THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1959

HOUSE OF ASSEMBLY

Tuesday, 2nd June, 1959.

Pursuant to the adjournment the House of Assembly met at 12 noon 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)*; Mr. T. O. BRYAN, *(Chairman of Committees)*; Mr. F. C. GODDARD; Hon. F. E. MILLER, *(Minister of Social Services)*; Mr. C. B. SEARLES; Hon. L. St.A. THORNE, *(Minister of Education)*; Mr. J. W. CORBIN;

Prayers were read.

MINUTES

Mr. SPEAKER: I have the honour to inform the House that the Minutes of the meetings held on the 19th and 26th May have been printed and circulated amongst hon. members and unless there be any objection, these Minutes will be taken as read and confirmed.

There being no objection, these Minutes were taken as read and confirmed.

PAPERS LAID

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

The Civil Establishment (General) (Amendment) (No. 12) Order, 1959.

The Civil Establishment (General) (Amendment) (No. 13) Order, 1959.

Hon. R. G. MAPP: Mr. Speaker, I am commanded to lay the following:-

The Seawell Airport (Amendment) Regulations, 1959.

GOVERNMENT NOTICES

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I beg to give notice of the following:-

Resolution to approve the Order entitled "The Civil Establishment (General) (Amendment) (No. 12) Order, 1959".

Resolution to approve the Order entitled "The Civil Establishment (General) (Amendment) (No. 13) Order, 1959".

A Bill to amend the Commissions of Enquiry Act, 1908.

A Bill to provide for the establishment of a fund out of which the loss of, and damage to, certain public property are to be made good, certain liabilities incurred by the Crown in right of its government of this Island are to be satisfied and the insurance premiums on certain public property are to be paid, and to provide for other matters incidental thereto.

Hon. R. G. MAPP: Mr. Speaker, I beg to give notice of the following:-

Resolution to place the sum of $12,000 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1959-60, Part I, Current as shown in the Supplementary Estimates 1959-60, No. 6 which forms the Schedule to the Resolution.

Hon. L. St. A. THORNE: Mr. Speaker, I beg to give notice of the following:-

Resolution to place the sum of $5,424 at the disposal of the Governor-in-Executive Committee to supplement the Estimates, 1959-60, Part I, Current, as shown in the Supplementary Estimate 1959-60, No. 7, which forms the Schedule to the Resolution.

COMMITTEE OF SUPPLY

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.

BILLS READ A FIRST TIME

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I beg to move that a Bill to amend the Commissions of Enquiry Act, 1908 be now read a first time.

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

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

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I beg to move that a Bill to provide for the establishment of a fund out of which the loss of, and damage to, certain public property are to be made good, certain liabilities incurred by the Crown in right of its government of this Island are to be satisfied and the insurance premiums on

certain public property are to be made, and to provide for other matters incidental thereto be now read a first time.

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

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

STATEMENT BY HONOURABLE PREMIER

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I intimated to the Clerk earlier that I would like to make a statement relating to an allegation of discrimination which was made by the Hon. Leader of the Opposition on Tuesday last. The Statement reads as follows:

"On 26th May, 1959, Mr. Brancker, the Honourable Junior Member for St. Lucy, made the following statement in the House of Assembly.

'May I say we hope that certain arrangements in respect of the admission of people to this gallery, as has happened today, when there were cases of discrimination which came to my knowledge, will not recur next Tuesday. The Police allowed certain people of Caucasian appearance to pass, having previously refused admission on the ground that there was no room, to people of African complexion. I hope that that will not happen next Tuesday.'

2. I have caused an investigation to be made, and I am satisfied that the Police on duty at the House of Assembly and the Public Buildings Yard, on 26th May, 1959, performed their duties correctly and impartially.

3. I wish to draw to the attention of the House, Rules made by the Governor-in-Executive Committee and published in the *Official Gazette* of 13th May, 1948. These Rules are as follows:-
12.25 p.m.

RULES REGULATING THE USE OF THE PUBLIC BUILDINGS YARD

1. No processions, demonstrations or meetings of any kind may be held in the Public Buildings Yard.

2. No flags, banners, posters, placards, effigies, musical instruments, rattles, radios, loudspeakers or similar articles may be brought into, carried, exhibited, displayed or used in the Public Buildings Yard without the permission of the Commissioner of Police.

3. Loitering, singing, shouting or noisy behaviour of any kind is strictly prohibited."

4. In addition to these Rules, the Police have specific instructions on how to enforce them. They also have instructions from the Speaker with regard to the action that they should take when the public seats in this House have all been taken. Provision is made in these instructions for dealing with people who state that they wish to interview a member of this House. On the 26th May, 1959, two such cases occurred. One person requested to see the honourable junior Member for St. Lucy, and the other person asked to be allowed to see me. These persons were instructed by the police to go to the lobby of the House. In all these matters I am satisfied that the Police acted with absolute impartiality.

There is only one correction I would like to make, that is, where 1958 occurs in paragraph (iii), it should be 1948.

ORDER No. 1 POSTPONED

Hon. M. E. COX: Mr. Speaker, I am asking leave to postpone Order No. 1.

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

COMMITTEE OF SUPPLY

Mr. SPEAKER: The next Order of the Day stands in the name of the Hon. Minister of Trade, Industry and Labour: To resume Committee of Supply to consider the grant of sums of money for the service of the colony.

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

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

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

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

SUPPLEMENTARY ESTIMATE, 1959-60, NO. 4

EQUIPMENT FOR GOVERNMENT PRINTING OFFICE

Hon. M. E. COX: Mr. Chairman, I beg to move that Your Honour do now report the passing of one Resolution in Committee and ask for leave for the Committee to sit again.

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

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

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

Hon. R. G. MAPP: Mr. Speaker, I beg to move that the Resolution for $24,545 be now read a first time.

Hon. L. St.A. THORNE: I beg to second that.

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

On separate motions of Hon. R. G. MAPP, seconded by Hon. L. St.A. THORNE in each case, the Resolution was read a second time and agreed to.

HOUSE REVERTS TO ORDER NO. 1

Hon. M. E. COX: Mr. Speaker, at this stage, the Government would like to revert to Order No. 1.

Mr. SPEAKER: The next Order of the Day stands in the name of the Hon. Minister of Communications, Works and Housing: Second reading of a Bill to make provision for the interim control of the development of land.

THE TOWN AND COUNTRY DEVELOPMENT PLANNING (INTERIM CONTROL) BILL, 1959.

Hon. R. G. MAPP: Mr. Speaker, on the last occasion when I was moving the second reading of this Bill which relates to Town and Country Planning and to regulate the development of land, the postponement occurred as a result of the Opposition asking for time to study it. Certain members of the Opposition said, at the time, that they had not had the time to study the Bill, and I actually had not concluded my remarks.
12.35 p.m.
This Bill is an attempt at long last to control the use of land in this island. I think that the community accepts this Bill. I have seen an Editorial in the daily newspaper which quite rightly favoured the idea. I believe that this House as a whole accepts the point of view that a Measure like this is long overdue, and it is time that we made an attempt in this island to control development and see

that land (of which there is such dire need in this island and which is limited) is put to a proper use.

The bad use of land in an agricultural community can lead to much waste and loss. It is absolutely essential, in the interest of the economy of this island, that we should have these planning powers which are set out in this Bill. We have to see that agricultural land, which is limited, should not be used for other purposes which can be avoided. We have to see that there is proper zoning, that there is no wastage and, in a City like this which is expanding at a very quick pace, that proper arrangements are made for traffic, and in the light of the Deep Water Harbour, that future planning is well done. It is with that object that this Bill has been introduced today.

I should like to inform the House that, sometime ago, I set up an Interim Town Planning Advisory Panel to advise me and the Ministry as to the area immediately surrounding or adjacent to the Deep Water Harbour and as to the planning problems which will arise from the construction thereof. This Interim Department Planning Committee has had the advice of people in the community, people from various organisations, people who are intimately concerned with planning in its various phases. That Committee has been doing some very good work in preparing for the manifold problems which will arise out of the construction of the Deep Water Harbour.

We have with us the Town Planning Officer who is very actively engaged in matters of this sort and in planning for future problems which may arise. He is carrying out extensive surveys in the light of social conditions, and is preparing a master plan of future development in the island for consideration by the Government. Unless we take action to control these specific areas - such as the hinterland of the Harbour Area and the area in close proximity to the Harbour - there will be chaos in the future. And the last state will be worse than the first. I believe that the House will see the wisdom of dealing with this Measure expeditiously so that we can plan and bring down the necessary regulations and all the preliminaries before we can actually take over the interim control measures themselves. I think that the House will see the immediate necessity of going through with this Measure today.

Mr. Speaker, I do not think that I will say much more. I spoke at length on this Bill on the last occasion some two weeks ago. The Objects and Reasons set out quite clearly the purposes of the Bill. Clause 3 seeks to give to the Governor-in-Executive Committee power to make, in relation to any area of the island, an order termed an Interim Control Order. That is to ensure that if anybody is carrying out any development within that particular area, he must first obtain permission from the Town and Country Planning Officer; and that will enable the officer to make plans so as to guide the development of the area concerned.

Most hon. members will have seen such areas in this island. I will mention two of them. One is in the vicinity of the East Coast Road. I have been up there recently, and building is going on which might well run across the line where the East Coast Road may be constructed. That is something which we want to prevent. If we had had a proper control measure such as this, the owner of that building might have been saved any future expense in having to remove the building from where it now is.

Everyday we see buildings being erected in the Hastings area, buildings erected right out to the curve, thereby creating traffic hazards, and certainly not presenting a very aesthetic picture of a coast which is a very beautiful one and which is very vital having regard to the tourist industry. If we allow that indiscriminate type of building to go on in this island, I do not know what will happen. This Bill is an attempt to control that sort of thing. For any future development of that sort, any person wishing to undertake any development of that sort, will have to apply to the Town and Country Planning Officer who will prepare a plan of the area as a whole and will guide the particular development in respect of which application has been made.

As hon. members will see from the Objects and Reasons of the Bill, permission to carry out development within an area covered by an Interim Control Order may be granted by the Order itself, or on application made to the Town and Country Planning Officer. Clause 4 of the Bill contains provisions relating to the making of applications seeking permission to carry out development. In Clause five power is sought to be granted to the Governor-in-Executive Committee to require the Town and Country Planning Officer to refer to that body such applications for permission to carry out development as the Governor-in-Executive Committee may think fit. There may be a very big scheme going on, something which the Government itself should handle, and therefore that Clause makes provision for action to be taken by the Governor-in-Executive Committee or for reference to be made to the Governor-in-Executive Committee instead of the Town and Country Planning Officer himself having complete control.
12.45 p.m.

This power is sought to be granted to the Governor-in-Executive Committee for the reason that, as certain aspects of development may intimately concern the general Government policy, it is preferable that decisions on such developments should be made by the executive authority of the island rather than by an individual officer of the administration. I need hardly say that the phrase "Governor-in-Executive Committee" means the Government. I do not think there will be any constitutional dispute over what that means. The Objects and Reasons go on as follows:-

"As instances may arise where an application for permission to develop is refused by the Town and Country Planning Officer or is granted by that Officer subject to conditions repellant to the applicant, Clause 6 gives to an applicant the right to appeal from a decision of the Town and Country Planning Officer to the Governor-in-Executive Committee."

I think, Sir, that it is only fair, right, and democratic, to give the right of appeal to an applicant who may not be pleased with an order made by the Town and Country Planning Officer.

To obviate difficulties that might arise through a conflict between the development planned under an Interim Control Order and the terms of an existing law, power is by Clause 7 given to the Governor-in-Executive Committee by order to direct that such law shall not apply to land within the area covered by an Interim Control Order or shall apply subject to such modification and adaptations as may be specified in the order. It may be, Sir, that under some existing law you may have difficulties arising, or you may cut across some regulation at present existing, and this Clause is to resolve that conflict between these two laws.

For similar reasons, Clause 13 seeks to provide that the General Board of Health shall in the exercise of its powers relating to the division and sale or the division and letting of land within an area affected by an Interim Control Order, have regard to the decisions to the Town and Country Planning Officer on proposed developments within that area.

Members will notice that the provisions which relate to the compulsory acquisition of land, are even different from the provisions under the old Act. We feel, Sir, especially where you get major works affecting the life of the community as a whole (like the Deep Water Harbour) that community interests must take priority of place over private interests. There is too much of the spirit of individuals trying to get the most they can out of this Government, especially where their private rights may be affected, at the expense of the Government and the community as a whole. It is decided, here, to try and tighten up on the ex-

isting Land Acquisition Law in the manner in which this Bill reads. People regard the Government as a milch cow. If this kind of thing goes on and prices continue to rise, and inflationary trends go on, some of us may have to go some other place and live; we could not live in Barbados.

Every time Government wants to put up some development project people in the vicinity ask fantastic prices: and that is having its effect on the community as a whole. Some people feel that if John Brown gets away with it, why can't they? I know this is very difficult to control; the land sharks are many. Real Estate Agents are always there advising people who have land, and it is very difficult to control this kind of thing. When land is sold at a certain price, and Government wants the property, the owners say that the authorities on land have told them that the property is worth twice as much as Government offers. But it all comes back on the taxpayers' head. Something, therefore, must be done to control this trend; otherwise Barbadians would not be able to live in Barbados. Recently, land in the vicinity of the Deep Water Harbour has been selling as high as 50 cents per square foot. A lot of people were also threatened with eviction, and we are trying to do something with that kind of thing. Some attempt must be made to stop this exploitation of the community. And we are taking prompt measures to see to it that private interests do not squeeze the community in general when public development is to be carried out. The modifications in the Land Acquisition Act - which are brought down in this Bill - have been in force in the Windward Islands for sometime; it has not been in force in Barbados, and, as a result, the Bill is not as good as it should have been.

The Objects and Reasons also state:-

"As this Bill seeks to regulate the development of land by requiring permission to develop to be obtained before the development is carried out, Clause 8 provides that where a development has been carried out in an area to which an Interim Control Order relates without such permission having first been obtained, the Town and Country Planning Officer may serve on the owner or occupier of the land concerned an enforecement notice."

That is quite necessary. We will give publicity to these provisions and it will be the fault of any person who is carrying out development in an area, if he does not read the provisions of this Act and act in accordance with them. All Clause 8 seeks to do is, where development is carried without permission first being obtained, to give the Town and Country Planning Officer the power to enforce development as it should have been carried out in the first place. Such notice may require that steps be taken to restore the land to the condition in which it was prior to the development carried out without grant of permission.

In an individualistic island like Barbados I quite realise what that may mean. I believe, however, that the House will agree that planning is planning. Individuals must be made to realise that, in the interest of the community there can be no more *laissez faire* in everything. If through no fault of the owner he went ahead with some development without obtaining the permission of the Town and Country Planning Officer, then the Town and Country Planning Officer may step in and serve on the owner of the land this enforcement notice saying what kind of development should have taken place, and make the owner take steps to restore the land in the condition it was before he undertook development.
12.55 p.m.

Again, Sir, the democratic rights of a citizen are preserved, because the Bill also gives power to the owner to appeal to the Judge of the Supreme Court.

These are the principal provisions of this Bill. I commend it to the House of Assembly. It is vital at a time like this when the Deep Water Harbour is built, and when the necessity for some kind of planning is long overdue.

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

Hon. L. St.A. THORNE: I beg to second that.

