days we did not have a playing field near to where we lived, and I do not have to remind the hon. member that we used to converge at a point further away than Speightstown to play. It did not matter where you lived; it was a question of finding somewhere to play.

I think the hon. member would give me credit for knowing more about Speightstown than he does; so to suggest that people could not go from Speightstown or Six Mens to Heywoods is purely a matter of opinion. I agree in a general way that agricultural land should be used for agricultural purposes in a place like Barbados, but we have to build houses and other things, and in order to build a playing field you must have an open space. It is not so expensive to buy agricultural land for these purposes when you have spent £24,000 in acquiring the Central Foundry which is only used by a few cars. We bought Beckles Road for a purpose; so I want the hon. member to know that it is not unusual for this to happen. If I said something, he would not find his colleague very easy to accept it, but when it comes to St. Peter, I speak for the people there in matters like these, and with all the possible schemes you can find without any damage to the agricultural production of Barbados.

If the hon. member goes to Road View he will see signs put up by Real Estate people to sell agricultural land. Have you passed a Law saying that no estate can sell its land unless it get permission from Government to do so? I have been away from the island for eight weeks and I do not know if Government has passed that legislation. You cannot have the indiscriminate use of agricultural land for playing fields, but you know that you cannot carry them in gullies. There are some gullies in St. Peter going across by the Whim; but we cannot buy gully land, neither can we buy rab land to make a playing field. You cannot make a playing field out of stone; so you have to get somewhere where grass will grow, and you have to think of agricultural land, unless you reclaim some of the sea, and therefore the reclamation of land through the Deep Water Harbour Scheme could be used for that purpose.

I said that matters would be uncomfortable for the hon. member because he knows as well as I do that I would be the last person to deprive him out of this small sum of \$375. Nobody in Barbados would do that. We believe in what democracy stands for, so how could we say that he is not entitled to it? What I would say is that he had no right to be in this invidious position of coming to the Legislature for money. A letter should have been sent to him telling him that his money was in the Treasury, because if you acquire land compulsorily, the claim no longer exists. Why is it that you had to make this *ex gratia* payment? Here you are taking a man's land compulsorily and talking about a Statute bar; you are asking a man to look for an iron bar or a crow-bar to knock off somebody's head to get his money! If you take a man's land you should pay him for it and not ask him to make a claim. I am not against the person getting the money, but I am worried about the price of 40¢ per square foot for land in Speightstown. If this is indicative of the price you can get for land in Speightstown, then I will become a Real Estate Agent, buy all the land in Speightstown and sell it again and become a very rich man indeed. Just across the street you want to acquire the land, aback of the Church, belonging to Mr. Whitehead. I am a representative of St. Peter and I

must say that no intrigue nor subterfuge can work there; otherwise you will find another answer coming.

Hon. R. G. MAPP: The hon. member who has just sat down asked about the list of the items which we require for Highways and Transport Department under hurricane relief. There are: 1 Power Take-off Winch (Landrover) rear drive C/W Wire Hauser; 2 Power Take-off and Winch (rear attachment) Landrover; 3 Trehella Monkey Winches; 2 Danarn Power Saws; 2 Roto Lifts 3 ton capacity; 2 Roto-lifts 1 1/2 ton capacity; Pick-axe handles; Coils of rope; 98 cutlasses; pick-axes and wheel-barrow.

Now, Sir, as regards the matter which has just been raised, the hon. junior member for St. Andrew may be excused because when this matter first came before the House in 1955, I do not think he was present.

I should like to refresh the minds of members of the Committee and tell those who were not present that this matter of acquisition of areas of land came up in July, 1955, and if members will refer to the debates of this House, they will see that at that time it was moved by the then Minister of Communications and Works who is now Minister of Trade, Industry and Labour to purchase compulsorily two spots in Orange Street, Speightstown. He said: "As regards lot 44 which concerns the hon. junior member for St. George, I should like to say that there is no dispute as regards the acquiring of that spot; but it is necessary to purchase it compulsorily in view of the fact that the hon. member has not got a proper title (or should I say no title at all) for this bit of land."

As regards the other piece of land which belonged to Mr. Walker, the hon. member pointed out that the Government had purchased other bits of land in the vicinity at 40¢ per square foot. That gentleman wanted 80¢ and therefore it was a matter of price with him, as other pieces of land in that vicinity were purchased at 40¢. All the owners of land with whom we were negotiating, including the present Minister of Social Services, agreed that they would take that price which Government was paying for land in the vicinity.

4.15 p.m.

Now, Sir, I would just like to point this out. The present Minister of Social Services spoke at the time and he said that the Government could give him whatever they like for the land. The hon. senior member for St. Peter also spoke on the Resolution and I notice from his speech that he did not comment on the price. He welcomed the Resolution.

We are not doing as the hon. junior member for St. Andrew suggested. We are not doing any special favours so far as the Hon. Minister of Social Services is concerned. I would remind the Committee that we came down with a Bill to amend the Land Acquisition Act because we found when compared with similar legislation that ours was the shortest period for which claims would be admitted or entertained. The Government decided that what had happened to the Minister could have happened with anybody else. The period was too short; therefore, we lengthened it to two years which is the average length of period which obtains in other countries which have similar legislation. We are not doing any special favour to the Hon. Minister. We have changed the Act so that it may apply to whoever may be affected. As I have said, I was responsible for bringing that Bill here which made it a matter of general application so that a finger could not be pointed at us.

Mr. WALCOTT: Mr. Chairman, you get these vague statements being made in this Chamber. I thought I spoke quite loudly and clearly. If I felt the Government had done something for the Hon. Minister, I would have said so and would have said so in no uncertain terms. I have not accused the Government of doing anything for the Minister; but what is not yet explained is, why is it necessary for you to acquire land compulsorily from someone and then that they have to make a claim on you and you do not pay over to them the money which is due them, or instruct them that the money is there for them. I saw a letter written to one of the people from whom some of this land was bought stating the money which was to be paid to him and that letter, as far as I remember, came from the Ministry of Social Services. It was written to the man whom

they ejected from the land. I want to know why is it that you had to come for an *ex gratia* payment when you have acquired somebody's land compulsorily? It should not be a question of the person making a claim; it should be a question of your putting the money in the Treasury and asking the person from whom you acquired the land to call for the money.

The Hon. Minister of Communications, Works and Housing said that Mr. Miller was not protesting against selling this land. If that is so, why is it necessary for this *ex gratia* payment? Since 1945 I was asking for an explanation in Speightstown. The Hon. Minister said that in 1955 nobody queried the price which was to be paid for this land. I did not do so then, but that does not mean that I cannot raise it today. When you bring a Resolution here to acquire land compulsorily it is not always that the compulsory acquisition is based on the price to be paid for the land. Very often, you have to do it based on other factors. Suppose it was a question of your having to do it based on the fact that the Hon. Minister of Social Services had no proper title deeds to the land. There is nothing wrong in my saying that if 40 cents or 47 cents per square foot is being paid for that land it is going to make it difficult for you to acquire other land in Speightstown. If that is the sort of price which is to be paid for land in Speightstown, you are going to find it very difficult to acquire land for such other purposes as you need.

Mr. BRANCKER: Mr. Chairman, the Hon. Minister of Social Services the hon. junior member for St. George, saw fit to intervene in this debate and since he has done so, I invite him to take this Committee further into his confidence. He is a business man and a Cabinet Minister and is a man about town - I say that in a general sense. I wonder whether he can tell us if there is another case prior to 1955 save that of a business man buying land in Orange Street where the price of that land in that area was 40 cents a square foot. As you know, Sir, when Government buys land at this price it is just setting a minimum price because you know that as soon as Government buys a certain price, that is going to be the minimum price. I repeat, can the Hon. Minister tell us of any land sold prior to 1955 which was sold for a price as high as 40 cents per square foot which is the price with which we are dealing now?

Hon. R. G. MAPP: Mr. Chairman, I cannot let the hon. member get away with that. Let me say that this Government has expressed time and time again very strong views about prices for land. We have done that, but it is no easy matter. Recently, we have had to fight very strenuously against efforts of squeezing this Government into paying high prices for land. We have searched up legislation as to what we have to do but, as I have said, it is no easy matter. We have gone through the courts with matters and found out that we have had to pay more than the price which was stipulated before we went into court. That has happened. In 1955 - and I have just had it from the debate - we had to pay that price for every spot in that vicinity and the hon. member knows that these things are taken into calculation by the Courts when they are settling the price.

The hon. member said that we are agreeing to the same price for the Minister. The whole question is to understand the principle on which this House debated the legislation which was passed this

4.25 p.m.

year when we passed the Bill extending by one year the period during which claims can be paid out. That is in the Compulsory Acquisition Act. That is the only reply I can give hon. members. If there is any person from whom land or property is compulsorily acquired under the old Act, if he allows over a year to elapse before making a claim on the Treasury, then he is statute barred. That pertains to legislation throughout the Commonwealth. This House extended that period to two years, because we said that the time was too short. A person may forget that the matter had gone through the Courts and we extended the period for making these claims to two years. We are now applying that principle in fairness to the hon. member, to give him what is his.

The point was mentioned by the Minister who was in charge of the Resolution in 1955. He said that one person

in the area was asking twice as much for the land and the Government compulsorily acquired the land, because of the price; but as to the other, the Government was contented to pay what was asked previously and the House accepted it.

Mr. BRANCKER: Anyone could ask eight cents or eight dollars per square foot for land, but that does not mean that he will get it. My question was this: Prior to 1955, can the Hon. Minister state any instance in which land at Orange Street, Speightstown, was sold for as high a price as 40 cents a square foot except in the case of a highly-capitalised business firm which is purchasing it for use as a business? But if the Hon. Minister of Communications would allow the hon. junior member for St. George to answer the question, we would have got a little more light thrown on the matter. I am suggesting that prior to 1955, nobody ever dreamed of paying as high as forty cents per square foot for land situated in that area. The price for land down there has now been set and, of course, the price of land will be skyrocketed in that district.

The question that Head XXIX stand part of the Schedule, was put and resolved in the affirmative without division.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I beg to move that the Resolution for the sum of \$17,186 do now pass.

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

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

SUPPLEMENTARY ESTIMATES 1958-59, NO. 16

CHIEF JUDGE'S RESIDENCE

Hon. R. G. MAPP: Mr. Chairman, the next Resolution is a Resolution for the sum of \$89. As hon. members will see from the Addendum to the Resolution, this is a simple matter. The principle of it has already been debated. A suitable property was purchased to be used as an official residence for the Chief Justice, but it was purchased before the parochial taxes for the year 1957-58 were confirmed. The Government is liable for the payment of these taxes and this sum of \$89 is required for this purpose.

I beg to move that this Resolution do now pass.

Hon. D. D. GARNER: I beg to second that.

Mr. WALCOTT: Mr. Chairman, I am taking this opportunity of making a comment as to the principle on which this Resolution was based originally. This was to supplement a Resolution which we passed for the purpose of buying a property for the residence of the Chief Justice. No one would like to stand in the way of deserving promotion of a person who is as high as the Chief Justice of any colony; but what I would like to say is this. It is very unfortunate that the Government has chosen methods to attract persons to these high posts, but now it can be seen that you cannot maintain people in these positions unless you are willing to give a more careful examination of what is required. This is what the Addendum states:

"By Resolution No. 24/1957 of 29th March, 1957, the sum of \$39,501 was provided to cover the purchase price and legal expenses of a suitable property to be used as an official residence for the Chief Justice."