Mr. MOTTLEY: Mr. Speaker, on this Bill, I would like to say at the beginning that it is always a happy thing when the Hon. Minister of Communications realises that the request of the Opposition, as in this instance, is not just merely to postpone something but to acquaint themselves with the subject matter. I am sure the Hon. Minister appreciates the fact that the time which he gave for the postponement has enabled members of the Opposition sufficient time to study the Bill.

I am very much in agreement with the passing of the Bill. When we go into Committee I shall point out necessary amendments here and there which I personally think are necessary, whether the Government thinks so or not. I should like to remind the Hon. Minister that no such Bill will find any opposition from members on this side.

On the last occasion when a similar Bill came to this House, it was passed, but it was pigeon-holed by the Other Place, I think, at the request of the Government. It was a Bill on which I spoke at length, and which I felt was really too big and broad for a small community like Barbados. It was modelled on the English Town and Country Planning Bill and contained provisions for bombed out areas, and so on. The Government itself found out that the Bill was too broad for this island.

This Bill is the right approach to this question for the interim control of town and country development planning.

The Hon. Minister in making his speech on this Bill said that as regards the purpose of development in this country, we must have it orderly. We of the Opposition are at one with him. People are just developing their sites as they like and, as he mentioned, are not regarding the aesthetic tastes and other things of the community. Not only that, they are taking up every possible inch of land. I agree with him that we have reached the stage where something must be done.

About the East Coast Road, I further agree with him. That has much to do with the new development scheme which would come about on the Northern Coast. Speaking personally, although I have not been sitting in on any of the committees which the Hon. Minister has spoken about, I have had long talks with the Town and Country Planning Officer. I found him very deep and interesting, and a person who fully realises that, in making your development, you must take the whole economic structure of the community into consideration. I formed the impression that he is a person who is quite good and capable to give advice along these lines to the Governor-in-Executive Committee.

The Hon. Minister also said that, when Government goes to buy land, Real Estate Agents give them one price at which the land should be bought, and the same Real Estate Agents tell the people how to sell it. Let me tell the Hon. Minister that Real Estate is a job which I take very much pleasure in doing. What I would tell the Government is this: They come to us and we give them a price, but then they go and buy that land at a price up and above that at which the Real Estate Agents will buy. So much for that.

This Bill will provoke much controversy. Wherever there is development, whether it is in the area of the Deep Water Harbour, whether it is on the East Coast Road, whether it is the orderly development in a particular area, (say, in the Sandy Lane Group area,) I am very much in agreement with this Bill.

I would like to say this in passing. The Hon. Minister of Communications made a Statement on the floor of this House in respect of the Sandy Lane Group and the diversion of the Highway there. I would like to make my position quite clear on that matter. If I had been in the Government I would have done the same thing as the Government. For development in any country, at least in this coun-

country, where you are going to improve an industry which we had our eyes on for some time - and which we of the Opposition have been trying ever since to get Government to focus their eyes on - we should do everything possible to promote that industry. Therefore, I would agree to a detour of that highway; but you cannot, and you should not - and I hope your Town and Country Planning Officer will agree - sacrifice everything and all the rights of the people for the Tourist Industry. We must develop the Tourist Industry, but I do not agree that any 20 - feet right of way to the beach will be enough for people to bathe and to use for such purpose. I will just throw it out to the Government that that is the feeling of members of the Opposition. However orderly you want to have your development, I want to make it abundantly clear that we must preserve for the people of this Island that right which we of Barbados so jealously safeguard for ourselves.
1.05 p.m.

There are certain anomalies in this Bill relative to appellants. The Bill gives the right to the Executive Committee to insert or to make rules, and it also cuts across certain existing laws. I agree with it; but I noticed that in the Bill itself, you have certain appeals to the Governor-in-Executive Committee and there is no further appeal. When I come to that part of the Bill, I will draw it to the attention of the Hon. Minister. I do not know if he will take the stand that this Bill has been drafted in this way and it must remain like that.

We are looking forward to the Town and Country Planning Officer doing something in respect of town planning. We have the Deep Water Harbour area, the area of the new proposed Hospital, and the Christ Church area in which we see rapid development which we consider should be controlled. There are other things all of which I feel should be controlled. There is the question of controlling the places where you have cinemas. People should not be allowed to come in and, because they own land in a residential area, carry on dance halls or cinemas as they like.

The Hon. Minister must have discussed this matter with this Town and Country Planning Officer. I know that where you are developing industries like the tourist industry, if you carry one of these cinemas in an area where you have a lot of noise, that makes it very difficult for people who want to rest. Similarly with the dance halls. We must have this necessary control, if we want to maintain the fair name of Barbados.

Mr. GODDARD: Mr. Speaker, I have been pressing for a Bill of this sort for years. Today, I am only rising to welcome this Bill; and I hope that it will have a very speedy passage. We can express our views today because regulations will have to be made so as to make this Bill effective. What the hon. member who has just sat down ended with, is what I have in mind most. This Bill is for a period of three years. The Government is hoping that, with experience gained, it will be able to come down with a more comprehensive Bill in respect of Country Planning. That is quite good. We are now beginning and we may be creeping in these initial stages.

You have the building of warehouses almost right on the street. In Christ Church today, people are putting up, or they have put up a lot of buildings which are supposed to be a motel of some type, with a Bank and some other business house on the curve of the street. There is a door-way just six inches from the street and there you have a pedestrian hazard. Imagine somebody stepping out of that building not thinking, and a car knocking him down! Who would be responsible for that but the owner of the building?

I do not suppose you can remove that big structure now, but this is what we should have been preventing ten or twenty years ago. There is such a thing as a building line whereby any building can be erected within a certain distance of the curve or the centre of the road. People constructing major buildings should regard that line from the morning after this Bill has been passed. Regulations should not be delayed; they should be drafted now so that they will become effective.

The other big point is the use or the opening of certain areas for amusement parks and so on. People today are very concerned as to what will happen next in a community which has been developed. There are certain open spaces, some of which belong to the Government, and I do know that some local Councils have thought of erecting amusement places or playing fields - to which no one objects; but if they are putting up dance halls in the middle of a development, then there will be a depreciation of the values in that vicinity immediately. People will move out; and those who want to move in will not pay these original values, and down will go your values. That is why it is so important that you should have an impartial judge who will rule what development should be.

I am happy to know that your Town and Country Planning Officer will be a reasonable person. But we must not think that all Town and Country Planning Officers will be like the one whom we have today. We wish to protect the community from any inroads being made on them by bad legislation. The people in the community themselves should have a voice in what type of development takes place around the various areas.

If a place has been developed along certain lines, and if someone who is trying to make money ignores the feelings of the people just to make money, he should be exiled. I have seen the feelings of people in Barbados ignored too often; and it is often done by people who have no interest in the community. We want to see a better Barbados but there may be some Barbadians who, in their desire to exploit any position, will inconvenience the community. That must not be so; that is why I say that we should strengthen the voice of the people of the community as to what they wish and what they do not wish.

Some people must be protected even from themselves. When it comes to buildings being erected too near to the road or too near to a corner, it must be the Government's job or the job of the Department to prevent that. But let us not forget the rights of individuals as to any appeal which they may want to make from the decisions of the people who are making the regulations, because there may be an infringement of those rights.

I wish the Government to pay special attention to the drafting of the Regulations. There are many things to be done and therefore let us stop the bad practices which have been taking place in the past.
1.15 p.m.

Mr. CORBIN: Mr. Speaker, with reference to the Town and Country Planning Bill, I was very glad to hear the Hon. Minister speak on the East Coast Road. If we had had that development, it would have caused much attraction to the tourists who come to this island. At present Barbados is like a horseshoe: you cannot get from one end to the other. If you are coming from the West Coast you can only drive as far as a place called Windy Hill, and if you are coming from the East you cannot get further to walk; but if this Government would extend that road from Cattlewash to Belleplaine, Barbados would be like a paradise and it would attract every man who comes to this island and drives around it. Many of those who go to Bathsheba and walk along the East Coast Road and see the houses on both sides, would be glad to erect their houses along that coast. They cannot do it because they have not got the road.

When the Hon. Minister spoke concerning the East Coast Road, it flashed like a light to my heart. There is no one in here who would speak one word against that Bill; we would be glad to see it come into force as soon as possible. By so doing, thousands of people who would be glad to spend money to help the unemployed would spend it if that road was erected. It would be a delightful spot to think

of. Tourists will come in, go there and never forget it. I am sure that those people who have homes on the East Coast would enjoy more pleasure than those on the St. James Coast; they would have the atmosphere, they could open their mouths and enjoy the iodine out of the sea water; and, besides, thousands of people who go on excursions would see that beach. There are 3 1/2 miles of beach along the East Coast. I am glad to hear the Minister speak of the East Coast Road and wish him all success.

Hon. R. G. MAPP: Mr. Speaker, there were just one or two points raised to which I would like to reply. I welcome very much the tenor of the remarks made by members of the Opposition, and the welcome they gave to this measure.

I agree with the hon. junior member for Christ Church, when he referred to the motels that there were some really monstrous buildings going up. There is another by Cacrabank. A house has been put there which blocks the grand view of Rockley Beach from that side. It is a real pity when we consider what is being done all along the coastline in this island; it is a pity that legislation like this has not been on the Statute Book before. Anyhow, it is not too late and we have made a good beginning.

I appreciate the remarks, too, about the particular officer. He is hard-working. He is one individual of whom Barbados can be assured is doing his duty admirably. I have no doubt that we will gain tremendously from his being here.

Now, Sir, the hon. senior member for the City in referring to the St. James-Sandy Lane project, said that we cannot sacrifice all the rights of the people. Of course, we agree with him. Sometimes, however, I do not know where he gets his information from. I do not know where he got the information of 20 feet ..... (Mr. MOTTLEY: From the same place you get it.)

Hon. R. G. MAPP: At least we are on the same grounds when it comes to sources of information! We agree entirely with him. We cannot treat that seriously. This matter has to be debated, and the public will be told further about it. We are demanding a proper right of way. The hon. member did not say what he regarded as proper, but the public will know very soon. We are asking for a proper width and proper access to the beach along that coast - a *quid pro quo* in the interest of the community. I hope the House will appreciate that fact. We are not going to give one inch until we have what we feel the public will regard as proper amenity preserved in their interest.

I will assure the backbenchers of Government, and the Opposition, and especially the members for St. James who have been pretty anxious about this, that that aspect of the matter is being taken care of.

I know the hon. junior member for St. Andrew is interested in his territory, and I know he is anxiously looking forward to a road being built. These territorial expansions will be well taken care of; but I can tell him that with regard to the road, it may be expensive. Of course the land owners who may benefit must be warned that they cannot expect to benefit at the expense of the community. We want a little of the incremental value of the land there. That is just a hint which I am sure the hon. member will bear in mind and pass on to any interested party.

Mr. BARROW: Mr. Speaker,.....

Mr. SPEAKER: The hon. member cannot speak after the Minister has replied.

Mr. BARROW: Mr. Speaker, I should like to point out that the Hon. Minister had not allowed any time between the remarks of the last hon. member on this side before rising.....

Mr. SPEAKER: That is not so.

Mr. BARROW: Before the hon. junior member for Christ Church who is on my left got into his seat, the Minister rose. We thought that he was going to make some repartee to something, but he continued to make a speech. I do not think that Your Honour, under the circumstances, would in any way inhibit or affect the right of hon. members on this side to express their opinions on legislative matters of importance.

Mr. SPEAKER: I do not share the hon. member's view. I myself just rose half way out of my chair before I heard the voice of the hon. member. I do not share his view. I have not attempted to inhibit the speech of any hon. member of this House.

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

1.25 p.m.

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

Clause 1 was called and passed.

Clause 2 was called. It reads as follows.

In this Act, unless the context otherwise requires -

"building" includes any structure or erection and any part of a building as so defined, but does not include plant or machinery comprised in a building;

"building operations" includes rebuilding operations, structural alterations of or additions to buildings, and any other operations normally undertaken by a person carrying on business as a builder;

"development" means the carrying out of building engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land or the subdivision of any land, and "develop" shall have a corresponding meaning;

"engineering operations" includes the formation or laying out of means of access to highways;

"highways" includes any public roads in this Island and any streets, lanes, alleys, bridges, watercourses, wharves, embankments, tunnels, drains gutters and sewers in any of the towns of this Island;

"Judge" means a Judge appointed under the Supreme Court of Judicature Act, 1956 and includes the Chief Justice;

"land" includes land covered by water and any building as defined by this section;

"subdivision" means the division of land previously held under one ownership into two or more holdings for the purposes or rent, sale or deed of gift;

"Town and Country Planning Officer" means such person as the Governor shall so appoint.

Hon. R. G. MAPP: I beg to move that Clause 2 stand part.

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

Mr. BARROW: Mr. Chairman, the Government seems to be bitterly anxious at this stage to pass this Interim Control Town and Country Development Planning Bill for the development of the Island. For years we have been asking for some kind of legislation to prohibit the kind of jerry-building and reconstruction which has been taking place along the major highways of this island.

We on this side of the House, from time to time, have pointed out that the Public Health Act made provision for Regulations to be made as regards the minimum distance or distances from the public highway on which construction and development could be carried out but nothing was done. No regulations were made by the General Board of Health; and even such Regulations as may exist were never complied with in practice or were in full force. Had it not been for the vigilance of some members of the Board of Health,- like the former Junior member of the City, Mr. A. E. S. Lewis - I do not think members of the Board of Health would have even visited a site on which

plans had been submitted to them to see whether any kind of enforcement had taken place.

After the whole of Broad Street has been rebuilt (and an interval allowed for the members of the business community in one of our most congested streets on the island -- from the point of view of the volume of traffic which it has to bear from day to day -- to carry out face-lifting of their stores to their own satisfaction, and to the detriment of the proper development of the City of Bridgetown) then and only then has the Government considered it necessary to introduce this legislation.

You will remember, Mr. Chairman, that when Knights Limited was being rebuilt, it was only because the owners of that property voluntarily had moved the property back that we got a wide pavement, and the widening of Broad Street. A similar thing happened to Barclays Bank. Even when Government was negotiating with Knights Limited to have the property moved back, the Government did not consider it sufficient by an emergency to introduce legislation of this kind. But now, you find some wealthy people moving to the parish of St. James - and by their blandishments saying that they are providing for 500 to be employed in a hotel which is going to provide accommodation for 50 persons- that is, ten servants to each guest which even the Sultan of Lahore never had- plus all of these other things being done in the name of employment; and with more fantastic and surrealistic figures being advanced daily - the public is expected to give up their sacred constitutional rights, their rights to beaches and everything else in the name of development; and we find this Bill being passed so hurriedly.

Surely, Clause 2 must have been drafted by someone completely ignorant of the finer points of the art of draftmanship; or, by someone who is completely dishonest. I will demonstrate what I mean by that. If the Hon. Minister likes to tell somebody in the Legal Department I have said that he is either ignorant or dishonest, it is all the same to me. I belong to an independent profession.

Mr. CHAIRMAN: May I enquire of the hon. junior member for St. John if he is dealing with Clause 2?

Mr. BARROW: Yes, Sir.

Mr. CHAIRMAN: What are you dealing with now?

Mr. BARROW: I was saying that the person who drafted Clause 2 was either completely ignorant of the finer points of the art of draftmanship or was completely dishonest. Let me demonstrate what I mean. The first definition is of the word "building" and it is as follows:-

"building" includes any structure or erection and any part of a building as so defined, but does not include plant or machinery comprised in a building."

Now, Sir, does that describe what a building is? It says what a buidling includes but it does not say what a building is. There is no definition of the word "building" in the Laws of Barbados. There is one for the word "factories" in the Factories Act; so how can you refer to something which is not defined? I do not know how a Cabinet can sit down and let somebody present something like this to them.

Let us say that the British Union Oil Company goes and put up groins, big pipes, and tanks and whatsoever they feel like putting up in a restricted area which is marked off or delineated. That does not come within the province of town planning at all. In whose favour is this being done? I wish to say that the only voice which protested against despoilation of the type which we have at Graves End was mine.

According to this definition which we have in this Bill, that would not be a building. Big electric pumps and those kind of things are not included in a building because, while that is a structure or erection, the definition does not include plant or machinery. In other words, you can put up plant and machinery but you need not put up a shed over them. I would like the Hon. Ministers over there to show me the Town and Country Planning Bill from which they got that definition.
1.35 p.m.

This whole thing, in my opinion, (no matter how charitable the hon. senior member for the City wants to be and it probably suits him at this time not to expose the Government) could only be designed for one specific purpose. It will not tackle the problem of development and arrest the unrestricted and dangerous jerry building which is going on in this country.

They say in this Clause that "building operations" includes rebuilding operations, structural alterations of or additions to buildings, and any other operations normally undertaken by a person carrying on business as a builder;" the plural is included in the singular. What does that define? The purpose of an Interpretation Clause is to remove any doubt or ambiguity from the use of expressions which may be terms of a technical nature and which you do not want to be understood in the literal and ordinary meaning of the English Language. If the Interpretation Clause says that a building is a cowshed, although you know that a building would also include a house, since the Interpretation Clause says that it is a cow shed, no kind of structure would come under the consideration of a building other than a cow shed. Therefore, when you are drafting an Interpretation Clause, you must have an idea of what you want to accomplish, because in the last analysis, you cannot blame the draftsman.

The Cabinet, if they have any kind of policy, must know what they want; they must know the evil and the mischief which they want to provide against. They must know the evil which they want to suppress and the good which they want to promote. It is therefore for them to tell the draftsman that they want to suppress this particular evil or to promote this particular good.

They say that 'building operations' includes rebuilding operations, structural alterations of or additions to buildings, and any other operations normally undertaken by a person carrying on business as a builder." Does that mean mixing cement? Do you know that there is a new industry in the West Indies which is premixed concrete? Instead of ordering so much sand and so much cement in order to make a reinforced concrete structure or base or whatever operations you may be undertaking, you can ring up a store in Bridgetown and say "I want so much premixed concrete on such and such a date", and they will deliver it. Are you going to say in relation to this Town and Country Planning Bill, that as to the premixing of concrete, say in Temple Yard - I am using that for the purpose of illustration - while you are mixing that concrete the Town Planner comes in and says that this is a building operation? How can you say that? I believe this new industry has been operating in Barbados since this year.

Right through this Clause 2, there are nine terms defined, and with the exception of the last one - "Town and Country Planning Officer" means such person as the Governor shall so appoint", - that is the only one which makes any kind of sense and it is completely unnecessary. It is unnecessary because the Civil Establishment Act will tell you who the Town and Country Planning Officer is; he will have to be put on the Civil Establishment because he is drawing money out of the Treasury.

Let us look at the definition before that: the definition of "sub-division". Under the present Public Health Act, you cannot subdivide land in any one area unless you get the permission of the General Board of Health. The whole object of that provision in the Public Health Act is to ensure that you have the minimum area on which you are allowed to build, which I believe has now been whittled down by the Government to about 1800 square feet. That has been laid down to make sure that you do not present

a plan and say:" I am going to sell out this land, I am going to divide and set it up for sale and sell 1,800 square feet and tell them that the rest forms the road." That has happened to a lot of unfortunate people despite the General Board of Health. You have to ensure that proper arrangements are being made for water; you cannot sell land unless it is within a few hundred yards of a standpost and then you must have a proper road put down also and proper drainage. You are supplanting a lot of these provisions by the interim Town and Country Planning Bill which we are now discussing; you say that "subdivision" means the division of land previously held under one ownership into two or more holdings for the purposes of rent sale or deed of gift.

Listen to this carefully, I want to give you a situation. Suppose I was fortunate enough to own ten acres of land; all the provisions in the Bill relating to subdivisions are provisions which tell you that you cannot subdivide or go in for any subdivision of land unless you have the prior consent and approval of the Town and Country Planning Officer. Clause 2 which immediately concerns us tells you what "subdivision' is; it means the division of land previously held under one ownership into two or more holdings for the purposes of rent sale or deed of gift. Two situations can arise; I may have that ten acres of land with all the other members of my own family. Let us say that there are a hundred members of my family so that we will get one tenth of an acre each: if you divide one acre of land into one hundred pieces of one hundredth of an acre each, that would be roughly four hundred square feet and the minimum they allow you on which to build is sixteen hundred square feet. You would not have the authority of the Town Planning Officer because the land was not under one ownership. You can hold land as tenants, as joint tenants or co-partners as the case may be.
1.45 p.m.
The second situation which may arise is this: I have ten acres of land and I want to divide up that land into molecule portions which the eye can hardly see, because I want my children to benefit from making it into a tenantry. What I do is to cut up the ten acres into 100 or 1,000 parts as the case may be - but I am not cutting it up for the purpose of renting it; I am cutting it up so that in the dim and distant future, after it has been cut up, my children will be able to rent to whoever they like. I am not giving it away. I am not retaining it in my possession. I am not selling it. But I can lease it.

I challenge anybody to tell me that rent includes a lease. I can lease it ninety-nine years or for two years, or I can cut it up and have the most insanitary conditions. If I were a plantation owner I could have it as land used as an incident of service. You will see in the Landlord and Tenants Act, that land held,not as a tenant, not as a lessee, not as a donee under a Deed of Gift or not as a purchaser, but held as an incident of service, means that a plantation owner who wanted to induce peasants to come and work for him could tie them. In other words, as we used to have in the old days, a person could take an acre of land and put a thousand people on it without any sanitation, and without any water, and he still would not come under the provision of this Bill.

This is not the first time that I have seen Town and Country Planning legislation. Long ago when I was a member of the Government Party and was urging the then Premier to do something about town planning, I had plenty of discussion on matters of this kind with other members. The hon. senior member for Christ Church who was Minister of Agriculture, and the hon. senior member for the City, were in on these discussions.

Town and Country Planning legislation has caused more controversy in the United Kingdom than any other bit of legislation implemented in the United Kingdom since 1939. This has been given more judicial interpretation and amendment by the Legislature in England than any other bit of legislation in Parliament. It is not a thing which one can come into Parliament with after no kind of consideration at all.

The hon. senior member for the City professes to be (and I believe enjoys a reputation) an authority on matters relating to land. (Mr. MOTTLEY: Which I am handling.) I challenge that hon. member, Mr. Chairman, to get up and say that what I have said is not correct. Would he not feel himself justified as a real estate agent to interpret this Clause in the strict way in which it would have to be interpreted in Court if it came up for judicial review?

I do not think that the Executive Committee should be judge and jury in their own case in any matter of this kind. The Minister is the proper authority in England, but I should like to warn them that, if they take the National Arbitration Tribunal of 1940 and the Statutory Order 1305 which the hon. senior member for St. Peter as General Secretary of the Trade Union can tell you about, the decision of the National Arbitration Tribunal on labour disputes is final. We had more cases brought in to the High Court in England (although the House of Commons and the House of Lords said that the decision of the National Arbitration Tribunal should be final) because you could never take away from the citizen the right to have the legality of any decision made by statutory authority challenged.

Mr. MOTTLEY: Mr. Chairman, I hope the hon. member will not take our criticism as a repetition of what he has said. I can let him see my Bill to see what I have underlined. I want to see a good Bill. I am going to point out something in this Section which is not a criticism of the Crown Law Officer, but merely loopholes. This is what the interpretation says:-

' "Building operations" includes rebuilding operations, structural alterations of or additions to buildings, and any other operations normally undertaken by a person carrying on business as a builder.'

I do not know how the Government was advised but I would like the Minister to explain that to me. What I am worried about is that a builder may be using concrete stones. Let us take the Minister of Social Services when he was not a Minister. When the Hon. Minister was a builder, he was also a manufacturer. When we look at the other paragraph about public roads, unless the Solicitor General is absolutely stubborn, he is bound to amend this. The Definition is as follows:-

" 'Highways' includes any public roads in this island and any streets, lanes, alleys, bridges, watercourses, wharves, embankments, tunnels, drains, gutters and sewers in any of the towns of this island."

Surely the Attorney General or the Crown Law Officers must have forgotten this. After roads, you should include public and private roads and roads in common over which the public has a right to pass. If you put that in, nobody can go in Strathclyde and do as they like. That would be a road over which people would have the right to pass. Unless and until you take over Pine Hill and Blue Waters, the same thing must apply. These are not public roads, they can create the same nuisance as in Strathclyde or Highgate. I am suggesting to the hon. member that that must be amended.

Under the old Highways Act, they could not interfere. You cannot now interfere with any of these avenues. The hon. junior member for St. John is a lawyer and he can deal more appropriately with that point. As a matter of fact, under the Highways Act, you could not go in and repair Strathclyde Road unless it is taken over. I think I should throw that out to the Hon. Minister.

I will underline the points raised by hon. members. Land as defined in this Section includes land covered by water and any building as defined by this Section. "Subdivision" means the division of land previously held under one ownership into two or more holdings for the purposes of rent, sale or deed of gift."

As it is now, I can divide land and put my son or daughter on it. I am not going to rent you, nor am I going to sell you. All I have to do is to move back on the next day. I hope the Hon. Minister will enlighten us as to the question of the term "building", and as to the question of the roads and as to the question of the subdivision of land.

Mr. TALMA: Mr. Chairman, while we are in agreement with the general principles of the Bill, I think we have to be exceptionally careful with the definitions set out here, otherwise the very purpose of this Bill will be circumvented. Now, the definition of land is this: " 'land' includes land covered by water and any building as defined by this section." That is not a very comprehensive or proper definition of land, and anybody trained in law will tell you that. What you should say is "land" means land in any tenure whether free-hold or lease-hold or any heriditaments and includes land covered by water and any building as defined by this section.

SUSPENSION OF SITTING

It now being 2 p.m. Mr. SPEAKER resumed the Chair and suspended the sitting for half an hour.

2.00 p.m.

On resumption

Hon. M. E. COX: Mr. Speaker, there is no quorum and I ask that you instruct the Clerk to ring the Bell.

(The Bell was rung and a quorum was obtained.)

Mr. SPEAKER called Question Time, but there was none.

Mr. SPEAKER: Private Members' Business. On the last occasion, the hon. junior member for St. Joseph was speaking when Private Members' Business was concluded.

RESOLUTION re STATEMENT OF HON. PREMIER ON 14TH APRIL, 1959.

Mr. STRAUGHN: Mr. Speaker, on the last occasion, I was dealing with the request of the Official Opposition that they should be represented on any delegation that might be going up to the Colonial Office on the question of constitutional advancement. Sir, there was even a further amendment by the hon. senior member for Christ Church to this Resolution that the Hon. Leader of the Opposition should be a member of that delegation.

I made reference to the fact that in this particular Resolution, even though the Hon. Premier himself mentioned the specific terms on which the Government's delegation was going up to the Colonial Office, members of the Opposition who spoke on this matter deliberately brought the appointment of Aldermen of the City of Bridgetown in their speeches which I think was quite analogous to the situation. They brought in as part of their argument that the Government was misusing any constitutional power vested in it.

I took the opportunity inasmuch as members of the Opposition were using that as one of the main planks of their argument, that is to say, why this Government should not be vested with more authority over this island, to point out that although they made reference to the appointment of Aldermen to back up their argument, yet they as a Party had never at any time during the whole course of this furore, if I may call it so,.....

Mr. DOWDING: Mr. Speaker, I rise on a point of order. Will the hon. member say which Party he means?

Mr. STRAUGHN: I mean those hon. members who have already spoken on this Resolution. I do not think the hon. senior member for St. George has as yet spoken on it, so he has not made any pronouncement on this question.

If, as a Party, they did not find themselves so restrained or so responsible that they could make some pronouncement of some sort on this issue as grave as it is, I am submitting that they have not shown themselves worthy of asking to be represented on any delegation for constitutional advancement whatsoever. The other Party, and even members who are Independents, thought that it was their duty, either on public platforms or in this House, to have made and given the public what was their firm opinion on this matter. The party which constitutes the Official Opposition has not had any time, either in this House or in public, to give any kind of information or to make their feelings known to the public on this matter.

2.55 p.m.

Mr. TALMA: On a point of order. I would like to draw to the attention of the House that the first and only occasion on which we have had the opportunity of referring to the Constitutional issue is on the occasion of this debate which has been going on for about four weeks.

Mr. STRAUGHN: The hon. member made that same remark last time. It is a very poor plaster to put on any sore. That particular Party of which the hon. member has the honour to be a member, made the point that they had public meetings in St. Philip and in other places; and it was announced in bold and big language that they were going to discuss in public the alleged appointment of Ministers to various Boards connected with Local Government. If they could say so on a matter like that, if they could hold a public meeting and let the public know how they felt on that matter, they had the same opportunity to make the same public pronouncement when it came to the appointment of Aldermen for the City of Bridgetown.

It would be a very poor and sorry day when politicians who have to be elected to an Assembly like this, cannot express their feelings to the public on any other occasion than when they are in this Chamber. We have all been elected to this Chamber by talking to the Electorate. It is a privilege which is ours, especially when we find ourselves in political Parties, to speak to the public at all times. If they are a Party, it is their duty to make public pronouncements on what they consider to be important matters.

Mr. DOWDING: On a point of order. I must ask Your Honour to whom is the hon. member referring as "they".

Mr. SPEAKER: The hon. member can use the word "they" as long as he has referred or is referring to certain hon. members. In this particular case may I inform the hon. member that, in my view, the hon. junior member for St. Joseph is obviously referring to members of a particular political Party and the hon. member is not a member of that Party. I think that is crystal clear in my mind. As long as hon. members have been referred to as hon. members, they can subsequently be referred to as "they". It would be rather monotonous for the hon. member to use the words "hon. members" all the time.

Mr. STRAUGHN: I thank you, Sir, for giving me permission to use the personal pronoun when necessary. I am saying, Sir, that if hon. members had taken their responsibility seriously, it would have been incumbent upon them as a political Party to have made their feelings known in this matter, not only on a passing occasion in this Chamber but on every available opportunity which was presented to them. They had dozens of opportunities of making their feelings known to the public on this matter. If a political Party is not going to find itself in a position to inform the public of its feelings . . . . . .

Mr. CRAWFORD: On a point of order. The hon. member is entitled to his opinion, but I do not know what gives him the power to pontificate on what a Party should do.

Mr. SPEAKER: That is not a point of order yet.

Mr. CRAWFORD: Not yet.

Mr. SPEAKER: I hope it will be soon.

Mr. CRAWFORD: I hope your hope will not be unjustified. The hon. member said that a political Party had

sufficient opportunities to make its position clear. Since last Tuesday, the hon. member repeated this same jargon and I made it clear to him why the Democratic Labour Party took no sides during the Aldermanic imbroglio.

Mr. SPEAKER: The hon. member is saying that he gave his reasons already.

Mr. CRAWFORD: The hon. member would not understand that.