I want to say that there is another Bill which has been passed in which I would make the same comment in dealing with the salary of the Chief Justice. When we come to deal with another Order it may be that I will raise the other point which I would like to raise, namely, the structure of the emoluments of these people in relation to what you intend to do. I think that in view of the fact that this matter is only confined to the payment of parochial taxes, it has something to do with the general

principle of making the office of the Chief Justice an attractive one. I do not want anybody to get fuzzy in their heads, because if you read the debates, you will see that it was in order that the emoluments of the Chief Justice should be more than what they would have been normally, that the Chief Justice had to be paid a salary and given an official residence. However, I am reserving the comment which I want to make for that occasion.

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

On the motion of Hon. M. E. COX seconded by Hon. D. D. GARNER, the CHAIRMAN reported the passing of two Resolutions in Committee of Supply.

Mr. SPEAKER resumed the Chair and reported accordingly.

On motions of Hon. M. E. COX seconded by Hon. D. D. GARNER in each case, the Resolutions were read a first and second time and agreed to.

4.35 p.m.

SALARIES OF CHIEF JUSTICES AND PUISNE JUDGES

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, earlier today I attempted to ask leave of the House to consider a Resolution in connection with the salaries of the Chief Justice and the Puisne Judge. The Resolution was not circulated then but it has subsequently been circulated.

As Your Honour knows, just a few days ago, the new Judicature Act was brought into effect and consequently the Chief Judge and Crown Law Officers Act, and the Chief Judge and Crown Law Officers (Additional Judge) Act, 1951, were repealed. This Resolution seeks again through legislation to determine the salaries of the Chief Justice and the Puisne Judges. It is not a question of an increase in salary; in fact the amounts are the same.

I am therefore asking leave to deal with this Resolution.

Mr. SPEAKER: The hon. member is asking leave to deal with the Resolution which has been circulated to hon. members, and unless there be any objection, leave will be granted.

There being no objection, leave was granted.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, as I have already given the reasons for this Resolution I now formally beg to move that this Resolution do now pass.

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

Mr. WALCOTT: Mr. Speaker, this is a technical matter. One is not sure whether we are passing a money Resolution. It is true that the salary of the Chief Justice and the Puisne Judge is a matter that has been passed by Law, and these are the salaries of those two officers; but this Resolution reads as follows:-

"RESOLVED that with effect from the fifteenth day of August, 1958, the salaries of the Judges of the Supreme Court be as determined by the Governor-in-Executive Committee in accordance with the provisions of Section 8 of the Supreme Court of Judicature Act, 1956, and as set out in the Schedule hereto."

No explanation was given as to what kind of Resolution we are passing. Sometimes we pass a Resolution which requires the suspension of Rules 88 and 89, and sometimes we have abstract Resolutions. There is no objection to the Resolution, but we are not clear to the type of Resolution it is. However, I will deal with the specific point which I have in mind. The salary of the Chief Justice is \$12,000 per annum. It is known that the salary of the Chief Justice was increased about two years ago and other perquisites attached to his office; it was done hurriedly at the time for the purpose, as Government stated, of bringing the post into line with others in the territory and with the hope of retaining and attracting high judicial officers in this Court. It is now known that the present Chief Justice is being promoted to Trinidad

and I do not think anyone will stand in the way of anybody's promotion. From the Government's point of view, if they are not prepared to say it, somebody in Parliament should be prepared to say that as high an office as the Chief Justice in any colony is nothing you want to change every fifteen or eighteen months. The point I am making, Mr. Speaker, is that the office of Chief Justice in any territory is an important one, and I have been thinking all along that, apart from a Chief Justice retiring or for some other reason having to retire, the normal thing should be that these high judicial officers should serve a much longer term, and I think it should be stated here so that when the successor to the present Chief Justice is appointed, we would at least know that we are going to have someone for a reasonable period.

From what I have gathered - and this is Government's business - I understand that though you put down on paper the high salary of \$12,000 per annum, your Income Tax policy is such that it does not give this person, as compared with commercial and other people, so high a salary. Your Income Tax problem for an officer in this bracket becomes burdensome, and therefore the net value to the person is not as good as some people holding positions in the community far below them. That is something which Government must examine, because if you give a man \$24,000 a year on paper while in actual fact he is only getting half, that is not good enough. I understand that your Income Tax policy is such that the Chief Justice out of a salary of approximately \$1,000 a month is in receipt of a little under \$600. I do not think that you want a salary structure for any officer which appears to the public that you are giving \$1,000 a month, when in truth and in fact he is worse off in relation to his income than some people whose salaries fall below that. That is something which Government will have to adjust if they want to retain the services of these people, because if, as stated, the job which the present Chief Justice is being promoted to is a senior post, at the same time we would hope in Barbados when you have a Chief Justice you would have someone for at least five or six years.

4.45 p.m.

From all that has been said, it would appear as if what is now levelled in this instance was slowly coming on us. Now, the present Chief Justice has not been in Barbados for two years yet, because I remember in 1956 prior to the General Elections the Chief Justice's salary was amended and at that time we did not know officially who was going to be the Chief Judge; but it was subsequently known. Therefore, you can see that the present holder of the office has been here for a period of only about 18 months. I do not think - and even the barristers of this House would have to admit - that it is the best thing in any judicial arrangement in any territory to have posts in the highest positions being vacant. What is going to take place here is that a high judicial post is going to become vacant again and if something is not done to fill this post as quickly as possible we would have repeated the unsatisfactory spectacle of the post of Attorney General being vacant for close on three years.

The office of Chief Judge of any territory is too important an office to be left vacant for long periods, and we hope that methods as regards allowances towards income tax for people in such positions would be looked into by the Government. I say that not from the point of view of making provision for any single officer of the Government, but because I think that it is one of the difficulties confronting this present Government. We are forced from time to time to make adjustments to salaries of officers in high positions and as a result it creates a spiral in the whole salary structure. You should make a more scientific approach to the problem along lines which I have just enunciated in order to see if that can settle your problem. No Government would be chary about having to raise the salary of any officer from \$12,000 per annum to \$14,000 per annum, but you would not encounter the same problems if you make an examination of your income tax structure. I say that because I know what income tax I pay, and I do not work for money bearing any relation to that which the Chief Judge is paid. We can very well understand what happens to officers who find themselves in that position. I think the Government should take note of this advice. It is cheap advice. If you do not do this, you will find that all your senior officers would be leaving you and what they would be leaving you for is not because the salary structure into which they are

going is much higher than ours but in order to get relief along lines of income tax. This is something which Government should watch; that is to say, Government should watch out to see if our allowances as regards income tax relief are comparable to allowances given elsewhere.

Mr. F. G. SMITH: Mr. Speaker, I want to ask the Hon. Premier one question. I have not really studied the Addendum but I remember that under the old Act - the Chief Judge and Crown Law officers Act - you will find that the Attorney General was coupled along with the Chief Judge. Will you tell me whether the Attorney General has advised you whether or not his salary is to come before the Legislature in due course? I know that on the morning of the new set up in the judicial administration, all magistrates received a new warrant from the Governor about their appointments. I would like to know whether it would be necessary in the case of paying salary to the Attorney General for the Government to bring down a new Resolution in that respect. Of course, the Attorney General should know whether his salary is safeguarded by the new legislation. I am only asking the question because I know in former legislation, his position was always coupled with that of the Chief Judge.

Mr. BRANCKER: Mr. Speaker, of course, I do not disagree with the Governor-in-Executive Committee as regards what is mentioned in the Addendum that there could be no change in the salary of the Chief Judge at \$12,000 per annum and that of the Puisne Judge at \$9,360 per annum; but the point raised by the hon. senior member for St. Peter is a good point, and to move these salaries upward would cause requests from Civil Servants all down the line and even above the salary of that of the Chief Judge. I do know that it must be distressing to be told that the salary of the Chief Judge is \$12,000 per annum, but when appointed to that post, you find that you only get \$500 a month because of the income tax rate in Barbados. There are few countries in the British Commonwealth where the income tax rate is higher than in this country.

Sir, if you are not going to raise their salary - and I am not advocating that you should raise it because I know we cannot afford to do so - you should examine your income tax rates and the exemptions in a way to see that, even if you do not move the rate, the exemptions must be more reasonable; otherwise we should be in the position that our most important post in the island would be always vacant. It has been said that our Chief Judge should not be a Barbadian because he might appear biased. That, Sir, is a very poor reflection on our people and on the qualities of any good Judge because a good Judge just cannot see individuals. A good Judge does not take into account personalities when it is a question of law; therefore that is a sad commentary on the Judiciary, apart from the fact that we have many distinguished Barbadians who for a long time occupied the highest judicial posts in this Island. The predecessor of the present Chief Judge was certainly an ornament to Barbados for the 20 years he held the reins of that office.
4.55 p.m.

Therefore, Sir, if we regard this post as an important post - and there is no question about it that the post of Chief Justice is of much more importance than that of the Governor who is purely a figurehead. The post of Governor is important in that the Governor is the representative of the Queen; but with the Cabinet ruling the roost, the Governor only has to read the speech from the Cabinet. However, when it comes to the Chief Justice, that is a much more important post. It is a period of eighteen months since Mr. Gomes has been holding the office of Chief Justice of Barbados. This is a post in which it is desirable that the occupier should, for some period of time, be able to settle down to acclimatize himself and be able efficiently to run the administration of justice in this colony; but you cannot expect Mr. Gomes to remain - and I will say that he has done an amazing amount of work in a comparatively short time - he cannot remain here if his salary is \$1,000 a month and you hand him a cheque for \$500 odd. Most people occupying high positions would be disinterested in having that honour conferred upon them.

While we are agreeing to these amounts as the salaries of the Chief Justice and the Puisne Judges respectively, we must try to impress upon the members of the Cabinet that

they must take adequate steps to ensure, so far as lies in their power, that the person who succeeds Mr. Stanley Gomes will have reason to remain in the office for certainly a longer time than the period which Mr. Gomes has found it convenient and in his interest to remain in Barbados. It is in the interest of the people of this colony to get justice from the Supreme Court, because they cannot afford to go any higher than before the Chief Justice of the colony, and nothing is more important than the administration of justice in a small community. Something must be done to ensure in this Island that we attract and maintain an independent, capable and first-class jurist in the highest judicial office in the land.

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

SUSPENSION OF SITTING

Hon. M. E. COX: Mr. Speaker, I beg to move that this sitting be now suspended for half an hour.

Hon. D. D. GARNER: I beg to second that.