Mr. STRAUGHN: Hon. members are entitled to their misapprehensions as well. What the hon. senior member for St. Philip is pointing out is that he does not consider that he represents a political Party. That is rightly understood.

Mr. CRAWFORD: On a point of order. What in the world have I said that could lead to such a misconstruction on his part?

Mr. STRAUGHN: Mr. Speaker, I wish that there were other words to be employed than just points of order.

Mr. SPEAKER: A point of order is when an hon member's speech can be interrupted.

Mr. STRAUGHN: Apparently the hon. member admits that he really does not represent a political Party; he represents a political absurdity for the very reasons which the hon. senior member for St Philip and other members over there have been giving as to why they consider that they should be represented an any delegation to the United Kingdom!

Again, Sir, in carrying their remarks to a logical conclusion, it is to be felt that in their constant reference or veiled reference to the Constitutional issue, they have even said specifically that, in the particular issue to which they were referring, the Governor was right. That was their statement in this Chamber, and they have come a second time making a statement like that from this Chamber when they should be bold enough to make their statements constantly and not after, to use their own words, "the issue is dead".
3.05 p.m.

I really wonder, Mr. Speaker, if the issue is really dead, especially when you get a situation in which three bodies or units are involved. The situation to which I refer is one in which you get the Government of Barbados, the Governor *ex-officio* and the Colonial Office.

As far as the public of Barbados knows there has not yet been any contact between the Government of Barbados and the Colonial Office on any constitutional issue within the past number of months. There is nothing on record yet to show that there has been any contact.....

Mr. CRAWFORD: On a point of order. This is merely for enlightenment. What has the hon. member said? We on this side of the Table heard the member say that in any constitutional issue there are three units involved.

Mr. SPEAKER: That is what the hon. member said.

Mr. CRAWFORD: I just wanted to get it clear that that was what he had said.

Mr. STRAUGHN: The more the hon. senior member for St. Philip speaks, the more he justifies that he represents an absurdity rather than a Party!

Mr. Speaker, it has been the custom (as had been reported in the Speeches from the Throne) that any constitutional development in this island must take place with discussion in the Executive Committee and with members of the various Opposition Parties before delegations would go up to England on that score; therefore, this request, if we can call it a request, of having the Leader of the Opposition on the delegation or an "all Parties" on Committees discussing this issue is itself, according to our established practices, is unnecessary. It is even more unnecessary when one regards from whom the request comes and I think we are able to say that the request comes from a most unjustifiable and unwarranted source, a source which can show that it does not have enough responsibility to measure up to their political aspirations. We can contend that when the Democratic Labour Party is asking for something which is out of the ordinary practice, and when they have hidden and avoided any public pronouncement on matters which are as important as this, they are the least deserving of all to be represented on any particular delegation.

With those remarks, Mr. Speaker, I submit that this Resolution and the amendment which has been submitted to us should be rejected *in toto*.

Mr. GODDARD: Mr. Speaker, this is not the first occasion on which we have had discussions before constitutional changes have been made in Barbados. On all occasions during my time of office in here I have been called in on discussions at Government House and our Party on each occasion has submitted to the Colonial Office a memorandum on the proposed changes. We would expect in any changes of the Constitution to be in on these talks. For talks on constitutional changes to be made without all Parties having a say would be a departure, not only from local practice, but from practice in any Colonial territory.

I understand that the Premier, from a statement made in here months ago, said that he was going up to the Colonial Office to discuss further constitutional changes. So far, neither one of the Opposition Parties has been called in; nor have they yet been told of the proposed changes Government has in mind. If this is a result of what is now commonly known to be the recent action of the Governor in the appointment of Aldermen in the City Council, an action the public was allowed to believe was to be taken up to the Secretary of State for the Colonies by the Prime Minister of the West Indies and the Premier of Barbados, that is what we would like to be enlightened on. That issue has been discussed on public platforms, not once, but particularly during the last election.

We made it quite clear from the inception that the Governor was well within his right to do what he did. As a matter of fact, our constitution is not a written Constitution; it is based on an exchange of letters between the Governor after consultation with all three Parties in Barbados and the Secretary of State for the Colonies. This particular point is brought out most clearly in a Message from the Governor; and, I am going to read it, because the words of the last speaker, the hon. junior member for St. Joseph were that the issue is not yet dead. I thought it was. (Hon. M. E. COX: That is a thought lost!) Well, we have had a ruling from the highest authority. (Hon. M. E. COX: That does not make any difference.)

It reads: "The Governor-in-Executive Committee would continue to deal with those matters, which under Section 28 A of the Interpretation Act may not be delegated, with matters of an executive nature such as appointments to Boards, etc., and with matters for which the Chief Secretary is responsible to the Governor."
3.15 p.m.
If it is dead, and if the Hon. Premier is going up to amend the Constitution which the public of Barbados has accepted, we must have a say in that because the public generally has confirmed the action of the Governor in the recent by-election. It was fought on that principle, and the Government came down solidly to oppose what the Governor had done. They fought the election on that principle. It was not a matter of personalities; it was a matter of Party. Every member of the Government was in his motor-car driving people to the polling stations.

Hon. M. E. COX: Mr. Speaker, I rise on a point of order. Surely, I must confess that the hon. member tries to give the facts to the House at times, but I really cannot say

that he is giving the facts as they are in this instance. Surely, he knows very well that all the Ministers did not take part in the recent bye-elections. When he says it was generally accepted, why is it that the people in Hastings who looked like him.....

Mr. SPEAKER: That is not a point of order. *(Loud Asides).* Hon. members must remember that when they are addressing the Chair they must be heard; therefore, these loud asides should be stopped if we want the debate to continue harmoniously. If we do not want that, I have an easy way out of it.

Mr. GODDARD: If I did say all of the Ministers, I apologise to those Ministers who did not take part in the campaign. There were three Ministers who were thoroughly convinced that the Governor was right: so they did not take part in it. The Hon. Minister of Trade is one of the three Ministers who are still fighting the issue, although it was generally felt that right was done. A Resolution was passed in the Lower Green, and not by a handful of people, but by thousands of people. I can assure the Hon. Minister that that Resolution was presented to the Governor this morning for transmission to the Secretary of State for the Colonies.

I attended the meeting at which the Hon. Minister sat silently on the platform and allowed the Hon. Premier to address the crowd. A Resolution was passed at that meeting, and it was sent to the Secretary of State for the Colonies; but a more feeble effort in passing a Resolution I have never witnessed. It was done after the meeting was practically over and half of the people had turned away and had begun to go to their cars. Someone suddenly remembered that a Resolution should be passed and it was read out in a tone of voice which was inaudible. A few hands went into the air and it was declared passed. That is how they did it.

We actually published our Resolution in the *Advocate* a few days ahead, and all who attended that meeting which we held knew what they were coming about. We spoke on the issue and confined our remarks to that, and the people remained to the end and passed that Resolution in good form. That was the difference; so, if the Hon. Minister of Trade is not yet convinced with the exchange of letters which are in agreement with our stand that our position was upheld, I am sorry indeed, for where would we in the West Indies be drifting?

I take it that, if no further advancement in constitution is given, it would be that Party to be blamed; they have shown on the first occasion that they were given the opportunity to act in a democratic way, that they shook the hands of dictatorship. They had their plans laid so that they would capture every Council in the island. We knew of things which they had intended to do but, as a result of our Party succeeding in gaining the majority in the Bridgetown City Council, a lot of these things have been changed or withheld for a future date. I was told only this morning by some one who is in a Council in another area, that the Government had plans which would have enabled certain Councillors to enjoy certain benefits; but, as a result of the Mottley team or the Barbados National Party succeeding in such fine measure in the City Council, those people were denied those benefits.

You cannot understand what is operating in the minds of the public. We will insist and we will press for further constitutional advancement, but only if there are to be any changes in the Constitution as we know it. There was some talk of having a written Constitution in the future. I have heard the Hon. Premier say that our Constitution is something which we of Barbados should be proud about, because there is no unwritten Constitution anywhere else. That may be so, but on the first occasion that it has not been interpreted to their liking, it appears as if they want something written down. I will accept either one, either an unwritten or written Constitution, but no matter to which Party I belong I will fight and strive for the freedom of the people. Democracy must prevail.

We are living in an age when we have seen all around us (not only in Russia but around in the West Indies), the head of dictatorship coming up. We have to safeguard our freedom. Our forefathers guarded that for us; we must pass it on to our future generations. If I had any say, I would like to see a form of democracy, not only in Barbados, but in the Federation of the West Indies.

I do hope that the Hon. Premier will have the opportunity to speak on this matter this afternoon. I do hope that he can assure us of the form of invitation he has to visit the Colonial Office. He says that he is going to have consultations on constitutional changes and I am very unhappy as to what are those changes. If it is to change something on which we feel a correct decision has not been made, and if he is to go up there without word from the Opposition, personally, I do not think the Hon. Premier should be received.

3.25 p.m.

The amendment, as brought forward by the hon. senior member for Christ Church, is that hon. members of the Opposition should be included in this delegation. I think that we have come to that stage when we should be included in these matters. The Opposition has been left out as far as delegations to the United Kingdom are concerned, but it is very pointing that this is the one West Indian island which has been so treated. In Trinidad I have seen that Dr. Williams has taken the Leader of the Opposition up to England; he passed through here with the Leader of the Opposition and they went to Jamaica in connection with the Federation talks. The Leader of the Opposition accompanied Dr. Williams as one of his team, but in Barbados it has never been like that. It is time that we, in this colony, demand that if constitutional talks are held in England for widening or changing the Constitution in any way, we should be represented up there.

I think it is but nonsense for an hon. member to get up in here and say that, because members of a Party did not express their views on a particular matter, for that reason alone they should be excluded from these constitutional talks. I think that they can handle their case better than I can, but those are my observations on that score. Personally, the Constitution does not seem to play a very big part in the experience of the hon. junior member for St. Joseph because he was talking about it as if it is something applying only to one side of the Table.

We will support the amendment of the hon. senior member for Christ Church to the effect that both Parties be represented on these further constitutional talks. We are quite capable of submitting any memorandum in advance and we can speak for ourselves. The amendment asked that the delegation include the Hon. Leader of the Opposition. I am going to move a further amendment by which both Parties will be represented. I am moving the addition of the words: "and at least one member of each of the Opposition Parties be included in this delegation."

Mr. Speaker, I have expressed my view; the two Parties are not similar by any means, but this matter should not be entirely a Party matter; it should be a matter for the House. All Parties which are represented in the House should be given a full opportunity and a free invitation to send someone to these constitutional talks. For the reasons I have given I am moving that further amendment.

Mr. SPEAKER: Before the hon. member takes his seat I should like to remind him that in the Resolution as moved by the Hon. Leader of the Opposition, mention has been made of an "all parties" Committee. I suggest to the hon. member that he had better check on that before he sits.

Mr. GODDARD: The Resolution as amended reads that "an 'all parties' Committee be set up to make recommendations for extension of the Barbados Constitution; and that on any such delegation the Leader of the Opposition shall be a member."

Mr. SPEAKER: I think that the amendment needs some checking; I do not think that the text of it is complete.

Mr. TALMA: On a point of order. I fully appreciate the point which has been raised by Your Honour in that the body of the Resolution does not deal with the delegation; it deals mainly with the Committee. I would like, with Your Honour's leave, to regularise my amendment. The Clerk, I presume, could have regularised it.

Mr. SPEAKER: No, that is not the Clerk's duty.

Mr. TALMA: The amendment moved by the hon. junior member for Christ Church goes further than mine.

Mr. SPEAKER: I think that the hon. member should stick to his amendment.

Mr. TALMA: I am suggesting that a delegation comprising at least one member of each of the Opposition Parties shall be included in this delegation. I am willing to accept that.

Mr. SPEAKER: That is what the hon. junior member for Christ Church has moved. I can assure the House that before any question is put, it must be crystal clear to me that these motions make sense.
3.35 p.m.

Mr. WALCOTT: Mr. Speaker, I rise on a point of order. I want something clarified. I heard the hon. member speak about his motion but I do not think that the hon. member for Christ Church has any motion now. The amendment he made was accepted by the Leader of the Opposition.

PRESENTATION OF REPLY TO GOVERNOR'S SPEECH

At this stage Mr. SPEAKER received a message by the Sergeant-at-Arms that His Excellency the Governor was awaiting the House in the Council Chamber to present their Address in reply to the Speech which he had delivered at the opening of the Legislative Session.

Mr. SPEAKER and the House, preceded by the Marshal bearing the Mace proceeded to the Council Chamber.

Mr. SPEAKER read and presented to His Excellency the following Address which was passed by the House in reply to his Speech:-

HOUSE OF ASSEMBLY
TO
HIS EXCELLENCY THE GOVERNOR

The House of Assembly desire to thank Your Excellency for the Speech delivered on the occasion of the reopening of the Legislature for the Legislative Session 1959-60.

The House note with satisfaction the financial stability and economical advancement of the Island and other matters referred to in Your Excellency's Address and beg to assure Your Excellency that all these and other matters submitted to them will be given their careful consideration and support during the Session.

His Excellency delivered a Rejoinder.

Mr. SPEAKER and the House returned to the Assembly Chamber.

Mr. SPEAKER: I have the honour to inform the House that when we attended His Excellency the Governor in the Council Chamber and delivered our Reply to His Speech at the opening of the Legislative Session, His Excellency was pleased to make the following Rejoinder:-

HIS EXCELLENCY THE GOVERNOR'S REJOINDER
TO THE
REPLIES FROM THE LEGISLATURE
TO
THE GOVERNOR'S SPEECH
at the opening of the
LEGISLATIVE SESSION 1959-60

Mr. President and Honourable Members of the Legislative Council:

Mr. Speaker and Members of the House of Assembly:

I thank you for your respective Addresses in reply to the Speech which I delivered on the occasion of the reopening of the Legislature in February, 1959 and for your assurance that all matters submitted to you will be given your earnest attention.

PRIVATE BUSINESS CONTINUED

Mr. SPEAKER: When we left to attend His Excellency the hon. senior member for St. Peter was addressing the House.

Mr. WALCOTT: Mr. Speaker, I was just trying to regularise the position in that the alleged or proposed amendment, which the hon. junior member for Christ Church made, was no longer an amendment of his; if not I would be free to speak on the amendment. It was accepted by the Mover of the motion; therefore, it is really the Mover's motion. It is for him to make any adjustment finally when he speaks on any amendment to the motion which he would like to carry. That is where I say that the motion is now the Mover's motion. This is really no amendment now, because what is regarded as an amendment to the substantive motion has been accepted. It was not moved or seconded.

Mr. SPEAKER: I thank the hon. member for that.

Mr. GODDARD: Mr. Speaker, I am moving an amendment now.

Mr. SPEAKER: Is the hon. member prepared to withdraw his amendment in order to move an amendment?
3.45 p.m.

Mr. GODDARD: Mr. Speaker, this is the amendment which I am moving:-

"AND BE IT FURTHER RESOLVED that any delegation appointed to confer with Her Majesty's Secretary of State for the Colonies on such extension of the island's constitution, include the Leader of the Opposition and at least one member of each Opposition Party in the House."

I feel that the entire House - all parties - should be represented if there is to be such an important change.

Mr. BARROW: Mr. Speaker, I beg to second the motion which has been made by the hon. junior member for Christ Church. Now, Sir, it was originally my intention (because of recent events in the British Caribbean Islands which now rejoice in the name of the West Indies Federation, and because of the fact that there has been so much misunderstanding, misconstruction and misdirection in other units of the Federation as to the true constitutional position here in Barbados) to show my premises in supporting this amendment to the Resolution introduced by the Hon. Leader of the Opposition, and to make them abundantly clear so that there should not be, either inside or outside of this territory, any misunderstanding as to the form of parliamentary democracy in which we believe and have good grounds for believing now exists in this colony.