*The question that this sitting be now suspended for half an hour was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the sitting accordingly.
5.00 p.m.*

REPORT OF SELECT COMMITTEE re RULES OF THE HOUSE

On re-assembling,

Mr. SPEAKER: The next Order of the Day stands in the name of the Hon. Premier:- To move the consideration of the Report of the Select Committee appointed to consider and revise the Rules of the House.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, this Order is the consideration of the Report of the Select Committee appointed to consider and revise the Rules of the House. In connection with this matter, a Committee was appointed to consider and revise these rules a few years ago, and then it was re-appointed with some changes after the prorogation or the dissolution of the House. At any rate, it is only recently that the matter reached a more positive form and certain draft rules were sent to the House, drawn up by Mr. Lidderdale who is the Fourth Clerk of the House of Commons. The next step was that there was a conference of Clerks of the Legislatures in the area assisted by the Clerk of the House of Commons, and this Conference, as Your Honour well knows, drew up certain rules and recommended certain things and their recommendations were accepted by the Federal House of Representatives. The recommendations which stand before us now are based on the findings of that Conference and they are also based on May's Parliamentary Practice, Sixteenth Edition. Here and there we have preserved in our present rules one or two things which we thought we should maintain and which we thought were worthy of being allowed to continue to function; but by and large, these draft Rules are based on May's Parliamentary Practice.

We have had the Clerk to prepare some notes for us and those notes have been presented to hon. members for their consideration and guidance. The Clerk has pointed out many of the new rules and I believe he has quoted from May's Parliamentary Practice where they can be found, so that that saves us some time.

As to the Oath of Allegiance, there has been some change and we have adopted the practice of the House of Commons in which members elect their Speaker before subscribing the Oath. That is the present practice in the House of Commons and we have thought it opportune to adopt the same procedure in the Draft Rules which we have before us as recommended by the Select Committee. The present Rules of the House governing the procedure to be adopted by members at the opening of the Legislature have been omitted, some because of changes in the Representation of the People Acts, and others which are purely procedural and are governed in any case by the Proclamation summoning the new Legislature, and not by any Rule of the House.

Inasmuch as the present Representation of the People Act makes provision for the Oath of Allegiance and where there is any variance with our present Rules, we thought it

best to adopt and carry out the existing Law of the land, which is the law as expressed in the Representation of the People Act, and that should take precedence over the Rules of the House. The procedure adopted envisaged at the opening of the Legislature is *mutatis mutandis* as set out in May's at pp. 283 et seq. where the matter is fully dealt with. I invite hon. members to refer to it so as to see the procedure there.

The Election of Speaker reproduces in effect the present practice of the House. See May's pp. 285. No debate is to be allowed unless there is a contest for the post of Speaker. Procedure for appointing the Deputy Speaker is quoted from May's pp. 252. It is to be noted that it is recommended that the Deputy Speaker shall have all the powers of the Speaker (including the power of putting 'the closure') when the Speaker's absence is announced by the Clerk at the Table. That is the procedure which is recommended; that the Deputy Speaker shall have all the powers of Speaker including the power of putting the closure when the Speaker's absence is announced by the Clerk at the Table.
5.30 p.m.

Then we have changed the time of Sitting of the House. It is proposed here to return to the former practice of years ago of summoning the House at 12 o'clock noon. At 12 noon the Speaker takes the Chair; from 12 to 2.30 p.m. Prayers Notices and Government Business; 2.30 - 3 p.m. Lunch; 3 to 3.45 p.m. Question Time; 3.45 to 5 p.m. Private Members' Business; here we are taking the opportunity to restore the practice of Question Time which existed before we changed our Sitting time to 3 p.m. From 5 to 7 p.m. Government Business; 7 to 7.45 p.m. Dinner; 7.45 to 8.30 p.m. Government Business; 8.30 to 9 p.m. Unopposed Business and Adjournment Motion; and at 9 p.m. the House will adjourn. From 6.15 p.m. to 8.30 p.m. an adjournment on a matter of urgent public importance may be moved. I think the usual procedure is that the hon. member who seeks the adjournment of the House to raise a matter of urgent public importance gives notice to the Speaker, the Speaker examines the question and without any more ado or asking further leave, he can deal with matters of urgent public importance.

A Minister may, by notice at the appropriate time, have a matter exempted from the provisions of this Order, in which case the House will not stand adjourned at 9 p.m., but may continue until such exempted business is ended. Only a Minister can move the adjournment of the House (see Standing Order, No. 15). The Rule of the House providing for the summoning of a meeting by Mr. Speaker when the public interest demands it is retained. This can be seen in May's pp. 330, 324 et seq.

The duties of the Clerk continue as at present.

Order of Business sets out in detail the order of business in the House.

Messages from the Governor. A new provision has been inserted to the effect that the House shall not be adjourned for lack of a quorum before the time upon which the arrival of the Governor has been notified to the House.

Petitions. This Order sets out in detail the Rules governing petitions. See May's pp. 838, 845. There is a new provision which is found in most Colonial Legislatures whereby a petition must be endorsed by the Clerk as being in accordance with the provisions of this Order before it can be presented to the House.

Papers. Common Form. See May's pp. 274 - 276.

Contents of Questions. This Order codifies the practice relating to Questions. See further May's pp. 354, 357 - 361.

Notice of Questions. Common Form.

Manner of asking and answering Questions. The practice of the House of Commons is reproduced in this Order, with variations to suit local conditions. Written replies to

questions are to be laid on the Table as formerly, while oral Questions stand over until 3 p.m. This lapse of time will enable any member who is not present at the opening of the sitting to be contacted and to be in his place when Question Time is reached. If the Member is not present at Question Time, his reply will be laid on the Table unless he has asked that the question be postponed until some future date.

There is also a provision allowing supplementary Questions which may arise out of the reply given by the Minister. If the Speaker is of opinion that such supplementary question is irrelevant to the original question he may refuse to allow it. A reply to a question is not to be made the pretext for a debate. See May's pp. 354 - 361.

Adjournment of the House. See May's pp. 298, 299. This Order deals with the adjournment of the House at the end of public business, and sets out the Rules governing such adjournment motions as recommended by the Committee and at present practised in the House of Commons. Any member who wishes to move the adjournment of the House at any other time may do so in accordance with the provisions of Standing Order No. 16.

Under Standing Order No. 16, a correction is to be made. The time 10.30 p.m. should read 8.30 p.m.

Adjournment - Definite Matter of Urgent Public Importance. See pp. 366 to 374. This Order is in general conformity with the most recent revision of the similar House of Commons Standing Order, and introduces a new provision which is set out in paragraph 3. It is felt desirable that the debate should not be entered upon immediately, as one side may be at a disadvantage and not have its case ready. The time taken up for this debate is repaid at 8.30 p.m. so that no time for Government Business will be lost during any sitting.
5.40 p.m.

Personal Explanation. This Order is new. Since there is no question before the House it is important that no debate will arise and therefore no controversial matter may be introduced.

Arrangement of Business. Common Form.

Notice of Motions. The Committee recommended in accordance with modern Parliamentary Practice that notice should be given of the majority of parliamentary business. The exceptions set out in this Order deal for the most part with matters which may suddenly arise.

Manner of giving Notices. See generally May's pp. 397 - 400.

Relevancy of Amendments. Common Form. See May's pp. 421, 422.

Seconding of Motions and Amendments to Bills. Common Form.

Method of putting the Question and Amendments. Common Form. See generally May's pp. 418 - 420, 423 - 424.

Withdrawal of Motions etc. Common Form. See May's 552. The provision contained in paragraph 3 has been recommended on the ground that now that there is a specified period at every sitting for Private Members' Business, all Motions should be cleared off the Order Paper within three months, and the Order Paper will not be cluttered up with Notices on which no action is intended to be taken. If a member wishes after the expiration of three months to continue with such a Notice he may either renew the Notice or ask leave of the House to allow his original Notice to remain.

Dispensing with Notice. See May's pp. 398.

Time and Manner of Speaking and Contents of Speeches. This Order codifies the provision in May's pp. 445 et seq. A new provision is contained herein to the effect that the seconding of a motion will not prejudice a member's right to speak at a later period of the debate

if he merely rises in his place and states that it is his intention to second the motion.

I think according to our present Rules, if you second a motion, that is considered that you have lost your right to speak if you want to speak again; but according to this new Rule, you can do that if on your seconding the motion you qualify it by saying that it is your intention to speak again.

Right of Reply. This Standing Order is now included in the Standing Orders of the majority of Legislatures based on the United Kingdom model and is in effect the convention used in the United Kingdom. It is common practice that the Government should have the last word when it is under attack.

Interruptions. This Order is Common Form.

Behaviour of Members not Speaking. Common Form. Rules 51, 52 and 53 of the present Rules of the House have been retained.

Scope of Debate. Common Form. See May's pp. 451.

Dilatory Motions. Common Form. See May's pp. 452 and 453.

Closure of Debate. This Order is entirely new and brings procedure in this respect up to modern parliamentary standards. Under this Order a Member may at any time move that the question be now put, and if it appears to the Speaker that all points of view on any matter have been already put, and that there will be no infringement upon the rights of minority groups, the question will immediately be put without amendment or debate. This provision has been found to have been of considerable use both in the United Kingdom and in several Colonial Legislatures, and its efficacy is solely dependent upon the discretion of the Speaker who is in a very real sense the judge of fair or unfair play. See May's pp. 475, 478 to 480.

Anticipation. This subject is dealt with in May's pp. 403, 404 and is in use in the Standing Orders in most Colonial Territories.

Standing Orders 34 to 36 deal with Order in the House and are almost identical with the United Kingdom Parliament Standing Orders in this respect. See May's 471 to 472. It is to be noted that these powers are in addition to powers given to the House under Section 91 of the Representation of the People Act, 1957.

Voting. Common Form, retaining the present procedure.

Introduction and First Reading of Bills. Common Form.

Standing Orders 38 to 49 regulate the procedure to be observed in the consideration of Bills and are for the most part similar to the present procedure of the House. The procedure on the Second Reading and Committee stages of Bills have not been materially changed except that it is recommended that recommittal shall only take place after the Committee has reported back to the House and before the Third Reading has been given to a Bill. Provision has also been made for the reading of amendments which take the form of New Clauses in Committee to be read a first and second time, and a question put "that the Clause be added to the Bill." Although it is not common in other Colonial Legislatures, the Committee felt that it would be inadvisable to drop the traditional question "that this Bill do now pass".

Temporary Laws. Common Form.

Withdrawal of Bills. Common Form.

Bills Containing Substantially the Same Provisions. Common Form.

Private and Hybrid Bills. This Standing Order clarifies and brings up to date procedure relating to private Bills and any other Bill which prejudicially affects any in-

dividual rights or interests. Every such Bill after notice by advertisement of its general nature before the first reading thereof, and publication in the *Official Gazette* after the first reading thereof, is then to be read a Second time and thereafter to be referred to a Select Committee, whose function it will be to see that the Bill does not unduly interfere with the rights of private individuals. Any party who may be affected by any such Bill has the right to be heard either in person or by Counsel by the Committee.

Sessional Select Committees. The Committee deemed it advisable to add to the duties of the Printing Committee the function of looking after the comforts, and general accommodation of members in the matter of refreshments, renovation of lobby and other precincts of the House.

This is something new. As the matter stands now, the Speaker is responsible for certain functions of the House including comfort. This Order seeks to add these functions to the Printing Committee.
5.50 p.m.

As to Select Committees, these Standing Orders are Common Form. When we come to the financial procedure, these Standing Orders govern the procedure to be adopted on Resolutions and Bills, providing for the grant of money. The present procedure under Rules 88 & 89 is abolished and notice of Money Resolutions will follow the same pattern as an ordinary notice of motion. It is recommended that the Appropriation Bill be laid on the Table of the House at the same time as the Estimates, that the Second Reading of the said Bill be made the opportunity for the Budget Speeches, and that the Estimates be referred along with the Bill to a Committee to be known as the Committee of Supply. Provision is also made for a supplementary Appropriation Bill to be passed every year. The Rules of debate governing consideration of the Estimates are more clearly set out in May's at pp. 735 - 739.

Our present custom in connection with the Estimates is that they are introduced and at some later stage the Appropriation Bill is introduced; whereas these Standing Orders provide that the Appropriation Bill will be laid on the Table of the House at the same time as the Estimates, that the Second reading of the Bill be made the opportunity for Budget Speeches and that the Estimates be referred along with the Bill to a Committee to be known as Committee of Supply. That is the present practice in the House of Commons, and I think it is the practice in almost all of the legislatures.

As to the Suspension of Standing Orders, that is Common Form. As to the taking of seats by new members, this Standing Order reproduces Rule 274 of the Rules of the House. As to absence of members, that is common form. Resignation of Members is a reproduction of the provisions dealing with the same contained in the Representation of the People Act, 1957. As to the custody of Mace, records and papers, that is governed by Rule 27 of the present Rules of the House.

I think that these notes are fairly full and they cover, to a great extent, the proposed new Rules which are now before the House. I beg to move that the Report of the Select Committee appointed to consider and revise the Rules of the House be adopted.

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

Mr. WALCOTT: Mr. Speaker, on this side we could not hear all that was said by the Premier, but we were reading the notes which he was reading. You will agree that it is somewhat peculiar that we are dealing with amendments to the Rules of the House but we do not have any Rules of the House to follow. I have been straining my eyes to find a Rule Book and this House is so up to date that we do not have the privilege of having a Rule Book so that we can follow it. I hope that when the new Rules are printed, hon. members will see the Rules by which we have to go. It is true that the Rules of this House should be revised in order to meet modern trends, but one would have thought that we would have begun to get down - Ministers and members of this House are being paid by the Crown, and I believe people are saying that we are going back to the old

days when we used to meet at 12 o'clock (noon), I do not think that the sun has got any nearer to the earth, but if it suited the old-time planters to leave the country and come here to do business, one would have thought that you would have got out of the idea that 12 o'clock is the proper time to summon members to this House. You have this idea of coming to this Parliament 48 times a year; members of this House are paid for coming here, and I am saying this; let us get down to the question of sitting two days a week and get down to business. We come here and deal with three Resolutions this week, we deal with two Resolutions next week and it may be one the week after; if we have the opportunity of amending the Rules, the business of the House should be dealt with in a more business-like manner.

Now, it is proposed that hon. members should come here at 12 o'clock. Midday is the hottest time of the day, and I am suggesting that an arrangement can be made on the same basis that we come here at 3 o'clock. You could have some order of business occupying so many hours prior to taking a break and so many hours after. I have been a member of this House long enough to know something; I came into this House when we used to meet at 12 o'clock and the members of the House felt that meeting at 12 o'clock was unsuitable. From the Government's side, at least three of the members who are Ministers today were members of the House then. As I say, we used to meet at 12 o'clock, and they agreed that 12 o'clock was not the best time to meet and that the hour for meeting should be 3 o'clock. If that is so, how can they say now, after their experience, that 12 o'clock is the best time for meeting? They said that 12 o'clock was not the best time for meeting and the Barristers felt that that hour would be encroaching on their own time.

6.00 p.m.

That was taking place in the old Executive Committee days and you felt it was not good, because there were some Barristers who felt that it encroached on their own time and gave little time to do private work before coming to the House in the afternoon. I am not dealing with the point of convenience but with the general atmosphere. 3 o'clock in the afternoon from the point of view of climate is more congenial. Another thing which is healthy in this island is that people come to listen to debates, and that is a good thing because we do not have a radio system. You have just air-conditioned the Other Place and they do not work on the same basis; they meet at 2 o'clock in an air-conditioned room. Although the sun has not come any nearer to the earth, they feel it is inconvenient to work.

In the United Kingdom they meet at 2 o'clock. It is true that we follow Great Britain even sometimes in the very clothing which they adopt. They meet at 2 o'clock but if they met at mid-day in London it would make no difference in comparison to our meeting at 9 o'clock at night owing to the weather. I do not think from the point of view of hours of work that we are going to do more from 12 noon to 9 p.m. than from 3 p.m. to 11 p.m., and we should not fool ourselves that we are such little kids that we cannot be away from home after 9 o'clock. I believe that when the Government speaks about legislation, if statistics mean anything to them, they would find that we have passed more legislation from meeting at 3 o'clock than from 12 noon until 4 p.m., because the day is hot and you can be very miserable.

When I said that you have to think of members, I was not thinking of convenience when I said that we should meet two days a week, but Your Honour will agree that Parliament should not meet, especially as politics is not a whole-time job for everybody, to make it impossible for members to do anything other than being a Parliamentarian, because one would have to be in a very affluent position to be able to live on the salary paid to ordinary members. That is one reason why I say the House should not revert to the mid-day sitting. 3 o'clock in the afternoon seems to be the most appropriate time.

I have heard a lot about May's but I do not know what validity there is in stating when a Session should end. It is not a Sunday School room where you can say you must sit until 9 p.m., because nobody wants to stay in Parliament for the sake of looking at each other, because members are not Movie Stars and for that matter we do not have to be admiring each other. If you want to amend

these things, we should go into Committee to consider them because there are 72 Sections of the Rules. It does not matter what Committee went into these; at random I can see some of the things which I consider as not correct. Take the question of the Deputy Speaker; the old Act says that if at any time the Speaker is absent from the House of Assembly, the Deputy Speaker shall thereupon take the Chair. This does not say so. You have a new system where the Deputy Speaker cannot take the Chair until the Clerk announces that the Speaker is not there. Let me show you the confusion. As I said, under the old Rules there is no difficulty in the Deputy Speaker taking the Chair in the absence of the Speaker, but here it says "the election of the Deputy Speaker shall be conducted in a similar manner to the election of the Speaker save that the Speaker shall preside. When the Speaker's absence is announced by the Clerk at the Table, the Deputy Speaker shall take the Chair of the House and shall be invested with all the powers of the Speaker until the next sitting of the House."

Let us go a little further into this confusion. The Clerk shall announce the absence of the Speaker, but when you turn to Standing Order No. 8 "Order of Business" you will see that "unless the House otherwise directs, the business of each sitting day shall be transacted in the following order:- (a) Formal entry of Speaker; (b) Prayers; (c) Announcements by Speaker; (d) Messages from the Governor; (e) Papers; (f) Petitions; (g) Government Notices and so on. How are we going to get into the House? If the Deputy Speaker does not work in the original fashion, there is no House. To whom will the Clerk announce that there is no Speaker? We cannot come here and sit down and say there is a House and then for the Clerk to tell us something. The only time the Deputy Speaker can act is when the Clerk informs the House that the Speaker is not present, and therefore the House cannot sit without the formal entry of the Speaker. By these Rules the House is not constituted until you have the Speaker. This is not a mock House, this is Parliament; members cannot sit unless there is a House; so the Clerk would not be able to inform members that the Speaker was absent. How is the Clerk going to have the opportunity of informing the House that the Speaker is not present, then for the Deputy Speaker to take the Chair and have the same powers as the Speaker?

One thing that strikes me with this as it stands now, Sir is that the Clerk has no authority to inform us of anything until you are present, and the House cannot function without a Speaker unless it is a mock House.

6.10 p.m.

There should not be any confusion between that and the opening of the Session.

Mr. SPEAKER: I do not think there is any confusion at all. The position is this. The Deputy Speaker would not be able to enter the House in the usual manner but in order that the House may know that he is actually Speaker *pro tem.*, an announcement has to be made by the Clerk.

Mr. WALCOTT: If your Honour looks at this Rule --

Mr. SPEAKER: I know when you read that, you get that impression.

Mr. WALCOTT: The Rule says: when the Speaker's absence is announced by the Clerk at the Table, the Deputy Speaker shall take the Chair of the House and shall be invested with all the powers of the Speaker until the next sitting of the House."

That means that the Deputy Speaker cannot take the Chair until the Clerk announces it. What I am suggesting is that this can be no improvement on what is stated in the Rules of the House, which is as follows: "If at any time the Speaker is absent, the Deputy Speaker shall thereupon take the Chair." There can be no improvement on that, because that gives the Deputy Speaker the same function as the Speaker and on that basis the Clerk would be able to make the announcement.

If you look at Standing Order No. 3, paragraph 2, you will see: "When the Speaker's absence is announced by the Clerk at the Table, the Deputy Speaker shall take the Chair of the House and shall be invested with all the powers of the Speaker until the next sitting of the House."

There would be no House if the Deputy Speaker does not assume the Chair because there will be no person sitting in the Chair. If I give an example: members are in the House before Your Honour comes in here but before you come in here, there is no House. It is only when Your Honour comes in here and assumes your seat that there is a House. Similarly, there would not be any House until the Deputy Speaker takes your place; therefore, the Clerk cannot come in here and make any announcements. There will be no person in the Chair and this is only a matter where this is written to clothe the Clerk with the authority to make the announcement prior to the Deputy Speaker taking the Chair. The House cannot be constituted unless Your Honour or the Deputy Speaker is in the Chair; so the Rules will have to be constructed on that basis so that the right precedent is established that the Deputy Speaker takes the Chair and the Clerk announces that the Speaker is absent. As a matter of fact, it is the usual function for the Deputy Speaker to make the announcement just as Your Honour makes the other announcements.

Now, Sir, there was an argument in this House as to what is a session of the House. You have here under Standing Order No. 4 Chairman of Committees, paragraph 1 "at the commencement of every session." I do not know if May's is going to be the authority, but that Order goes on to say: "a Chairman of Committees shall be elected whose duty it will be to take the Chair in all Committees of the whole House. The election of the Chairman shall be conducted in a similar manner to the election of the Deputy Speaker."

I do not know what is going to be regarded as a session. Is it regarded as the five-year period of the House or the period from prorogation to prorogation. Here in our Parliament, at every time there is a break in the Session you come back and nominate a Chairman of Committees. Does the word "Session" here mean the session that Parliament has been elected for or does it mean each time there is a prorogation and you come back that that is another session?

Sir, we have reached the stage where Parliament should meet more frequently in order to deal with its business. Let me say now that I cannot deal with these Rules in the same way as the Hon. Premier dealt with them. I note that we have established for the first time the Rule to call for a closure of debates. Any encroachment on the freedom of debates is something about which members must talk. You talk about "this provision has been found to have been of considerable use in several colonial territories" but I think we should be establishing something in our own right. In the United Kingdom they have been running Parliament for hundreds of years and they have built up a tradition. I have been in this Chamber long enough to see that if you apply the same conduct and attitude to what is used in the United Kingdom it is all right; but when you apply the Barbadian attitude of mind to a question like this where some member can get up and say that he has heard what is said already, then this closure of debates can be a very serious business.

Now, Sir, according to the rule, only nine members are needed to support the motion. That is a very serious thing. You have in this House a Cabinet of six members, you have a Chairman of Committees who normally belongs to the same Government Party as well as the Deputy Speaker. They are eight members so to speak who belong to the Government and you are saying here that not less than nine members are needed to support the motion, which means that you are giving nine members the opportunity of calling for a closure of debates. In this question of closure of debates you usually talk of a majority and when I say a majority, I mean a two-thirds majority. Normally, you get in this Parliament nine members sitting over on that side and four members sitting over here. You will get the position where the four members over here are being pushed into a debate but when one of them has spoken, and another one gets up to speak, you will get somebody over there saying that the point the hon. member is making has been aired already, therefore call a closure of the debate.