Mr. Speaker, it has always been for a long time the boast of Barbadians, vain-glorious as it may appear to

those who have some knowledge of constitutional matters (and even in the presence of our high birthrate or lack of public morality or high level of unemployment) that we enjoy the best Constitution of the West Indies under the British Commonwealth. It has been several times stated in this Chamber - and I have heard it said outside of this Chamber - that we enjoy the best constitution, not only in the West Indies, but in the wide, wide world. I am sure that extravagance can only be condoned or taken in the right spirit through the late hours of the evening at which public meetings are held. At any rate, right here in this Chamber, from time to time, we have heard responsible members of the Government Party get up and boast that we have the best Constitution in the British Commonwealth.

In a place (which has now gone down in political history of the West Indies Federation as the University of Woodford Square) no less a person than the former Leader of this House, the Premier of Barbados and Prime Minister of the West Indies, has boasted that we have the best Constitution in the West Indies and that we have always had the best Constitution in the West Indies and the Governor in Barbados has no reserve powers. He said that as though having a good Constitution depends on the existence, or non-existence, of reserve powers on the part of the Governor.

That kind of statement is irresponsible, unjustified, and a travesty of the constitutional facts of our position in Barbados. It is irresponsible because the author of the statement knows well enough that the Governor of Barbados has power which is, even in my opinion, worse in terms of constitutional advancement than having reserve powers, because he has the power of veto. It is irresponsible, moreover, because I find that members of his own Party, who are now in control of the Legislature, do not even understand the meaning of the Governor's reserve powers. Opposite me I see three members of the Government; and I will sit down and hold my peace, not only in this debate, but for the rest of the legislative session, if any one of the three of them can vouchsafe an explanation of the terms of the Governor's reserve powers.

Mr. Speaker, if I sit down, may I continue my speech? Any of them can rise on a point of order, and then I would not forfeit my right to continue my debate.

How many of the Ministers of the Government have been instructed in the simple educational terms of the Constitution? How much more is it misleading for a responsible person to say that the Governor in Barbados has no reserve powers, and so we have the best Constitution in the world because it is on that corner stone that the Leader hopes to build his house.

Now, Sir, I want to draw to the attention of people throughout the area, and the authorities in England, another significant factor in the Constitution of Barbados. The hon. senior member for Christ Church has made reference to the Letters Patent and the Royal Instructions. The only members of this Chamber now who have copies of the Royal Instructions and Letters Patent are the members of the Party to which I have the honour to belong. That is a statement of fact. There are only three printed copies of the Letters Patent. I do not know why, after all these years, after 1944, the Printing Committee of the House could not offer the public of Barbados the opportunity of reading the Letters Patent before they started sounding off on the rights and short comings of the Constitution of this island. We of the Party to which I belong have these things cyclo-styled for the purpose of study. We take our parliamentary business seriously.

3.55 p.m.

As a question of privilege, Your Honour should make enquires about the copy of the Letters Patent which used to be in this Chamber up to about 1952, before we began to get some more constitutional changes. It is a serious matter that the House of Assembly of Barbados does not have a copy of the main foundation of our constitutional rights and privileges. There is one copy in the Office of the Chief Secretary, there is one at Government House and we have the other copy; and when I say that, I do not mean the copy of the House of Assembly.

In 1891, I think it was, the former Attorney General of Barbados, Sir Conrad Reeves, passed the Executive Committee Act. The Governor of Barbados is the Head of the Administration. We always had what in Jamaica they call the Privy Council; what we, in this island, call the Executive Committee. The Executive Committee is entirely nominated by His Excellency the Governor, the Officer presiding over the Government of Barbados for the time being, and the appointment is made in the name of the Queen Emperor. What Sir Conrad Reeves did in 1891 was this. The House of Assembly was not satisfied with the initiation of legislation by members of the Executive Committee who, from a strictly legal point of view, were necessarily members of the Assembly. What happened was that the Attorney General of Barbados used to face the Electorate, limited as it was in those days, and occupy a seat in the House of Assembly. The Attorney General of this House used to conduct Government business in this Chamber. In 1891, (the Act is 1891 - 22 and I think it should be found in Volume 1 of the Laws of Barbados in Chapter 22 of the Laws of 1891), this is the Instrument under which we have been operating from that year until the constitutional changes of 1948 under which we are still operating with minor amendments; we are still operating under the shadow of Sir Conrad Reeves' creation. In that year he enacted this: "Immediately on the opening of each session of the Legislature, it shall be lawful for the Governor to appoint during pleasure one member of the Legislative Council and four members of the House of Assembly, not being already members of the Executive Council, to be associated with and to form, together with the Governor-in-Executive Council, a Committee for the transaction of public financial business, for the consideration of ways and means, for advising the Governor on any measures which the Executive may deem it expedient to bring before the Legislature and for the conduct of public work, and the control and management of public institutions of the kind and in the manner hereinafter mentioned. The members so appointed to be associated with the Executive Council for the purposes of this Act shall continue to be members of the Executive Committee during the Session of the Legislature except in case of resignation or absence from the island as hereinafter provided."

Clause 2 of the Bill went on to say this: "The Committee so formed shall be called the Executive Committee and its constitution shall be subject to the following provisions:" and they go on to say what are the restrictions on the Executive Committee, most of which still remain with one noteworthy amendment.

Now, Sir, we have the Letters Patent and the Royal Instructions acknowledging the very existence of such a territory known as Barbados; other than these, we do not even form part of the British Commonwealth of Nations. Then we have the creation of our own Legislation, an Act called the Executive Committee Act which sets out the functions of the Executive Committee. Clause 2 of the Executive Committee Act, and particularly for the edification of the hon. junior member for St. Joseph, is still the law of the land. I will go further; I will say that, if at any time the Executive Committee exceeded its functions and duties under Clause 2 of the Act, any citizen could challenge and impeach their actions in a court of law as being *ultra vires*. That is absolutely clear.

You will know that the Executive Committee has certain policies for the transaction of financial business. We have publicly acknowledged their functions; they advise the Governor on any particulars which the Executive may deem it expedient to bring before the Legislature, but not to deal with matters which are not the concern of the Legislature at all. When I have finished outlining and giving chapter and verse for the constitutional position as exists in Barbados today, I will give the House my reasons for laying such emphasis. It is because of the silly, unwarranted and certainly misleading remarks which have been made during the course of this debate by a member on the

other side (and particularly the person who should be more dumb than any other member of the House) pontificating on matters on which his seniors and betters consider it expedient to keep quiet.

From the year 1891 until 1948 there were no legal alterations to the constitution of Barbados, apart from one or two minor amendments to the Representation of the People Act which was 100 years after a similar enactment in the United Kingdom widening the franchise in Barbados. In other words, round about 1947, we passed legislation in Barbados which brought us up to date with the Reform Bill of 1834 in England, which was 113 years later. That is what we call constitutional advancement. I want to say this: you can have the best Constitution in the world, but what the man in the street is concerned about is what are you doing with the Constitution which you have. There is no point in somebody getting up and beating his chest and saying: "I am greater than Dr. Nkrumah because I have such and such a title" or "I have beaten Mr. Manley in being called Premier."

There is nothing in constitutional advancement if you have so many people as 26,000 unemployed. Unless they take that into consideration when they are going abroad, they are just wasting so much paper in going about their constitutional amendments and advancements. For about fifty years we had no major constitutional change by way of the Letters Patent, except in 1918-24 when improvements were made to the Letters Patent, but not severely affecting the power of the House to plan economically and do other things with the revenue they raised for the benefit and enjoyment of the people of this island, even those who were not supposed to be paying taxes.

4.05 p.m.

When the Royal Commission came to this island, the Leader of the Barbados Labour Party (who is now railing against dominion status in the Federation, who is now repudiating and rejecting the Constitution which he had a hand in shaping and forming, who is boasting about the superior position of the Constitution of Barbados over that of all the other territories in the Caribbean) before the Royal Commission (I was present, the hon. member for St. Michael was present - and I challenge him to deny it - the hon. member for St. Thomas the present Premier had gone to lunch, so I cannot say he was present; I cannot say that he was sleeping as he is now, but I remember that at the time when this pronouncement was made the hon. member for St. Thomas was not present but had been attending the Session) the Hon. Prime Minister of the West Indies, the then Leader of the Government Party over there, told the Royal Commission that the best thing for Barbados was that Barbados should become a Crown Colony Constitution. That was in the year of Grace, 1940. Sir, I would put my head to the block if that is not true. It was said in my presence before the Royal Commission.

When they talk about constitutional advancement and that kind of thing, I would like them to be reminded of their past history which they have never really considered. It is absolutely true, Sir, that the Premier of the West Indies advocated at that time a Crown Colony constitution for the island of Barbados - we who had enjoyed, according to him now, this long history. I know that you will remember that that is so; I know that your memory will not fail you as theirs have failed them.

Mr. SPEAKER: I would have to make reference to documents.

Mr. BARROW: I will refresh your memory with documents. I am saying that that is absolutely true, and I want it go on record that I heard it said. Now, they are trying to forget that.

Now, Sir, all of this wonderful history that we are now hearing about, and the highly developed Constitution and all that, we did not hear before the Royal Commission. We heard that the land should be cut up and everybody should get half acre; but some of them were going to take their half acre down in Broad Street, my half acre would be somewhere up by Cole Hole in St. Lucy or somewhere like that! And somebody else would get half acre underneath the rocks by the Lighthouse in Silver Sands! There was no idea of planning or what was best for the people of Barbados.

Now, Sir, after the Royal Commission (and it could hardly be at the instigation of the Leader of the Government Party) Sir Grattan Bushe introduced the famous Bushe Experiment in which he said that, as a matter of general principle, he would accept the advice of the four members of this House on the Executive Committee on legislative matters; and, whereas Sir Grattan Bushe's pronouncement was held as an innovation, in truth and in fact, that has always been the constitutional position in Barbados from the time of Sir Conrad Reeves. There was no departure from the provisions of Section 2 of the Executive Committee Act when Sir Grattan Bushe said that, on legislative matters, he would as a general rule, accept the advice of the four members of the House who sat on the Executive Committee.

In 1950 we got universal Adult Suffrage. Here again I want to go on record (for the instruction of people like the hon. junior member for St. Joseph) as saying that Barbados was the last island in the Caribbean, what is now known as the Caribbean Federation, to get universal Adult Suffrage. We who had the best Constitution in the world, the best in the Universe, the best in the Commonwealth (as was said by the hon. member who was in the habit of making these pronouncements) although our people were supposed to be better educated - certainly not better fed and better clothed- and more politically enlightened than our brethren in the other Caribbean territories, were the last to be trusted with universal Adult Suffrage.

Mr. STRAUGHN: On a point of order. The hon. member was not present at the last meeting and he may want to know that the question of universal Adult Suffrage for Barbados was also discussed in the House last Tuesday.

Mr. BARROW: I think the hon. member is trying to prove that he has a memory which sustains him longer than from dinner time to dinner time, but from one week to another.

Mr. Speaker, what I am pointing out is this: What are we rejoicing about? Let me put it this way: the Government Party at that time was so afraid of the people of this island, it was only until the last moment when everybody else in the Caribbean had already been granted universal Adult Suffrage that we managed to get it here in Barbados. It was not the fault of the Colonial Office, nor was it the fault of the people of Barbados. Far from being the fault of the people of Barbados, we should have had it before anybody else because we had always been told that we have been the most enlightened, most politically educated, most sensible and most hard-working. Surely all these things are natural concomitants to the sacred trust of the vote. If you are responsible, politically educated, and you have all these natural attributes, we should have been leading the rest, not trailing behind; but we were dragging our feet here in Barbados. You see, the morale of this thing is that you have to interpret matters of constitutional change in the light of the predilections of the prevailing personalities of the moment.

4.15 p.m.

If you study the history of the British Empire, or of North America, you will find that the same thing comes into operation - what is the state of mind of a particular person at a particular takeover or history of the place. That is what I wanted to point out. It is just like the present constitutional change which we are now discussing.

Not one member on this side of the House or one member of the general public knows what the changes are going to be. That is the point which I wish to make during the course of this debate. That is all the more reason why things are now being done in our name which we know nothing of and which, if we did know, the chances are that we may be rejected. Even now, at the moment of

time at which I am speaking, the general public - I cannot speak for the Labour Party or the Government - should be able to judge what is being done or proposed to be done in the name and interest of the people of Barbados. That is what we are afraid about, because that is the road to dictatorship.

In 1950, we got Universal Adult Suffrage. The rest is a matter of public and general knowledge. For the first time, since its foundation, the now Government Party got a majority in this House and that was only from 1951. It got that majority through the concerted efforts of people like myself and certain members on this side of this House as well. Neither one was more important than the other. At least, we all thought that was the position at that time. We all felt that if you removed two or three of us, the whole thing would have been re-awakened and there would not have been a majority.

In 1953, the Local Government Act was discussed in this Chamber and discussion went on throughout the year on it. The first Act which went to the Other Place on Local Government was sent back down with substantial amendments, and in the month of June and July, we were discussing them. You will wonder why I introduce this; it is because there was, around this time, a certain amount of inaction and inactivity, a state of dormancy, amongst the members of the Government Party.

The introduction of Local Government was one of the most important changes in the Constitution of Barbados, and one which we were approaching since 1953. It was in February 1954, that Ministerial Government was introduced in this island. The Government Party then consisted of fourteen or fifteen members of the House of Assembly, but it was only the gentleman from St. Thomas and about two or three other personal friends of the then Premier who formed the whole Party. There was no constitution, no secretary, no minute book, no funds, no dicipline, no rules, no appeal or anything which one would understand under democratic rule to exist there. I am saying that so that the hon. junior member for St. Joseph will know what he is up against. I can tell him that many of us turned up like members of the Dorcas League to the Upper Chamber, Monday night after Monday night, to find that there was no quorum or no meeting.

It was in that context that communications were going backwards and forward between the then Acting Governor of Barbados and the then Secretary of State for the Colonies. What was not recorded is that the Leader of the House of that day was an active participant in those negotiations which were going on, but we know nothing about it. The negotiations subsequently have been disclosed in a series of memoranda. They were laid on the Table of the House, on the instructions of the Secretary of State for the Colonies, so that who were here could understand what was the background of everything. Along with that, each member of the House was circulated with a copy of the latters which passed between Mr. Turner, the then Acting Governor, and Mr. Oliver Lyttleton, the then Secretary of State for the Colonies.

It was in that particular context that the hon. senior member for St. Peter, whose lips have been sealed on this issue for a long time and to whom I make no apology at all because the source of my information is independent of any disclosure by himself, was at that time attending a meeting in one of the Scandanavian countries. At that time, the then Leader of the House was on one of his mysterious alarums and excursions to the United Kingdom. The hon. senior member for St. Peter was invited from the vastness not of the Heligoland but from the security of Stockholm to come down to the City of London and tell the Secretary of State for the Colonies that we the Labour Party in Barbados, in the first instance, and the people of Barbados in the second instance, had decided that no matter what the Secretary of State for the Colonies said, or laid down, or ordained, the Leader of the House was to be called Prime Minister of Barbados. That is what they called further constitutional advancement; and that is the first intimation that any member, as far as I know, - I certainly had no means of knowledge - knew that a constitutional change was being discussed at all.