6.20 p.m.

The danger about that, is that you will put the Speaker in a very invidious position. I am sure that if Your Honour

has the honour to preside over this House and apply these Rules, your patience will be strained on many occasions. The number of occasions on which the guillotine is used in the House of Commons is very rare, but it would not be so in Barbados. I have had the awful experience of seeing a motion put, because a member was speaking here. It has happened in Committee and the Chairman of Committees is vested with the same power as the Speaker. I think that it is in Committee where you will have a debate going along; if you have any majority which has the power of putting a question in a Committee like that, it would make a serious inroad in the freedom of members debating a question. So many matters have been referred to Your Honour's attention that you will very well realise what would happen in the future.

I do not like this closure on the basis of not less than nine members. At least you should have a closure of two-thirds of the members present or some number of the members present which would represent that a substantial number of the members present are in favour of the closure; but a mere majority for closure is not the best thing. This Parliament is not a very large one; it is comprised of 24 members and if all of them are present, there are 23 members on the floor to take part in the debate. If the Chairman of Committees is not there, it will mean that you will have 22 members and you cannot make a Rule dealing with a majority of 22, 10 members voting one way and 12 voting the other way; you cannot take that as closure. That becomes a very dangerous thing and so, with the question of closure, people always look around for more than a mere majority of members. There is a bit of intolerance for members to regard this Chamber not as a debating Assembly, but as an Assembly in which you must accept these things, and if you do not accept them then you are regarded as a nuisance.

This is a lot of work which we have to do here. I have tried my best to go through it as carefully as I can and there are points which I have made which any one can see are made from the point of view of people's protection. Speaking as an individual, it does not worry me, because you can pass any Rule and it will not affect me; but in a young and growing country where the Ministers would be a bit impetuous and do not want to hear any criticism, you want to have this Rule. This is what it says:-

"After a question has been proposed, a Member rising in his place may claim to move 'That the question be now put'; and, unless it appears to the Chair that such motion is an abuse of the rules of the House, or an infringement of the rights of the minority, the question 'That the question be now put' shall be put forthwith, and decided without amendment or debate notwithstanding that the mover has had no opportunity to make his reply."

I am sure that that would not happen to Your Honour, but you will agree that Your Honour does not preside over all the meetings of the House. Sometimes a Chairman is to be appointed and you look around in a friendly way and say that you will propose the hon. junior member for St. Andrew as Chairman of Committees. That hon. member say "Not me" and you select as Chairman of Committees another member who does not even know the Rules. I have seen members being placed in this invidious position, looking at the Government Bench and seeing how to rule. If you have a situation like this and a member moves 'That the question be now put', you will have Parliament, far from being an orderly affair, breaking up in disorder. Stifling a debate is not the best thing to have. There is another proposed Rule, Rule 64, which I do not understand. It says this:

"No member shall absent himself from attendance at the House except by leave of the House." What is the meaning of that? Do you mean that you must get a pass? Of course, there is no penalty. This Rule does not mean anything, because you can stay away for as long as you like. There is really nothing in this Rule. The next part of the Rule says this:

"Upon a motion being made for leave of absence, such leave may be granted for any period not exceeding

six months; provided that a Member who attends the House before the expiration of his leave shall forfeit the remainder of such leave."

Spite is becoming a very important element in Barbados today. I do not know if anybody will bring anybody else before the House for non-attendance at the House. If this Rule does not serve any purpose, I would not put it back in; if it is in the old Rule Book, then you are only copying the Rule book.

There is one Rule on which I would like the House to go into Committee; that is the Rule relating to the appointment of the Deputy Speaker. These Rules have not got to be sent to the Other Place; the Other Place has not got any Rules, and therefore, nobody knows when the members are breaking the Rules. Your Honour will know that we have eminent Jurists and Lawyers giving 89 different interpretations; I have lived long enough to see the question as to the meaning of "Session" debated in this House. Some hon. member say that "Session" is for the whole period; other hon. members say that "Session" is only when we break.

6.30 p.m.

If you had one interpretation you would not need a Lawyer; it would be like the Ten Commandments. Here we have these different interpretations.

We have a good Clerk and Deputy Clerk and we have to give them credit for this work, but sometimes the enthusiasm of an Officer makes him put in a lot of things which are not necessary; and it seems to me that the Clerk did not have much to do under the old Rules and this is giving him more to do as he appears more often in these Rules than before. We have to be very careful, because the permanent officials of any Secretariat are likely to be a little bureaucratic when you leave everything up to them.

The point about the sitting of the House should commend itself to the Government. They are freer than we are; so the question of meeting at 12 o'clock would not inconvenience them. Far from that, it had been mooted in here prior to Ministerial Government from the Government that they would think of ways and means of meeting more than once a week. I feel we can meet more than once a week and not fifty-two times a year and clear some of the business off, and get away from the idea which the public has that you only meet to do work when the House of Assembly is sitting. A matter like this will take a longer time than we spend here. It took me a longer time to read this than the time I have already spent in the Assembly this afternoon, because I had to get copies of the Law and make notes on them.

I do not think that to revert to a midday sitting would be in the best interest of Parliamentary progress. Some of the newspapers have been criticising our late sittings at night, but nobody has to worry about that. The members who sit in this Chamber represent a larger number of people than the people who were here before. Years ago fifty votes gave a man a seat in this Chamber, but today you know what fifty votes would do with you; it means you would have to say good-bye to your £30 and that would only be a memory. We represent a wider area in the community and any member who represents a constituency, especially a rural constituency, represents a cross section of every element in the community.

I cannot see, Sir, how members can reasonably say that they will go back to meeting at 12 o'clock and feel that it is better. I feel in the interest of our constituencies we should meet at 3 o'clock so that we can have the opportunity of visiting our constituents on the basis of telling them what we have done from week to week. To my mind, the days for dealing with week to week legislation are over and you should get down to a legislative period in which you have a certain amount of work to do; and if the Ministers are serious about their business, they would know that they have a legislative period and a period for administrative work.

In order to effectively carry out the amendments which I have suggested, I will move that we go into Committee. I beg to move that this House do now go into Committee to consider the Rules.

Mr. F. G. SMITH: Mrs. Speaker, first let me say that in my humble opinion these Rules are long overdue and most welcome, because it is amazing that this Legislature could have existed and could have got along under the antiquated Rules which I found in here when I became a member.

At this stage I think it is but fair that I should pay tribute to the Clerk and to the Fourth Clerk of the House of Commons and all those who have put their heads together to give us what, with but one or two exceptions, I consider Rules suited for this Hon. and ancient Chamber. The Clerk has done remarkably well and on this occasion I can find no fault with the draft which he has submitted to this Hon. House.

There are one or two things, Mr. Speaker, which worry me a bit, but which with tolerance and understanding from the Government Bench are capable of being remedied. You will notice, Sir, that in these Rules wider power and discretion are given to the Speaker; therefore in view of that, it is absolutely necessary that the entire House should have absolute confidence in the integrity, impartiality and honesty of the Speaker. I am speaking generally, Mr. Speaker, and therefore we must observe that stage which we consider as excellent Parliamentary practice. I say first that in the selection of a Speaker, the Government should think it not beneath their dignity to consult the Opposition; it is invariably done in the House of Commons, and of course if it were done and if agreement had been reached, it would have avoided that ignoble and almost disgraceful show which took place on the opening of this Legislature, and in which I to my regret took part. Be that as it may, Mr. Speaker, if we start off by observing that Parliamentary practice of consulting in the choice of a Speaker, then we shall avoid disgraceful scenes like those witnessed at the opening of the Legislature. Of course it goes further than that; it means we must decide once and for all in the full development of our Constitution in this colony that we must come down on the side of single member constituencies now that we have reached a stage in Party politics when the Constitution itself recognises the existence of Parties, so that if the Speaker is satisfactory to all sides of the House, then I do not think it is beyond the Opposition to honour the Parliamentary practice of not contesting the seat of the Speaker of this Chamber. If during the Session he has given satisfaction to all minorities in the House, if his rulings have been impartial as all of them are likely to be, then members can come together - even the independent member who may be seeking a seat in this Hon. House - and seek another constituency other than that represented by the Speaker of the House at the time of the dissolution.

It is not beyond Barbadians who contest bitterly in politics to honour Parliamentary traditions such as these, and of course I can appreciate the fact that it is at the present moment not impossible to contest the seat of the Speaker, because with double member constituencies, which are not only out-moded, but antiquated and a political anachronism, members must fight for a seat; and in fighting for a seat where there are two, the Speaker's seat is not marked or in any way designed, and therefore we have got to come together before the House meets and decide once and for all that we intend to come up-to-date and have single member constituencies. If that were so, any Speaker who has endeared himself to this Hon. House by his impartial rulings, integrity and dignity would in fact know that he does not have to descend into the arena, that his seat would not be at stake and from that lofty perch which the Speaker of this House occupies, he could look down on all Parties and give them justice as he can see and knows it to be. Those are two fundamentals before we can take the Rules as seriously as we ought.

I do not think, Mr. Speaker, that either of those two matters is beyond the ability of the Premier to do when the occasion demands, but the second, of course, the matter of single member constituencies, is certainly a matter, in my opinion, of the utmost urgency.

6.40 p.m.

As I see it, these suggestions hinge on the fact that the Speaker under these new Rules would have wider discretion and more power.

Now, Sir, let me go back to a matter which is personal to me and I am going to speak on it with as much restraint as I can. Mr. Speaker, you will realise that this Chamber met at 12 o'clock previously and at that time the Ex-Premier was a practising member of the Bar. I am going to say that it was changed to 3 o'clock to accommodate him. I say that without any fear of contradiction. Of course, at that time, although he was head of the Government he was still earning his bread at the Bar. The change was made to accommodate him. What do you find today? The Government Party has no lawyers in it but the Official Opposition has two and there is one independent lawyer who is myself. What is the position which you are creating? We are forced to come to this Honourable Chamber to represent people who sent us here when we are in the midst of an address to the Court, trying to prevent someone from going to gaol wrongly. We have to run to this Chamber in the middle of the day when the sun is at its peak. I am prepared to accommodate the Government and to meet twice a week or to meet from two o'clock, but certainly to suggest that you should meet at 12 o'clock again is not dealing with us kindly. Of course, the Government need not agree to our suggestions because if you look at the hon. members who comprise the Government's Party, you will see that they are either full time politicians, professional politicians or people who can come to this Chamber at any time. There are some of them who do nothing else but come in here; they have no occupation. No member who has a responsibility can exist on what he gets as a member of this House and if the people expect him to exist on the little pittance which he gets in here, they are sadly mistaken. What happens is that you work at your profession but at the same time you find that from your very training and ability, you are prepared to sacrifice not all, but something in the interest of the people in order to represent them. I am a lawyer as well as the Hon. Leader of the Opposition. We are here because the people who sent us here have confidence in us. Let me say that it is not only coming in here to represent the people, as the hon. senior member for St. Peter has said. If that were all, it would be quite simple, because talking and criticising are so easy to do. Therefore, I am saying that Government should be prepared to accommodate members of the Opposition (and I use that word advisedly) whom they know are forced to come here and to earn their living at the same time by the professions which they practise. Before Ministerial status, one could not expect the Ex-Premier to come here at 12 o'clock. He had a family to support and he had to work. Three o'clock was a reasonable time to begin. Why today 3 o'clock is no longer reasonable? I do not pretend to be a representative of the people to the absolute and complete detriment of not only my future but also my health, but I intend to make my contribution to the society which gave me birth and which contributed in some way to my education. If my constituents expect me to devote all my time to them, they are completely mistaken. I am prepared to come here and make my contribution, and that is why I am appealing to Government to meet twice a week but do not meet in the middle of the day when traffic outside is roaring, when the reporters can scarcely hear because of the traffic and the noises around this building. Do not let us meet during the time when the people are coming from lunch and going from lunch unless Government intends to bring down a Resolution to have this Chamber air-conditioned. Sir, you can see how difficult it would be not only for the reporters but for the people in general to attend the Chamber at that time. I am appealing to Government. I will not accuse Government of introducing this to spite anybody. If you think members of the Opposition talk too long, you have the rule governing the closure of debates and you can use it. You have inserted that in the Rules to cut down long and unnecessary debate.