Every thing I say, Sir, has some bearing on the amendment which was introduced by the Hon. Leader of the Opposition. We did state in a broad and general way that we wanted Ministerial status some years before, but the actual mechanics and timing were not considered worthy of mention even among members of the same Party, far less members of the general public at large.
4.25 p.m.

The big issue then was, not whether we would have Ministerial status, but what was going to be the appellation of the Leader of the Government; whether he was going to be called "Prime Minister" or "Chief Minister". Now, Mr. Oliver Lyttleton, as subsequently disclosed by the memorandum, which we have seen officially, was adamant on this point. Mr. Turner did not want so many Ministers; he wanted the Ministers to receive smaller salaries than what had been agreed upon. That is a statement of fact.

Eventually, these difficulties were ironed out, not to the satisfaction of Mr. Turner - but certainly with the pleasure of the Ministers themselves, because they got larger salaries. Mr. Turner did not see why, in a small country like Barbados, we should need more than three Ministers; why they should get salaries of more than a thousand pounds a year. If there had been prior consultation between the members of the Executive Committee and other hon. members, we might have ventured some opinion on the matter at that time. An opinion from this Party would be necessarily irrelevant to the subject matter which we have before us.

However, we know that there was a quarrel going on, not only between the hon. senior member for St. Peter and the Leader of the House, but also between Mr. Turner and the Leader of the House. The upshot was that a totalitarian tactic was indulged in by a member of the Government Party because ... *(ASIDES)*. Do not ask me the source of my information. I will prove it.

In order to discredit Mr. Turner, who was entirely honest and had the welfare of the people of Barbados much more at heart than the Leader of the House at the time in so far as finances were concerned, it was reported to the Secretary of State for the Colonies that Mr. Turner did not like coloured people. That is an absolute fact; and purely because Mr. Turner said that he did not see any justification for having more than three Ministers and paying them more than £1,000 a year. The House of Assembly did not discuss this matter. The hon. senior member for St. Peter had been invited to say something which would have been a palpable lie, because we could not have decided something which we had not discussed or had known of its existence.

The hon. junior member for St. Joseph would not know about this because he was paying courtship to an employers' trade union in a foreign island not far from these shores; but these are things which the people of Barbados ought to know. It is from that date, I believe, that the straightforward speaking of the hon. senior member for St. Peter arose on the side of the Government.

The Secretary of State for the Colonies, Mr. Oliver Lyttleton, eventually compromised by allowing the Leader of the House to go by the name of "Premier"; that was considered to be the important thing at that time, and the people of Barbados knew absolutely nothing about the constitutional changes which were supposed to be coming into force. In fairness, I would like to say this - I hardly think it is necessary to say it - that I do not think the hon. senior member for St. Peter would go to the Colonial Office and subscribe to what would surely have been, in my opinion, an act of dishonesty.

The history of Constitutions and constitutional changes very often have to be reviewed in the light of the personali-

ties which exist at any moment on the political scene. I will give you an illustration, Mr. Speaker, which is well known to most students of the Constitution of Great Britain. I include among such students the Speaker of the House of Commons, the Judges of the High Court in England, the Chancellor of the University of Ceylon, Mr. Harold Laski and even the hon. senior member for St. Lucy. When Mr. Lloyd George, the Leader of the Coalition Government after the first World War about 1923 was taken ill in Switzerland, a gentleman by the name of Viscount Curzon who had been Her Majesty's Viceroy in India, and who was the *de facto* and the *de jure* natural successor to the Leader of the Conservative Party at the time and would naturally fall into the shoes of Mr. Bonar Law if anything had happened to him (it was well known at that time that Mr. Bonar Law was not enjoying the best of health and his demise was immediately expected) in that atmosphere Viscount Curzon took a momentous trip to Scotland so that, on the receipt of the news of the death of Mr. Bonar Law, he as Prime Minister-designate, could make a striking dash from Edinburgh to Ulster Station just in time to change his regalia and dash to receive the Message from His Majesty the King that he would be the next Prime Minister of England.

At the back of that, there was something that Lord Curzon did not consider: that was unpopularity amongst his own members in England. Lord Curzon did not find favour with the members of the 1922 Committee which had met at the Carlton Club or with the rank of the Conservatives; whereas, it was conventional for His Majesty to call upon Lord Curzon as the Leader of the Conservative Party to form the Government. I am not maligning the dead, but you must forgive me because I am stating the truth.

George V, as a Conservative, who used to be advised by Lord Esher, did not want the Conservative Party to face the polls within six months. The king, however, consulted with Mr. Asquith, Mr. Lloyd George, Mr. Balfour, the Earl of Salisbury, and I think about six or seven former Prime Ministers of England who were all alive at that time, and, who were completely aware of the situation in the Conservative Party. And when Mr. Bonar Law died and Lord Curzon made his dramatic journey up to the Palace to the King.... Incidentally I understand, on the authority of Mr. Harold Laski, that Lord Curzon prepared a list of Ministers, but on the way to the Palace discussed certain amendments with his wife in the Ministerial list as to who would be Foreign Minister, and Home Secretary; and like every man in a similar position, listened to the advice of his wife and expunged certain names which he thought would be unacceptable to the best Conservative element in England and arrived at the Palace with this amended list.

Now, this is an apocryphal story, and one which is worthy of consideration. When Viscount Curzon arrived at the Palace, His Majesty thanked him for all his duties to the Empire and to the Sovereign. He reminded Lord Curzon of the glowing tribute which had been paid to him by his son, the Prince of Wales, who said that he did not know how royality had lived until he had been entertained by the Governor General of Bombay who was Lord Curzon. In that strain, Lord Curzon fidgeted with his Cabinet list; and he was on the verge of presenting it to His Majesty King George V when George V said: "My dear Curzon, we have consulted no less than six former Prime Ministers of the realm, and we have come to the conclusion that it would be an undesirable thing in the light of modern constitutional development for the Prime Minister of England to sit in the House of Lords." That fateful interview, Mr. Speaker, is reported to have ended with these words: "I have therefore sent for Mr. Baldwin"; whereupon, I am assured that Lord Curzon broke down and wept like a child.

The morale of that story is that, if you open any text book today on British Constitutional Law, you will see that it is a convention of the Constitution that the Prime Minister of England should be a member of the House of Commons. Those are the kind of conventions which people want us to respect. Any student of Constitutional Law knows that that only arose because the excuse for not making Lord Curzon Prime Minister and sending for Mr. Baldwin, was being confused because of Lord Curzon's unpopularity with the rank and file of his own Party; and that is why I say that history has a personal aspect to it which cannot be ignored.

I make bold to say that if, when the War which we recently experienced started and Mr. Chamberlain's Government was about to fall, Mr. Winston Churchill had accepted his prerogative of a peerage before that time - and the same Mr. Winston Churchill who guided the nation through the dark and gloomy years of the War would have been a member of the House of Lords under the title of Duke of Marlborough or whatever title of the 39 titles his ancestors had, - I am sure that if any member of the Labour Party had objected to Mr. Churchill on the grounds that he was a member of the House of Lords, it would have been pointed out at that time that, far from being a convention of the Constitution, that was only something which every school boy ought to know by now: an expediency indulged in at that time to get rid of Lord Curzon.

We do not want our constitutional development in Barbados to proceed on that basis. I hope that Your Honour will pardon me a little digression. In February, 1956, after three years of Ministerial status and a rising tide of unemployment in this country (I am now no longer on the inside looking out, but I am on the outside looking in: so I have to talk in general terms; I cannot say it was a singular personality, but I can say what the evidence supports from this distance of inspection) the Government decided that they wanted an amendment, not a repeal, to the Executive Committee Act in these terms: (1) the number of Ministers was increased and therefore Section 2 of the Act had to be changed either in February or shortly before; and (2) they wanted a Cabinet system of Government.

Now in a Cabinet system of Government, Sir, there can be no over-riding authority of the Crown except in maters which are within the peculiar prerogative of the Crown, and from the Crown through the representative of the Crown in this island; but a new convention was now created in a memorandum which had gone the usual rounds between Church Street - in my period of apprenticeship it was at No. 12 Downing Street right opposite No. 11 - and the Colonial Office. After the usual round robins and memoranda we were informed not of any change in the Executive Committee Act or the Letters Patent, but that in future the official members of the Executive Committee (the official members, of course, I will remind you, being the whole of the Executive Council which is an entirely nominated body; the Governor himself, the Attorney General, the Chief Secretary and the Financial Secretary by convention and not by Law, plus the President of the Legislative Council and one other member of the Legislative Council if the President is already a member of the Executive Committee and the Ministers) would meet, but in order to give this whole system in Barbados more the semblance of responsible Government, the Governor and the other members other than the Ministers would not as a rule (the Law has not changed, the Executive Committee Act has not changed and the Letters Patent have not been altered in any way) sit on Thursday mornings with the Ministers when they were initiating legislative matters and discussing matters of general policy.

I have only, so far, quoted from memory and from my understanding. The correspondence stretched over a certain period of time; and certain recommendations were made by His Excellency the Governor, etc., and Mr. Lennox Boyd, the only Secretary of State who cannot be publicly abused by the Labour Party. At the time they did not know he was interested in the Colonial Office.

This is of the 31st July, 1957:-

"COLONIAL OFFICE,
The Church House,
Great Smith Street,
S.W.1.

WIS 64/2/01
Your Ref: S.260/s 1 Col/v/42.
BARBADOS.
NO. 308.

Sir,

I have the honour to refer to your despatch No. 304 of the 27th May on the subject of further constitutional changes in Barbados, the main proposal in which is for the general direction and control of government in internal matters to pass from the Executive Committee as a whole to the Premier and his Ministers meeting as a Cabinet.

2. I have given the proposals in your despatch the most careful consideration. They appear to me to be, as a whole and in detail, a natural and integrated development, well suited to Barbados, from the present position and, if they are approved by the Legislature, I should see no objection to effect being given to them."

HOUSE RESUMES COMMITTEE ON TOWN AND COUNTRY DEVELOPMENT PLANNING (INTERIM CONTROL) BILL, 1959.

Mr. SPEAKER: It now being 4.30 o'clock, the House resorts to Government Business.

Mr. SPEAKER left the Chair and the House resumed Committee on the Town and Country Development Planning (Interim Control) Bill, Mr. BRYAN in the Chair.

4.30 p.m.

Mr. TALMA: Mr. Chairman, on the adjournment I was dealing with the question of the definition of land. In any law book (or in any Act) you will see that land is not described as it is here. In this Bill it is defined thus: "land" includes land covered by water and any building as defined by this section." You can find a more conprehensive definition than that. I am suggesting to the Hon. Minister that, in order to avoid the provisions in this Act being circumvented, the definition of "land" should be more comprehensive. I am suggesting to him that the definition should read thus: "land" means land of any tenure whether freehold or leasehold or any hereditaments and includes land covered by water and any building as defined by this section.

If the Hon. Minister will follow this definition he will see the wisdom of it. Land is not always held under freehold. Land can be held under leasehold; and in the case of anyone holding land under leasehold as distinct from freehold, it is possible that if that person was to sublease any of it he would circumvent all the provisions of this Act. The definition of "land" should be related to the definition in any legal text book. It should not be a definition which is childish and not legal.

When you go to the next definition of the "subdivision," you will see that it means the division of land previously held under one ownership into two or more holdings for the purposes of rent, sale or deed of gift. Well, as the hon. junior member for St. John has stated and was corroborated by the hon. senior member for the City, in the case of a lease as distinct from rent, you will be able to get around the provisions of this Act, because the land may be held under leasehold and there may be a lease or sub-lease, or any number of sub-leases. This definition of "subdivision" does not say for the purposes of rent, lease, deed of gift or other matters alienated the ownership of possession of land. Unless you have a comprehensive clause, it will be possible to circumvent the provisions of this Act.

Without much ado, I am going to move that amendment. I know it is the policy of the Government not to accept good amendments. This is not a question of trying to frustrate or obstruct things; it is the question of giving proper legal definitions. There are two amendments which I am going to move. Dealing with the definition of "land", my amendment is that before the word "includes" that the following words be inserted: "means land of any tenure whether freehold or leasehold or any hereditaments and".
4.40 p.m.

The second amendment is in connection with the definition "subdivision". Now the definition of "subdivision", as set out here, means "the division of land previously held under one ownership into two or more holdings for the purposes of rent sale or deed of gift". The hon. junior member for St. John and the hon. senior member for St. Lucy have certain points with which I am entirely in agreement; in support of their proposals, I am suggesting that this definition does not go far enough in that, in the case of land, it may be subdivided and held by various owners at will. You may subdivide land into ten different parcels to be held by ten different people under what is called a will tenancy; you may sub-divide land and give it to squatters. What is worst is that, if it is subdivided and given by way of a lease, the provisions of this Act will not include a case like that. In other words, it will be permissible for a person to divide land and lease it out or just divide it and allow others to occupy it by tenancy at will or by sufferance; and the whole Act is thereby circumvented.

I would like to insert the word "lease" after the word "rent" and at the end of the definition I would add the words "or otherwise alienating the possession or ownership thereof". That amendment will cover everything. Unless the Government adopts a suggestion from the other side of the Table sometimes, a suggestion which is well intentioned for the benefit of the people of Barbados, you will find that they are just tampering with legislation, which, on the face of it, appears to be good but which, in reality, can always be easily circumvented by any legal draughtsman, lawyer, solicitor or otherwise; as a matter of fact, it can be circumvented by anybody who has any dealings with land.

Mr. Chairman, I could speak at greater length on this matter but it will probably be a waste of time. I have explained my own amendment and it is up to the Government to continue further with this Bill.

Hon. R. G. MAPP: Mr. Chairman, I will deal with the last speaker first inasmuch as his remarks are fresh in my mind. I do not follow why the hon. member should want that change in this Clause, to say that "land" means land of any tenure, whether freehold or leasehold or any hereditaments. In this Clause, the definition does not set out to say what land is; the definition here is an extension of the common definition of land. In this Clause, the definition states that "land" besides being ordinary land whether freehold or leasehold, "includes land covered by water and any building as defined by this section."
4.50 p.m.

If the hon. member refers to the various sections, I do not see how he can argue that you can get away from the provisions of this Act by leasing the land. I do admit that the hon. senior member for the City might have had a point when he said that "sub-division" means the division of land previously held under one ownership into two or more holdings for the purpose of rent, sale or deed of gift, and that rent does not include a lease, as far as he knows.

Mr. MOTTLEY: If I may correct the hon. member. The hon. junior member for St. John said that. What I did

say was that rent, sale or deed of gift was not the only means of disposing of land. If the Hon. Minister feels there is something in it, he can postpone that part and let his legal advisers tell him what to put in.

Hon. R. G. MAPP: There may be a point in that. Like the hon. member I am not a Lawyer; therefore, when it comes to the suggestion that "rent" does not mean "lease", I can bring that to the attention of the Legal Draughtsman, as well as the suggestion that there are other ways of getting rid of land.

The hon. member is saying that we might leave off "for the purposes of rent, sale or deed of gift" from the Clause. That is a point which I can take up, but I do not like to deal with these things in this off-hand manner. We want to press on with this Bill, and I would suggest to the hon. member to let me take up these points with the Crown Law Officers and, if there is anything in them, have the Bill amended later on. Surely, the hon. member knows that these things have been done already in that way; and we will also do it in future.

I do not see anything in the argument raised by the last hon. member. The definition of land here is an all-inclusive definition. If we had said "free-hold" land and had left out "lease-hold" land, or if we had put in one part of it and had not put in the other, he could have said that it is not wide enough and does not cover all land. What more definition than this does the hon. member want?

Mr. TALMA: On a point of order. The reason why I suggested that you should describe land more thoroughly and more in accordance with the local definition is because, when the question of leases come up, the definition will cut across this.

Hon. R. G. MAPP: Land, Sir, under this definition means any land; that is very obvious. If the hon. member looks through all the sections, he will see that it means any land whatsoever, freehold and leasehold. There is no reason to put in the words "freehold" and "leasehold" in every definition. This is an extension of the ordinary definition of land to include all land, land covered by water or any building.

You cannot get away by putting up a building on the land and saying it is not land; that comes under the Act. As to the point raised by the hon. senior member for the City in that Strathclyde or the Pine would not come under this, I promise to take it up with the draughtsmen. I suggest to hon. members to let us get through the Bill. I will promise hon. members to take up these points and, if necessary, come back with amendments.

Mr. MOTTLEY: I do not think it is fair. Whatever he thinks about the points I have made, you must admit that the point made by the hon. junior member for St. John is very important. "Building" includes any structure or erection and any part of a building as so defined, but does not include plant or machinery comprised in a building. You will remember that the hon. member raised the point of people putting up large tanks. That should be taken up, too. I am sure that if the Hon. Minister makes a note of that point, unless the draughtsmen, whoever they may be, are just plain pig-headed, they are bound to see the points raised.

The other point which I raised (and which the hon. member should make a note of) is in connection with "building operations" which includes rebuilding operations, structural alterations or additions to buildings and any other operations normally undertaken by a person carrying on business as a builder. It is obvious that the point about public roads and roads in common over which people should pass must have slipped the draughtsmen, because the definition was taken from the Highways Act and you have been taking over roads in common and operating them as public roads. Surely this Act should include the areas I mentioned; but you cannot deny that the two points made by the hon. junior member for St. John are not of great importance. If you have land and you put up molasses tanks and so on as at Graves End, the definition does not cover that. That is a very important point. You cannot throw cold water on such a point, especially if members show that they are willing to get this Bill through.

Hon. R. G. MAPP: Mr. Chairman, I did not refer to that point because I did not see anything in it. I have looked up the old Act and another Act drafted in Mr. Wylie's time, the English Act and the Scottish Act, and they all give the same definition of what "building" means. A building is a building. The hon. member for St. John's point is that you should define what a building is, but none of these people in their collective wisdom or legal knowledge has done so.

If you read the definition for "development" you will see that that takes care of the point to which the hon. member referred. "Development" means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land or the subdivision of any land, and "develop" shall have a corresponding meaning.

5.00 p.m.

I say again, that this definition is in the English Act, in the Scottish Act and in the Local Act as originally drafted in 1954. It seems to me a point of not specifically defining "building" but includes everything that comes under "building".

Mr. DOWDING: If the hon. member will give way, would he be so kind as to read the definition in the Scottish Act?

Hon. R. G. MAPP: It is the same. It is so wide that if you put up a goat pen or sheep pen on your estate, it will come under this Bill. For his benefit, I will read the definition of "building" as it is under the Scottish Act. It is: "building" includes any structure or erection of any part of the building so defined but does not include plant or machinery comprised in a building. This is under "development" and it goes on to talk of what we have.

"Development" means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land or the subdivision of any land, and "develop" shall have a corresponding meaning.

That is wide. I do not see any reason for inserting what "building" means. Everybody knows what "building" means.

Let me say that you cannot get away by having part of a structure; that is a building, and the definition includes all of that.

Mr. BRANCKER: Mr. Chairman, what strikes me about this Section of the Act, is that there are nine definitive words or phrases which are defined, but it is curious that whereas in the case of four of them, a proper, rigid and all-embracing definition is given stating definitely what is meant, it is not so with the case of the other five. For instance, it tells you "development" means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land or the subdivision of any land, and "develop" shall have a corresponding meaning.

In respect of "Judge", it means a Judge appointed under the Supreme Court of Judicature Act, 1956, and includes the Chief Justice.

In respect of "subdivision" it is clearly set out that "subdivision" means the division of land previously held under one ownership into two or more holdings for the purposes of rent, sale or deed of gift.

In respect of Town and Country Planning Officer, we are told by the definition in this Bill that it means such person as the Governor shall so appoint.

That is absolutely clear in respect of four of them. There are nine definitions, and there can be no doubt about it that they are all-embracing, rigid and lucidly clear in respect of these four; but as regards the other five, the draughtsman reverts to the word "includes". He does not say what it means; he does not set it out clearly; he uses the ambiguous word "includes" which means that it is not what it says in the definition.

It will be interesting to find out from the Hon. Minister if he went through this Bill after giving instructions to the Crown Law Officers to draft it. If the Minister perused this Bill and this definitive clause, why has he not enquired why the draughtsman so significantly and astutely made a definition of four of these words and phrases and, on the other hand, failed to do so with the other five definitions? Why did not the draughtsman tell you where you could look for the other meanings of these five phrases?

We understand quite cleraly from this section that other phrases are intended to have other meanings as well.One would think it would have struck the Hon. Minister as rather odd that we should have five ambiguous definitions and four unambiguous and precise definitions. I wonder if he can tell us the reason why the Crown Law Officers produced these definitions as they did.

Mr. BARROW: Mr. Chairman, the hon. senior member for St. Thomas is suffering from the delusion that, somewhere or the other flowing about in mid-air, there is the all-embracing definition of the words which have been defined in the Interpretation Clause of the Bill.

He talks of the Scottish Act. I have already told this Chamber that the English Town and Country Planning Act has been the most amended legislation in the United Kingdom Parliament. I have in my hand the first volume of "Words and Phrases" judicially defined by Sir Roland Burrows, which is the standard version on the interpretation of words of this kind. Now, the word "building" alone takes up five full pages of this legal interpretation, despite certain things like the Town and Country Planning Act, the Gas Works Clauses Act, the Income Tax Act, the Land Clauses Consolidation Act, the London Building Acts, the Malicious Damage Act, the Public Health Act, the Disused Burial Ground Acts, the Entertainment in Building Act, the Restrictive Covenant Act and for the purpose as prescribed in the Prescription Act of 1832.

All of these have been defined, yet we have all of these cases coming up to the House of Lords to know what a building is. There is no such thing as a general all-embracing definition of the term "building".

What I want to point out has been pointed out by the hon. junior member for St. Lucy, the Leader of the Opposition. Because you say that a particular word includes so and so, it does not mean that that definition is ancillary to some greater definition which exists, like the Constitution, in the minds of the Government or in the minds of the general public. When you say the term includes so and so, what you are in truth and in fact saying is that the meaning of the word for the purpose of this Act is as what follows.
5.10 p.m.
If I may read the Clause itself it says this:-

"In this Act, unless the context otherwise requires -

'Building' includes....."

When you say "Building includes", all that is telling you is that 'building' is a noun and if the term is used in the sense that it is a verb, then the context does not admit of any construction other than the use of the term as a verb. Wherever it is used as a noun, that is the only definition by which you are bound; because when you use such language as "includes" it does not mean that that is a wide definition which is tacked on to it. On page 346 of Sir Ronald Burrows' "Words and Phrases" in that famous case of *Stevens v Gourley* these words were used:-

"The only question is, whether the subject-matter of this contract was a 'building' within the fair meaning and contemplation of the Act (Metropolitan Building Act, 1855 (repealed))" and they go right on for about twenty or thirty lines canonising the different items and then the judge arrives at this conclusion:-

"It seems that the structure in question, which was erected for a shop, and is of considerable dimensions, and intended for the use of human creatures, is clearly a 'building' in the common and ordinary understanding of the word."

They go on to say this:-

"Obviously a timber yard (What we would call a lumber yard) is not a building, though the timber yard may be used for the storing of timber, for the exhibition of timber for sale, and for the sale thereof.... The structure of the plaintiffs is something more than a mere timber yard. It is a structure, but every structure obviously is not a building...."

That is the reported decision of a case in the 33 Chancery Division 238 by one of the most eminent Civil Judges in the case of *Harris v de.Pinna.* He says: "I have come to the conclusion that this is a structure but not a building within Section 3 of the Prescription Act. Our Act says this:-

" 'Building' includes any structure or erection and any part of a building as so defined..." What I was pointing out to the hon. member is this: the Judge says that every structure is not a building, and we still have to hear what the Judge says, not the Executive Committee. Here is an eminent Civil Judge saying that every structure is not a building; they say that a building includes any structure or erection and any part of a building as so defined... In other words, if you want to say what a porcupine is, you say that it is a porcupine or an animal described as a porcupine. You have not told anybody whether a porcupine has spines or quills or whether it has four feet or what. They have not definitely stated what a building is up to now.

If you say that a building is as it is defined in the Highways Act or in the Public Health Act, then we will go to the Highways Act or the Public Health Act and see what it is there. The hon. member says that what I am saying does not appeal to him. Perhaps, we are wasting time; and the public will have to suffer under this kind of ill-drafted legislation until we can do better: when we have turned them out. Perhaps I will leave that alone until somebody outside challenges any decision at which they may have arrived.

Mr. CORBIN: Mr. Chairman, this is a very important Bill which we have here. If the Clauses are explained and they need any amendment, the Minister only has to agree to amend them. I would like to see this Bill passed now because it is an important Bill. I think that any of the Clauses which needs amendment should be amended and let us pass this Bill. We have plenty of work with which to get ahead.

Mr. WALCOTT: The Hon. Minister admits that the amendments which have been offered are amendments in substance. Some of these amendments he does not understand because he is not a lawyer, but he says he will take up these things in the proper quarter. You cannot pass a section with something which you are satisfied should not be there. I am suggesting that the best thing for you to do is to postpone the further consideration of the section; and if there are other things with which you can proceed, you can do so. In the interim you can take up the matter; but the Hon. Minister is saying it appears to him that this is

right and they are going to pass it. When it goes to the Other Place, the Other Place will put in an amendment and the amendment has to come back here and we have to pass that amendment if we accept it. Therefore you are not saving any time.

What is very pathetic is to see that someone who has introduced a Measure admits that what he has introduced does not seem to be right, and is still talking about allowing it to be passed; he is going to make himself look stupid in passing something which has been drawn to his attention as not being right. This is as if you are buying a road roller and you still agree to buy it although you know that the ball-bearing is faulty. You cannot talk about instituting laws if you are not satisfied that the laws you are instituting are right. There is no urgency about this matter; this cannot cause anybody to die before his time; it cannot make anybody richer or poorer. This is interim legislation which you want to put on the Statute Book.
5.20 p.m.

There is too much of this idea of passing legislation in the Lower House (although you admit that it is not right) and when it goes to the Other Place it is sent back here to be amended. People say that it looks as though members in the Lower Chamber are not taking care.

From what the Minister said, he is quite satisfied with what the hon. senior member for the City said concerning the question of private land; and that you cannot interfere with that because the Highways Act says so. You cannot go to Strathclyde and tell anybody what to do. There are a lot of pot holes in Strathclyde in which you can bury a young child, but you cannot tell them to repair the road; they do it when they like; but this Bill is going to control something over which you have no control.

People in Strathclyde can put a bar across the road so that you cannot pass. Nobody should have the right to put up iron bars across roads. It is a disgrace to any country if people have that right. That is something which you would not find in any part of the world. Some time ago a cyclist, who was passing through one of these roads, did not see the bar and rode into it, and the lady who was riding on the motor cycle broke her neck.

The only regrettable remark which the Minister made is on the question of buying and selling land. I think I know something about that. I do not think that Government is on good grounds; they have a very bad case on record of buying land at a greater price than they were advised legally to buy at.

Mr. DOWDING: Mr. Chairman, I did not intend to speak on this matter but I must rise to support the hon. senior member for St. Peter in this argument. In a Bill of such immensity, it would have saved this Honourable House a lot of time and trouble (and we would have been able to peruse more of it) if it had gone in the first place to a Select Committee.

When hon. members on this side of the House have produced arguments, and substantiated their arguments by evidence (and the Minister has said that he is in agreement with certain of the submissions,) for this Honourable House to say that it is going to pass this mistake and then correct it, then, Sir, the word "honourable" should be removed from in front of it. Are we going to sit here and condone putting a mistake on the Acts of this colony? I cannot see it, Sir.

The arguments given by the hon. junior member for St. John, the hon. senior member for Christ Church and the hon. senior member for the City all have a basis of fact in them. I fail to see how this House can go ahead and plunge itself into a mistake which the Minister admits. It is obvious that more time is being wasted now because, if the hon. member insists on pursuing this matter which is obviously wrong, it will only continue to bring more debate and hold up the work of this Honourable House. If they did push it through, the Other Place will have to send it back and we will be able to get no further. I do not think what the Hon. Minister suggests can be taken seriously; that is, to let us make a mistake here and then correct it later on. It is going to cost a lot of printing. I was never taught that at school; I was taught to put down the right thing first.

Hob. R. G. MAPP: Sometimes I suspect that the hon. member who spoke last really does not understand what is going on, and he tries to hide his ignorance by loud shouting in general terms. Who has pointed out that something is wrong? It seems to me that sometimes when you would try to meet a point made by the Opposition you had better not; you only succeed in delaying matters. What is the point made by the hon. senior member for the City? His point is that the division of Highways includes any public road and, in the case of Strathclyde, there is no road in common.

Mr. MOTTLEY: I have not said that. I am not really interested in bandying words. I do not care whether or not you pass this; I do not care what you do, man. I am here to make a contribution if I can, and if you feel to get pig-headed, I would not care.

What I said applies to the Attorney General or anybody. "Highways" includes any public roads in this island and any streets, lanes, alleys, bridges, water-courses, wharves, embankments, tunnels, drains, gutters and sewers in any of the towns of this island. Do you know what that means? As soon as water finds its natural course coming through my land, I dare not stop it and throw it on anybody else.

You have the English Bill, the Scottish Bill and others; but, I am saying that as roads developed, you had public highways which were first vested in the Crown, then in the Governor-in-Executive Committee. These were tenantry roads before they were sold out from time to time and became public highways; but, before they were public highways, you could not interfere with them. I have that knowledge because of my eighteen years on the Board and the advice given by Crown Law Officers.

When Carrington Village was private property the roads were private roads; but when that land was sold out, and conveyances were drawn up, they became public roads over which everybody could pass. This Interim Bill is for the control and development of land, but it only covers land on the highway and not in the areas which we mentioned just now like Blue Waters, Strathclyde and others; people in those areas retain the right to close the road once every year.

It does not matter what you get in here and say; road in common is road over which the public has a right to pass; but if I owned land at Strathclyde, I could say that you can pass as you want because you are coming to me. And if you want to control this you will have to amend this Bill. You had to do that eighteen or nineteen years ago when you started to take over tenantry roads; and the conveyances for tenantry roads were drawn up in such a way that everybody had the right to pass over my road and I could pass over theirs; but these roads have not been given over after all these years, and I feel that you should have control over all of them.
5.30 p.m.

The Hon. Minister has said that he supposed there is something in what the hon. member said. If you think it is nothing you can pass it as it is and then you will see the several tenantries which are not taken over. If we are passing an Act at all, let us pass an Act which includes these places. Why should you let them go scotch free? Why should they be able to develop as they like? That is all I am saying.

Hon. R. G. MAPP: Has he cleared up his point or is he trying to be honest?