Sir, apart from that, you have given authority to the Speaker to say that such and such a member is repeating himself and because of that you are calling upon him to sit down. By those two methods you have cut out at least three hours of debate; therefore, you do not have to meet at 12 o'clock. I foresee that the hon. senior member for the City would not be speaking too long after this - and I am sorry that he is not in his place to hear me - because very often, nine-tenths of his speech is repetition. Sir, let us meet at 3 o'clock in the cool of the day when the sun is going down and then let us work until 9 o'clock or 10 o'clock. If neces-

ary, let us meet twice a week. Consider those of us who have to work during the day to earn our living and at the same time to represent the people who sent us here. I am also suggesting to the Government that if they meet at 12 o'clock they would have to bring down some Resolution to air-condition this Chamber. The Other Place meets at 2 o'clock and they have their Chamber air-conditioned. If you bring us here at 12 o'clock when the sun is at its highest, surely you will have to instal some equipment to make it more comfortable for the members.

I agree with Government to let the debates stop at 9 p.m., and let us come back the following Thursday. I would suggest that you start at 3 o'clock and go on until 10 o'clock or 10.30 o'clock. You can shift the Rules to suit that. Cinema shows come to an end around 10.30 o'clock which I consider is a reasonable hour for us to close.

Sir, I think I have exhausted all the appeal I can make to Government to go back to 3 o'clock. Sir, I am not worrying about the Rule which says that members shall not fail to attend every meeting of this House unless with the permission of the Speaker. I do not think that worries any hon. member. However, Sir, let us have some unanimity on the time of meeting and do not let us meet at a time to affect anybody. Do not let it be thought that you have done this to affect anybody. I do think that if we were to meet later than 12 o'clock the Ministers themselves would be better off. Let us compromise; make it 2 o'clock so that if a lawyer starts out the day in court and argues the whole morning, he can then ask permission for leave and can then come to the House.
6.50 p.m.

As I see the position, these Rules are long overdue; all the Government has got to do is to plan its Legislative Session. The Government has to plan the length of time during which the House should meet and during that period how often we would have to come here and say: "This is the business which the Government proposes to do for this Legislative Session and it must be done"; so that the House will have in due course proper vacation and proper breaks as it is customary to have in all other Legislatures.

I have absolutely no fault to find with these Rules; I am basing my lack of complaint on the absolute impartiality of the Speaker, whosoever he may be. That is why I am not quarrelling about the Rules. However, it is vital that we should be motivated by the highest Parliamentary traditions which have made English constitutions run so smoothly, and for the smooth running of any democracy these traditions must be observed. I intend to fight according to the Rules; I intend to make my contribution to the extent that the Rules give me latitude, and I expect and I know that, whoever is Speaker, he will see to it that the rights and privileges of the minority are observed in this Honourable Chamber. With those few words, I give these Rules my blessing, being fully confident that every member of the House will be given a Rule Book, as has been referred to by the hon. senior member for St. Peter. Members must have copies of these Rules or they may take away some by mistake. You can have extra copies of these Rules for reference and every hon. member will be expected to know the Rules. If hon. members read, learn and inwardly digest these Rules, and are prepared to observe them, then there is absolutely no fear in my mind that the parliamentary cut and thrust, the parliamentary traditions which we are endeavouring to keep will be carried on in this Honourable House and we will do greater work for the masses of the people.

As I said, we must, in order to make these Rules work - well, we cannot read everything within the corner of these Rules. These Rules not only mean that the Speaker must be impartial; they mean that the Opposition must be courteous to the Government and the Ministers must be courteous to the Opposition and they must remember that they have a greater responsibility to the masses of the country than the Opposition, for the time being at least. Therefore, I say that the working of these Rules, the re-establishment and the maintenance of the dignity of this House depend upon every hon. member, whether he be in the Opposition or in the Government, realising his true function in the machinery of Government and realising the duty which he owes to himself, to truth, to honesty and to honour. (Cheers)

Mr. BRANCKER: I beg to second the motion of the hon. senior member for St. Peter, that this House go into Committee on these proposed Rules. When we consider that, for some curious reason, the pages have not been numbered and that there are no less than 72 of these Rules or Standing Orders, each Standing Order containing something like half a dozen paragraphs, it seems only reasonable that we should agree to go into Committee on these Standing Orders so that we can give consideration to the various ones which strike us as being in need of amendment or of deletion as the case may be. As you know, Sir, the previous Rules have been in existence since 1904, and after 54 years it is not strange that there should be a desire and anxiety to bring them up to date. Therefore, we are all agreed that improvement and modernism should take place in respect of the existing Rules of this Assembly.

It happens that I was a member of this Committee, but, unfortunately, very rarely was I able, on account of even more pressing and urgent business, to attend to my duties as a member of the Committee. That is why I am seconding the motion of the hon. senior member for St. Peter that this House go into Committee on these proposed Rules so that more attention might be paid to individual Orders and paragraphs than we could pay to them in a second reading speech.

While I view with general favour the Rules as a whole, I support the point of view expressed by the hon. and learned junior member for St. Andrew in respect of the time of the sittings of this House. As a matter of fact, I observe that, in so far as my copy of these Standing Orders is concerned, the times which were originally decided upon and which were cyclostyled, have been crossed out and other times have been substituted in ink for them. That rather suggests that the Select Committee itself was not at one in respect of the time of meeting, and there was a subsequent decision that the original time should be used. It is true that I was a member of this Chamber at the time when we used to meet at 12 o'clock, and it was at the strong insistence of the then hon. senior member for St. Joseph, the present Federal Prime Minister, supported by myself and others, that the time of the meeting of this House was changed from 12 o'clock noon to 3 o'clock p.m. I would have given preference to 4 o'clock in the afternoon. 7.00 p.m.

I do not think, Sir, that we would be justified in reverting to 12 noon. When we met at 12 noon we stopped at 4 p.m.; it was twelve noon until 2 p.m., three-quarters of an hour adjournment for lunch, and then from 2.45 to about 4 p.m., and rarely did we go on after 4 p.m. Rarely did the tired clerks coming out of their business places in Broad Street and the members here not go home together; but as a compromise I will recommend that at least, and if we go into Committee on this, I would support or move that we meet at 2 p.m. and close at 11 p.m., and, if necessary, if there is urgent business which is not concluded in that one day of work, there would be no objection, as we do in the case of consideration of the Estimates, to meet a second day in the same week.

12 noon is a very difficult time not only for members of the long robe but for Solicitors, financiers and people who have occupations to follow during the course of the day. They have been selected by the people who have voted for them and who knew they were voting for a Barrister, Solicitor, Shopkeeper or Undertaker as the case may be, and realised that they were not voting for a whole-time job, but voting for him to do the best and the most he can for them without prejudice to his substantive form of employment and his principal means of earning a livelihood. I can quite see how the Ministers feel about it, but I counsel them if any of them hope to be returned in 1960 or 1961 that they will find the boot on the other foot, and they will find that they have to leave their places of business and come at 12 o'clock while the others will be in the more surely and happy position of having nothing at all to do the day on which the House meets, and such people can spend the whole day attending to the duties of the Legislature from 10 a.m. if needs be or from 9 a.m. I do not know if Cabinet Ministers go to work as early as 9 a.m. Occasionally I meet them when I am driving in certain directions; I met with one about 9.45 a.m. one day proceeding in a very leisurely fashion towards Bridgetown; so, Sir, I think that for persons who are not either whole-time politicians or whole-

time idlers, 12 o'clock noon is not a good time, but as a compromise I would prefer 2 o'clock. You can do half-day's work, make Tuesday your half holiday instead of Thursday or Saturday, and then do your legislative business from that time until a reasonably late hour.

We have too often, Mr. Speaker, in our time disregarded our staff and the comfort and convenience of those who toil so laboriously for us during the long hours of the night and the early hours of the morning. I do not mean so much our Clerk or Deputy Clerk, because they are permitted to relax in their Chairs when they are not actually working, or stroll outside to the Lobby, but I am thinking of the shorthand writers who have to sit there, and at whatever speed we talk and however incoherently we speak, they have to make first-class English of what we say - and sometimes we have been known to go on until 3 o'clock a.m. Therefore there should be a limit to the time during which the House should meet, but I would prefer to follow the Canadian House of Commons.

You may recall a Canadian Senator who was here some time ago, and he told us that in the Canadian House there was a normal time limit - I think he said 10 p.m. - and if there was any special or important business they would carry on for a little longer; but he explained that there was then a limit which was the absolutely last line irrespective of what the business was; that is to say the normal time was X o'clock and in a special emergency about 30 minutes past X o'clock; but under no circumstances, for no reason whatsoever, would they go on after that time. They would adjourn then to meet the next day. I think that would be the only means of having an absolute latest hour that would ensure that we did not go on until 3 or 4 a.m. as our staff has to sit here and carry on work without regard to fatigue, working hours, or Trade Union sanctions.

It must be particularly galling to you as a Trade Unionist to know that working hours are striven for all categories of workers and to see Reporters and Typists here from 3 p.m. until 6.30 next morning; it is a wonder that you do not observe some disorder and adjourn the House when you feel they have reached the time when they should stop. I support the suggestion of the hon. and learned member for St. Andrew that we do not start as early as 12 noon, because there is no reason for us to revert to that which was considered best to the planters of the old days. I could see when you had the member for St. Lucy coming down in his horse and buggy from his residence, leaving home at 9 o'clock to get to the House by 12 noon, and then at 4 o'clock when the House closed he would take a quiet ride back to that parish and arrive home in time for dinner for which he would sit at 7 p.m. I do not think, Sir, that we can justify a case for reverting to the 12 noon Sessions today.

Emphasis has been put and rightly so - and this is *a propos* of the criticism which I propose to make to Orders 29, Rule 1; 32, Rule 5 and 36, Rules 1, 2 and 3.

Now, Sir, for years since I have been a member of this Chamber, I have raised the question and advocated single member constituencies. They are absolutely essential but we have gone back in our attitude towards that, because as you know, with the Federal Elections the whole of Barbados was one constituency. Federally speaking, we divided Barbados into North, South, East, West and Central, and there were five members for Barbados which was made one constituency - a most remarkable and curious state of affairs, peculiar to Barbados and the particular regime which fostered it. Despite that backward and retrograde move, Sir, that should not debar us from attempting once again to go forward as we should, and the necessity for single member constituencies is absolutely clear; there is no answer to it and there is no reason why we should not have it. There is no justification for continuing as we are now.

Although it has been contested twice in England, there is no reason why the office of Speaker should not be regarded as sacrosanct, provided it is appreciated by him that he should be as absolutely impartial as a Judge. As a matter of fact, only last night I was looking at an advertisement of coloured cartoons of distinguished English Judges, including the Lord Chief Justice, Sir Norman Birkett, that great Middle Temple Lawyer, Lord Jowett and - Mr. Speaker of

the House of Commons! We appreciate the impartiality which Mr. Speaker must exhibit, and the only assistance which he may continue to render his former Party after he has been elected as Speaker is to contribute to its funds; no longer may he participate in its Council or other private meetings. It may well be that only by means of a single member constituency can Mr. Speaker be placed in a position that he could regard himself as absolutely independent of Party.

7.10 p.m.

We find not only that by means of single member constituencies can we put him in the honoured position where he feels absolutely independent of any party and supported by all parties but we would feel easier in our minds as regards Standing Order 32, Rule 1 and Standing Order 36, Rules 1, 2 and 3.

You, Mr. Speaker know these rules almost by heart but it may be well for me to refresh hon. members on how they read.

Closure of Debate. (1) After a question has been proposed, a Member rising in his place may claim to move "That the question be now put"; and, unless it appears to the Chair that such motion is an abuse of the rules of the House, or an infringement of the rights of the minority, the question "That the question be now put" shall be put forthwith, and decided without amendment or debate notwithstanding that the mover has had no opportunity to make his reply."

Now, Sir, it is a question of what appears to the Chair. In other words, it means that unless you have an impartial, fair and just occupant of the Chair who irrespective of Party or personality is prepared to render justice, and the sort which one expects in the highest British tribunals that Rule will always be a burning question among hon. members. Standing Order 32 (1) would have the effect of preventing certain members from speaking at all. Sir, with single member constituencies it would ensure that we never again would be the victim of a Party Speaker. Mr. Speaker, it is a good thing that you are now back in the Chair and if we may say with due deference and respect to you, we on this side much appreciate the absolute and impeccable impartiality which Your Honour exhibits. Your Honour was reappointed Speaker in a manner in which one can really say that you had the full support of the House but it is not always so when the Speaker is appointed after a furious long-winded debate. There is a tendency for him to regard himself as a Party Speaker and we all know if you have a Party Speaker in the Chair and you have him to deal with Standing Order 32 (1) how he would react to it. Similar instructions apply in respect to Standing Order 36, Rules 1, 2 and 3. They read as follows:-

"The Speaker or the Chairman, after having called the attention of the House or of the Committee to the conduct of a Member who persists in irrelevance, or tedious repetition either of his own arguments or of the arguments used by other Members in debate, may direct him to discontinue his speech."

There again, if you have a partisan in the Chair, you will find that he will be objecting to the forceful emphasis of an hon. member who well may be repeating himself but trying to impress the audience. Think of it; you are trying to emphasise and to force and in order to do so, you are indulging in necessary reiterations, and in so doing, you find that your partisan Speaker or partisan Chairman is saying: "in my opinion the hon. member is persisting in irrelevance." The hon. member may only be driving home his point and in so doing he may be at a point of convincing members on the other side, but the Chairman, being partial through partisanship, says that the hon. member is indulging in irrelevance.

Sir, if you pass certain of these Orders and make them Standing Orders, we must ensure that we have an absolutely unbiased Speaker in the Chair and the best way to make him that is not to let him have the opportunity of facing a contest in his constituency; therefore, we must have single member constituencies.

Rule (2) of Standing Order No. 36 reads as follows:-
"The Speaker or the Chairman shall order Members

whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of that day's sitting, and the Marshal shall act on such orders as he may receive from the Chair in pursuance of this Order. But if, on any occasion, the Speaker or the Chairman deems that his powers under the previous provisions of this Order are inadequate, he may name such Member or Members, in which event the same procedure shall be followed as is prescribed in paragraphs 3, 4, 5 and 6 of this Order."

Mr. Speaker, in the House of Commons and in May's which some people seem to use, I fear, more than they use their Bibles, there is the fact that you have such a Standing Order of such effect. Let me ask; in England, have you ever had such a performance, such a comedy, such a farce, such a pantomime, as we have had here in December, 1956, when the Chair was literally taken from under a previous Speaker's feet? When you have that sort of thing obtaining here which never obtained in England, the fact that you put rules in here like this does not mean that you can put them with such equanimity among the Standing Orders. Of course, I may say the evil which dominated this Chamber then does no longer exist.

Standing Order 36, Rule (3) reads as follows:-

"Whenever a Member shall have been named by the Speaker or by the Chairman, immediately after the commission of the offence of disregarding the authority of the Chair, or of persistently and wilfully obstructing the business of the House by abusing the rules of the House, or otherwise, then, if the offence has been committed by such Member in the House, the Speaker shall forthwith put the question on a motion being made, no amendment, adjournment or debate being allowed, "That.. be suspended from the service of the House"; and if the offence has been committed in Committee of the whole House, the Chairman shall forthwith suspend the proceedings of the Committee and report the circumstances to the House; and the Speaker shall on a motion being made forthwith put the same question, no amendment, adjournment or debate being allowed, as if the offence had been committed in the House itself."

Now, Sir, as to no adjournment or debate being allowed, nothing is better in a tropical climate than for an adjournment in such instances. I remember when the motion was made that the hon. senior member for St. Joseph, Mr. Grantley Adams, as he then was, be then suspended from the service of the House, the then Leader of the House who was the Attorney General of the colony, Mr. Keith Walcott, moved the motion that the House adjourn so that time be given to cool off in the heat of that tropical day. Those were the days when we met from 12 o'clock, and so that motion was made for passions to cool down and so as to give the hon. member for St. Joseph time to offer the apology which was suggested and which would have been readily accepted and which would not have caused any act of great humility on the part of the hon. member who was offended.

7.20 p.m.

However, with this Standing Order No. 36, paragraph 3, there will be no amendment, adjournment or debate allowed. We will be here from 12 o'clock noon in the heat of the day. You will know, Mr. Speaker, that when hon. members have got a little out of control and another hon. member gets up, that hon. member has been able to pour oil on the troubled waters and so save a more difficult and unpleasant situation from arising. If this Standing Order No. 36 is there, if paragraph 3 of Standing Order No. 36 is there, it will mean that there will be no such opportunity to retract. That paragraph strikes me as one of the abnormal recommendations suggested in the Report of this Select Committee.

As to Standing Order No. 29, paragraph 5 says this: "Members shall not read newspapers, books, letters or other documents, except such matter therein as may be directly connected with the business under debate."

Now, Sir, it may well be possible that the member who was reading a newspaper or a book or a letter or a document to allege or to insist that he is reading such matter, which is directly connected with the business under

debate. Mr. Speaker may call for such document and he may have to read through an article two columns long in order to decide whether the member has been reading something which is connected with the business under debate or not. I really do not see the necessity for that. What we call non-controversial matters are occasionally discussed and a member may be considering a controversial matter which is far down on the Order Paper and he may be helping himself to be informed of the matter by reading a newspaper or a book or a letter or a document in connection with the matter which is to come up for consideration later on. If this Rule is rigidly adhered to and strictly observed, a member cannot be reading that document, because it would not be connected with the business under debate. It may be said that a member should prepare his business so well that when he comes into the House he will not have to be dealing with it in that manner; but somebody may hand him a newspaper in connection with a matter which is on the Order Paper; you may have published in today's news what is going to be tomorrow's Order Paper of the House and that is the means of letting the public know that such and such a matter is to be dealt with on the Order Paper of the House. One may be met on the stairs leading to this Chamber with a newspaper which deals with a matter before the House and he may be looking at it and the Marshal would be actively circling the House in order to make sure that we are not reading any document which is not connected with the business under debate. We may come into this House and when we come to Order No. 5, for instance, we are not acquainted with the literature which has been handed to us in connection with this Order. That is why I do not see the necessity for such a Rule - at least not a Rule which is as rigidly set out as this Standing Order No. 29, paragraph 5. I can quite see that without there being any reference to a debate, it would be rather unbecoming and lax to see members sitting around the Table reading a copy of the "*Beacon*" or anything like that; but if you are seriously studying some document which is connected with a matter in any debate which is in the Order Paper, I do not see any reason why a member should not be fearlessly and openly consulting a newspaper with a matter which is coming up.

I think I have drawn to the attention of this House the reason why I have seconded the motion of the hon. senior member for St. Peter that we go into Committee on the Report of the Select Committee appointed to consider and revise the Rules of the House. I do not think that we could do justice to the Rules or to ourselves if we pass these Rules *en bloc* by this comprehensive motion that we accept the Report of the Select Committee, as if it were so perfect that there is no necessity for any change and we must accept it lock, stock and barrel. I know that we have been waiting a long time for these Rules, that this Committee has done quite a lot of work and the Clerk has been most assiduous in his labour so that we could have the Rules replacing those which are as old as 1904; but despite all that, I do not think that there is any reason why we should not go into Committee on these Standing Orders and make the necessary amendments and changes which will appeal to the majority of the members of this House, irrespective of Party, as being in the best interest of the effective running of this Chamber.

7.30 p.m.

Mr. BARROW: Mr. Speaker, sufficient has been said by the hon. members who spoke before as to the necessity for revamping and revising the obsolescent Rules under which we are now governed. I had the honour to sit on a Committee with no less a person than Your Honour three years ago and with the late Clerk of this House who rendered sterling service in making the first revision of the Rules authorised for a considerable period of time. The Rules which are now presented for the approval of the House vary in only one or two major details from the redraft which was prepared under the supervision of Your Honour, and therefore I would like to restrict my remarks not to a repetition of anything that has been said before, not to my own feeble attempt at eulogizing the efforts of the Clerk of this House or any other person who may have been responsible for assisting in the revision of these Rules, but to drawing to the attention of hon. members the details which I think are very important from the point of view of Parliamentary democracy.

The first one which I should like to draw to your attention, Mr. Speaker, is the one departure in the time at which the House is supposed to meet. Under the new Rules there will be a definite time for the Adjournment, a definite time for Private Members' Business and a definite time for Government Business and for Unopposed Motions. All of these matters, Mr. Speaker, should very well be made the subject of a time-table or schedule in the operation of the business of this Chamber, because members would like to know that at a certain time Private Members' Business would come on at each sitting and not be subjected to the uncertainty of the present practice of the Ministerial Benches; but there is a lot to be argued on the side of the criticisms made by the Hon. Leader of the Opposition and the hon. junior member for St. Andrew when they objected to the commencement of the business of the House at such an early hour in the tropics as 12 noon. The reason for my objection is not the same as theirs.

I, too, happen to have the honour to belong to the same vocation, as the member put it, as the two hon. members, but it is not because a hardship will be suffered either by the members of my profession or by persons whom we have the misfortune to represent that I consider the House composed of 24 members should make a revision in the time at which the business of the Chamber commences; but I do think that a sitting of 9 hours' duration is one which is unreasonable taking into consideration the climate of the country, the absence of those facilities which the Other Place enjoys by way of air-conditioning and the fact that such a protracted Session would not enure to the benefit even of enlightened debate and debate relieved of acrimony or to the benefit of the community as a whole, because I certainly do not think that members who have to sit from 12 o'clock in the heat of the sun until the late hours of the evening - 9 p.m. - would be able under those conditions which I have outlined to give their best service either to this Chamber or to the community as a whole.

If the financial consideration is one which appeals most to every Barbadian, especially to the Barbadian taxpayer, I might say, Mr. Speaker, that it is high time that members provided themselves with their own lunches and not come here just in time to take the adjournment for lunch. If the House met at 2 p.m. as suggested by the Hon. Leader of the Opposition and indeed as suggested by members of the Committee, to the best of my knowledge, information and belief, the taxpayers would be relieved of the burden of paying for lunches of hon. members, if that is a consideration, and that can only be counter-balanced by the efficiency and the amount of legislation which the public had hoped to get passed in the period immediately preceding lunch. As that period comes at the time that it does, that is at noon which is the hottest time of the day in the tropics, I do not think that the amount of work which would be done before lunch would outweigh the other considerations. I think that is something to which we might give our serious attention.

I would only like to say that since we are revising the Rules of the House, we might very well consider whether members of this Assembly, who are being remunerated to a certain extent for their loss of time and loss of work, should not be called upon to provide their own sustenance and whether there should not be a canteen attached to this Chamber, in which members could invite their clients and constituents, provided they pay for their own lunches and that of their guests as is the practice in the Mother of Parliaments and other Parliamentary Chambers. I do not see why the taxpayers should be called upon to give us accommodation along with the wages they pay us, because that is what it amounts to, and I see no reason at all why members should not have adequate canteen facilities made available in the precincts of the House, and why they should not pay for their own meals and for their own light refreshments or drinks as the case may be. Of course, in those circumstances, I would expect to see a better stocked bar than the one which we enjoy at present, if at all, and I hope that in the next Estimates facilities are placed at the disposal of the caterer for providing an attractive service and giving him every possible assistance, though the actual meals should be paid for by mem-

bers of the House. Those of us who do not want to take meals on the premises would be able to go outside or go home if you are on any special diet or anything of the kind.

I would seriously invite hon. members to consider the commencement of business of the House at 2 p.m. which I consider a reasonable time, but 3 o'clock is the kind of no man's land which avails nothing to any business or professional man, because my argument is that if you can start at 3 o'clock, you can start at 2 o'clock. The normal lunch time in Barbados ends at 1.30 p.m., and at 2 o'clock you can come after lunch and commence business and go through on the normal time-table. I see no particular virtue attached to meeting at 3 o'clock in the afternoon, but at the same time, I see no particular benefit to be derived from meeting at 12 noon in the heat of the midday sun.

The second important detail which I should like to draw to Your Honour's attention is that under Order 13, Rule 1, "a question shall not be asked without notice unless the Speaker is of opinion that it is of an urgent character and relates either to a matter of public importance or to the arrangement of public business, and the member has obtained the permission of the Speaker to ask it."

7.40 p.m.

Now, Mr. Speaker, it is a very good rule as far as it goes, but with all due deference to Your Honour and to your discretion - and we know how judicial you are on all occasions - I think the time limit within which a question should be placed in the hands of the Clerk of the House should be prescribed in the Rule. I think that there is a time limit prescribed by Your Honour that such question should be given notice of three clear days prior to the meeting of the House, and there is nothing wrong with that; but I would like to see that included in the Rules. In the House of Commons when an early answer is expected, notice has got to be given within a reasonable time, in which the answer is to be given and it was held by succeeding generations of Speakers that such reasonable notice is one clear day prior to the meeting of the House. I have no quarrel with your present practice ordaining that it should be three clear days because there is the unfortunate interval of one week between meetings which we have, but which does not obtain in the House of Commons. More or less, Members of the House of Commons live and sleep on the job and Ministers are always on their toes - which is something which we have not been fortunate to see in Barbados up to the present time; therefore, whether it is one or three clear days, you should see that the specific time is inserted in Order 13 or some other rule. The actual time should be specifically laid down. What I am suggesting is that if a specific time is laid down the Government benches would not be able to come in here and say that they did not have to answer the question on any specific date. The notice of the questions should be given to the Clerk by a specific date and those questions should be answered on the date of the next meeting of the House. I am speaking as regards the question of where an early reply is to be given.

The practice of the House of Commons when an early reply is required is that the question should be given notice of one clear day before. However, it may occasion a certain amount of hustling in the administrative branches of this Government in order to get the answer out, and we are not asking that the equilibrium of the Barbados Civil Servants be disturbed to such an extent that they should do something within 24 hours which normally you expect them to get within six months. But we think three days is sufficient time. Certainly that would be sufficient time to do the research so as to get an early reply by the following Tuesday. If no such stipulation is made, the very effect of Question Time would be destroyed.

Sir, we have had experience that questions were asked in this House and the House prorogued and no answers were given to those questions. The questions were asked again at the opening of the House and the House was prorogued for the second time and within that space of four years no answers were forthcoming. Within my experience the shortest time I have received an answer to a question asked by

me from one of those hon. members over there is eleven months.

When you come to a question of which a long reply is expected, there is no time stipulated in the Standing Orders of the House of Commons, but it is within my knowledge and Your Honour knows probably as well, that the Prime Minister himself has issued an order that questions to which an early reply is not required should be answered within sixteen days and if the answer is not given within that time, the Minister has to stand up on the floor of the House and explain to the member who asked the question the reason for the delay which presumably would be unavoidable in the circumstances. In other words, if it is a question pertaining to the Dominions in which the Dominion Government had to be consulted, obviously it would take some period of time and if a favourable or summary reply was not received within sixteen days, then that Minister would have to come into the House and ask for an extension of time as well as to explain the reasons why there would be a delay in answering that particular question. Therefore, as regards both Standing Order No. 13 and Standing Order No. 14 which deal with notice of questions and the manner of asking and answering questions, I would like some specific time inserted in the Rules because hon. members would know the particular date when they can expect the answer to their question. It may be a question the answer to which members of the public may be interested in, and they would be able to know where they stand in so far as hearing members of the Ministerial Benches replying. Sir, if we do not do that, Standing Orders No. 13 and 14 would mean nothing. There is no sanction to be imposed on a Minister now, even moral or otherwise, if he fails to answer a question. No matter how much you may enjoin Ministers, you have no physical control over them. The Speaker himself cannot tell a Minister that he must answer a question within a given time. That should be the case and that is why the specific time should form part of the Rules and procedure of this Chamber. If you get that done we would have gone a long way towards establishing parliamentary democracy not only in theory but in practice.

SUSPENSION OF SITTING

Hon. D. D. GARNER: Mr. Speaker, at this stage, I beg to move that this Sitting be now suspended for three quarters of an hour.

Hon. F. E. MILLER: I beg to second that.

The question that this sitting be now suspended for three-quarters of an hour was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the sitting accordingly.

8.00 p.m.

REPORT OF SELECT COMMITTEE re RULES OF THE HOUSE

On re-assembling

Mr. SPEAKER: When the sitting was suspended, the House was discussing the motion that the Report of the Select Committee appointed to consider and revise the Rules of the House be adopted. *(After a pause)*

The question that this House go into Committee on the Report of the Select Committee was put and resolved in the negative, Mr. SPEAKER declaring "I think the 'Noes' have it".

The question that the Report of the Select Committee be adopted was put and resolved in the affirmative without division.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I beg to move that the Standing Orders as contained in the Report of the Select Committee be the Rules of this House for the remainder of the Session.

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

Mr. F. G. SMITH: Mr. Speaker, this is a matter of interest. If this motion is carried, I should like to know when these Rules will come into effect.

Mr. SPEAKER: They will come into effect as from now.

The question that the Standing Orders as contained in the Report of the Select Committee be the Rules of this House for the remainder of the Session was put and resolved in the affirmative without division.

ORDER PAPER

Hon. Dr. H. G. H. CUMMINS: The next Order of the Day ----

A MEMBER: If the Rules are agreed to, the House has to be adjourned now.

Hon. M. E. COX: Mr. Speaker, in fixing the Order Paper ----

Mr. MOTTLEY: Mr. Speaker, on a point of order. The parochial rates have already been fixed -----

Mr. SPEAKER: Is the hon. member speaking on Opposed Business?

Mr. MOTTLEY: It is opposed Business.

Hon. M. E. COX: The hon. member rose on a point of order.

Mr. MOTTLEY: There was no other means of my rising, because the hon. member was on his feet.

Mr. SPEAKER: Give the hon. member a chance.

Mr. MOTTLEY: The matter with which I want to deal is the consideration of the amendments of the Other Place to the Bill to amend the Education Act, 1890.

Mr. BARROW: On a point of order. I just want to know whether the Rules can come into effect before Your Honour signs them.

Mr. SPEAKER: They come into force before my actual signature; when I sign, I sign the decision.

COUNCIL'S AMENDMENT TO THE EDUCATION (AMENDMENT) ACT, 1890

Mr. MOTTLEY: Mr. Speaker, These are amendments of the Other Place to the Education Bill. I spoke to the Premier about this matter.

Mr. SPEAKER: How does the Order stand on the Order Paper?

Mr. MOTTLEY: It is Order No. 9, under the Head "Private Members' Business".

Mr. SPEAKER: The next Order of the Day stands in the name of the hon. senior member for the City:- To move the consideration of the amendments of the Hon. the Legislative Council to the Bill to amend the Education (Amendment) Act, 1890 as amended by the Education (Amendment) Act, 1947.

Mr. MOTTLEY: Mr. Speaker, The Other Place has amended this Bill so that "dollars" may be read wherever "pounds" appear. They have amended it as follows:-

(1) by the insertion in Section 3 of the Bill a new sub-clause (b) as follows: "by deleting the words "ten pounds" occurring in line 4 thereof and substituting therefor the words "forty-eight dollars"."

(2) In Section 5, the insertion of a new sub-clause (b) to read as follows: "by deleting the words "twelve pounds, ten shillings" occurring in line 4 thereof, and substituting therefor, the words "sixty dollars" and finally, the addition of a new Clause to be numbered "7" as follows:- "Nothing in this Act declared or expressed shall affect the rights of Her Majesty, Her Heirs and Successors or any persons, bodies politic or corporate except such as are mentioned in this Act and those claiming by, from and under them."

I beg to move that these amendments be now read a first time.

Mr. TALMA: I beg to second that.

The question that these amendments be now read a first time, was put and agreed to.

On motions of Mr. MOTTLEY seconded by Mr. TALMA in each case, the amendments were read a second time and agreed to"

ADJOURNMENT

The Order Paper having been fixed,

Hon. M. E. COX: I beg to move that this House do now adjourn until Tuesday next, 26th instant, at 12 o'clock noon.

Mr. SPEAKER: I will not allow that motion. It being now after 9 p.m. of the clock, this House now stands adjourned until Tuesday next, at 12 o'clock noon 9.00 p.m.