Mr. MOTTLEY: What do you mean by being honest?

Mr. CHAIRMAN: What are you speaking on?

Mr. MOTTLEY: I am speaking on a point of order. At the outset I said that I was 100% with the Government on the bringing down of this Bill.

Hon. R. G. MAPP: Mr. Chairman, the hon. member admits that this is a matter for the Attorney General and the Legal Draftsmen. That is all I have said. I am glad the hon. member has seen the point, but some hon. members are trying to be smart. I have said that I am going to draw that point to the notice of the Legal Draftsmen. We have done it over and over again in this House.

Mr. MOTTLEY: Mr. Chairman, I rise on a point of order again. Surely, if the hon. member agrees, I think other hon. members over there will also agree that the only simple thing to do is to say, "Let us postpone this section".

The point which the hon. junior member for St. John and I have raised is the correct one and the only sensible thing to do is to postpone the section. There are three points. I raised a point, the hon. senior member for Christ Church raised a point and the hon. junior member for St. John raised a point. If you see something in those points, postpone the section. I do not expect you to put anything in; therefore, the only reasonable thing to do is to postpone this section and pass the rest of the Bill.

Hon. R. G. MAPP: Mr. Chairman, let me impress hon. members that this Bill has been held up for a long time and it is a pressing matter. The hon. junior member for Christ Church said that he hoped that the Regulations are ready to be laid as soon as the Bill is passed. All I was saying is that we can adopt the procedure which we have adopted with other measures, even when the hon. senior member for St. Peter was in the Government. (Mr. WALCOTT: What have I done?) You have done it. You did not hold up a measure because of something like this.

In this Act, like all other land Acts, they all have the same meaning with respect to these words and phrases unless there is something inconsistent with such construction. The definition of "land" is laid down in the Interpretation Act. The expression "land" includes messuages, tenements, and hereditaments, houses, and buildings of any tenure. The very word "building" is included in the expression of "land" in the Interpretation Act. You cannot want it any wider.

I do not know if the hon. senior member for the City is right or wrong in his argument; I can only draw his point to the attention of the Legal Draftsmen. Those points which those hon. members raised, we will bring to the attention of the Legal Draftsmen and if there is anything in them we will have them put right, as we have done over and over again.

Mr. BARROW: Mr. Chairman, the hon. senior member for St. Thomas has not changed within the past six years. On the 7th July, 1953, he made the same kind of appeal he is making now. At that time, the hon. senior member for Christ Church and myself pointed out that the Local Government Bill, which we were then discussing, had in a provision in Section 31 of the Act which would have the effect of excluding from the deliberations of the Council on matters of tenders and of that kind, people who were sent to this Chamber, so to speak, the ordinary man in the street, whereas Directors of Companies would be able to sit in and participate in the proceedings without any let or hindrance. As a result of the recalcitrant attitude adopted by the hon. senior member for St. Thomas and his colleague, we did not get that amendment through although we spoke at length on those terms.

Mr. Chairman, if you look at the debate of 7th July, 1953, on page 174 you will see as a result of his attitude that it took us six years to get Local Government. He said on that occasion these words:-

"I think that the honourable senior member for St. George should step very warily in proposing this amendment. I agree with his sentiments on the matter and on the last occasion I supported his views. I myself would like to see the section tightened up. In England these people are not only supposed to vote on a matter in which they have some interest; they are also supposed to reveal the fact that they have some interest before the vote is taken, while discussion on the matter is going on. I think we could well adopt that method here. But the honourable member must realise that the hon. junior member for St. Thomas cannot act on initiative taken by a member and say "I accept the amendment."

Now, what I am pointing out to the House is that there is nothing new in the attitude of the hon. member. The hon. junior member for St. Thomas - the Hon. Premier now - said on that occasion that he would like a Legal Draftsman to do the tidying up. That took us from 1953 to 1958.

Mr. CHAIRMAN: What are you making reference to?

Mr. BARROW: I am pointing out what the Hon. Minister pointed out on a former occasion when dealing with a similar matter, and what it cost to the constitutional progress of the Island.

Mr. CHAIRMAN: That point has already been made by you.

5.40 p.m.

Mr. BARROW: Mr. Chairman, you have the past perfect and I have the present indicative. What happened on that occasion is that the local Act was drafted on the English Act which was 28 years earlier.

Mr. CHAIRMAN: The hon. member is now dealing with the Local Government Act. He had made reference to it and I am asking him to get back to the Section with which we are dealing and not elaborate on the Local Government Act.

Mr. BARROW: The truth hurts. Hon. members will reflect on what happened when the hon. senior member for Christ Church and myself suggested that an amendment was necessary, that we should not allow the Other Place to make the amendment and that the draftsman had overlooked or tampered with the English Act. Hon. members can look at the debate on page 175 of the debates. Without reading the debate, I will say that the matter went up to the Other Place, it was kept for a considerable period of time and then it had in all the amendments which we had proposed on the floor of the House.

What the hon. senior member for the City was trying to say is that it should be left to the draftsman to do the tidying up, only that when the tidying up is done, the House can say that we are not prepared to consider this matter any longer. What I have just mentioned is a humiliating experience for every hon. member who has any intelligence or self-respect. It is a fact that the debates of this House are read weeks after they have taken place, while the Other Place gets the credit for making little elementary corrections which have been advocated on the floor of the House; and that is all due to the recalcitrance and the pigheadedness - Mr. Chairman, you cannot say that that word is unparliamentary because it has been used already - of the members of the Government in that we have to suffer the humiliation of having the general public feel that we do not know what we are doing down here and that the elder statesmen in the Other Place are the only people who safeguard the public purse and see that we do not commit faults from week to week in here.

We should not have to suffer the indignity of having amendments sent back here when we can make the necessary corrections during the course of debate. I do not think that it is a matter of any defeat of victory for anybody and that is why we have parliamentary democracy.

Mr. WALCOTT: Mr. Chairman, there are a few remarks which I have to make. The Hon. Minister spoke about people being clever, but clever about what? Is there anything in this matter to be clever about? You are expressing

an opinion on something on which he has expressed an opinion and his opinion is, to some extent, that he saw the point which was being made. Why send up legislation to be amended in the Other Place when it can be amended down here?

The remarks of the hon. member were that he is not a lawyer and that he cannot accept any amendment now. We are saying that we are not forcing any amendment down your throat; all we are asking you to do is to postpone the consideration of this Section, because if it is passed in this way, it will be sent back here and the question of time being lost will not arise.

If the hon. member says that when I was on the Executive Committee - well, that period seems to represent the best years of the Executive Committee. He says that from the time I was there this thing has been done. I wonder if the hon. member realises that we have accepted amendments and if we were not sure about something we accepted a postponement of it. I want the hon. member to understand that this is not a question of any prize which you are carrying home. It is not a question that this is my meat and I want the best part of it. We are passing legislation and we are all considering the legislation which is passed.This is not any Government legislation; this is nothing that a Minister can carry home and say: "This is a Bill which I have passed." When we pass a Bill here it is the law of the land and any member of the community will ask an hon. member about it.

If the hon. member is not prepared to accept the amendment in law, that is O.K.; nobody is forcing the hon. member to accept the amendment. All we say is"Yes, you or the Crown Law Officer should let us be clear in our minds." The Crown Law Officer or the Crown Law Officers are not infallible; they have put Governments wrong; they have done that in the past and they will do it in the future. Crown Law Officers are subject to making mistakes, but there is too much of the idea that if the Crown Law Officers give you a Bill to bring down here, it is like the law of the Medes and Persians. I have seen the present Attorney General correct a Bill which was sent up from here; it came here as he sent it down and when it went to the Other Place he corrected his own Bill.

Attorneys General will differ even among themselves; there are Attorney Generals and Attorneys General; they come through the same door but not in the same thing. There are doctors and doctors and there are people and people. I want to say that the calibre of people is not conditioned by the offices which they hold; a Crown Law Officer in Barbados may have been a junior Officer somewhere else. The Attorney General sends something down here and you have had the benefit of the opinions of two Barristers on it. If the Hon. Leader of the Opposition had been the Attorney General, well, he would be the Attorney General and if the hon. junior member for St. John had been the Attorney General, he would be the Attorney General; basically, they have the same qualifications as the Attorney General. All that hon. members are asking now is this: Do you consider that this Clause 2 is carrying out the policy which you want to carry out?
5.50 p.m.

You have a Resolution for money which you wanted to do last Wednesday, but two Wednesdays have passed and nobody has died yet; men are still working. The land is not going to move. It is true that we are getting a few acres added on to Barbados since we have embarked on the project of the Deep Water Harbour, so I would like the hon. member to realise that it is not anything in which hon. members are smart; in which you can tell people of when they were on Executive Committee. I wonder if I am going to live long enough to hear the last of when I was on Executive Committee!

Mr. GODDARD: Mr. Chairman, I think all hon. members want to see this Bill through. I am going to move that Section 2 be postponed. If that is done you can get on with the other part and come back next Tuesday and let us know what are the findings of the Crown Law Officers. If they say there is nothing wrong, we would say O.K., but we have reason to believe that they will want to amend it.

I beg to move that Section 2 be postponed.

Mr. TUDOR: I rise to second the motion made by the hon. junior member for Christ Church on these grounds: if it is true as the Minister says, and we agree with him, that the passing of this Bill is urgent, the Bill as such cannot get to the Other Place before next Tuesday. Therefore, there is no harm in our passing here in Commitee the whole Bill with the exception of this disputed Clause. If next Tuesday when we come here the Minister can give us some assurance on the Clause under dispute, there is no harm in our passing that Bill immediately and sending it to the Other Place for them to get it almost as soon as we have finished with it. Since no more than a week can be lost, we feel it is a reasonable request.

Lest the Government should want the public to get a very unfair impression of what we are trying to do, I would like to emphasise that the Opposition is willing and ready to assist Government in passing the whole Bill with the exception of Clause 2. Our reason for wanting further consideration of Clause 2 is not that we disagree in principle, but because there are certain interpretations in the Clause which we would like clarified.

Hon. R. G. MAPP: Mr. Chairman, this is the first time I have heard a motion about postponement. A motion was made that we change this and alter that, but in view of what the hon. member said, I will postpone the Section and go on to the other Sections. *(Hear! Hear!)*

Clause 3 was called and passed.

Clause 4 was called. It reads a follows:-

4. (1) Where an application is made to the Town and Country Planning Officer, in accordance with the provisions of an Interim Control Order, for permission to carry out development or for any approval under this Act or any subsidiary Legislation made thereunder, that Officer may grant permission or give such approval either unconditionally or subject to such conditions as he thinks fit, or may refuse permission or approval.

(2) Applications to the Town and Country Planning Officer for permission to carry out development shall be made in such form and include such drawings and other particulars as may be prescribed:

Provided that, the Town and Country Planning Officer may by direction in writing sent to the applicant require such further information as he may think fit.

Hon. R. G. MAPP: Mr. Chairman, I beg to move that Clause 4 stand part.

Hon. L. ST. A. THORNE: I beg to second that.

Mr. MOTTLEY: It is in this Clause that I agree with the hon. junior member for St. John when he expressed the view (taking this as a preamble to Clause 5) on the question of the refusal of the Town and Country Planning Officer in granting permission and so on. I feel that, like in another Section of this Act, the right of appeal here should go to the Supreme Court or a Judge of the Supreme Court, as the case may be, and not to the Governor-in-Executive Committee. I should like to hear the Hon. Minister on this particular Section. In another part of this Bill where the Town and Country Planning Officer can come in and make you put your land back in order, if you are not satisfied, you can refer to the Judge.

Hon. R. G. MAPP: On a point of order. Is the hon. member talking about appeals?

Mr. MOTTLEY: Yes.

Hon. R. G. MAPP: I wonder then if the hon. member could wait until we get to Clause 5.

Mr. MOTTLEY: If the hon. member prefers. But I want to make it clear that Clause 5 so hinges on Clause 4 that, if we pass Clause 4 where the Officer can give unconditional approval, we may be committed.

Hon. R. G. MAPP: I do not see that the hon. member would commit himself.

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

Clause 5 was called. It reads as follows:-

5. (1) The Governor-in-Executive Committee may give directions to the Town and Country Planning Officer requiring that any application made under section four of this Act or that all such applications of any class as may be specified in the directions shall be referred to the Governor-in-Executive Commitee instead of being dealt with by the Town and Country Planning Officer and any such application shall be referred accordingly.

(2) Any directions that may be given pursuant to the provisions of subsection (1) of this section may be given before or after the expiration of the time allowed for an appeal on the application to the Governor-in-Executive Committee and if given after an appeal is made, the appeal shall thereupon be abated.

(3) Where an application is referred to the Governor-in-Executive Committee under this section, the prescribed notice of such reference shall be given to the applicant by the Town and Country Planning Officer and the provisions of section four of this Act shall apply, subject to any necessary modifications in relation to the determination of the application by the Governor-in-Executive Committee as they apply in relation to the determination of the application by the Town and Country Planning Officer.

(4) The decision of the Governor-in-Executive Committee on any application referred to him under this section shall be final.

Hon. R. G. MAPP: I beg to move that Clause 5 stand part.

Hon. L. ST. A. THORNE: I beg to second that.

Mr. MOTTLEY: Mr. Chairman, I do not think I have to use much argument with the hon. member because I gave him an idea of where I stood on the matter. The note to section 5 is "power of the Governor-in-Executive Committee to direct that applications shall be referred to him...." In other words you are going to appoint a Town and Country Planning Officer. You said in the Objects and Reasons that the whole idea of referring to the Governor-in-Executive Committee is because you do not want one man to make the decision, and therefore the Governor-in-Executive Committee should make the decision. Then you say in the Bill, and rightly so, that the Officer should not only refer this particular case to you but all cases. The Governor-in-Executive Committee may give directions to the Town and Country Planning Office requiring that any applications made under Section 4 of this Act or that all such applications of any class shall be referred to them. In other words, you appoint a Town and Country Planning Officer but you want to assure the general public that you do not want to let one man have the power of refusing or granting permission, and rightly so. If you leave it in the hands of one man something might get away in which, in the opinion of the Governor-in-Executive Committee, something different should be done.

6.00 p.m.

That is alright. But why then in the same breath you say, you must make the appeal to the Governor-in-Executive Committee? I cannot see with you, and I cannot vote for this at all.

Then you go further and say: "The provisions of subsection (1) of this section shall apply in relation to the application as if the permission or approval to which it relates had been refused by the Town and Country Planning Officer and as if notification of the decision of the Town and Country Planning Officer hab been received by the applicant at the expiration of the period expressed in the foregoing provisions of this subsection or at the expiration of the extended period agreed upon as aforesaid as the case may be."

I cannot agree to that. Let me repeat what I said. I do agree that it should be the right of the Executive Committee to say: "Yes, we may direct that we want to see all or any application that comes before the Town and Country Planning Officer. They must be sent to us." I see the reasons for that. Do not think for one minute that I am saying that this should not be the power of the Cabinet. You are the Government of this country. But how are you going to say in the same breath that you should appeal to the Governor-in-Executive Committee? You are in effect passing legislation and saying that on a matter like this the applicant has no right to appeal to the Judiciary of this country. You appoint an officer and say to him "Let me have all of these applications." If the time passes for an appeal, you say "No can do". I cannot see reason in that.

Mr. TALMA: Mr. Chairman, let me deal with this point first. The Hon. Minister admits that he can see the point in (5). Very obviously, in a matter of this sort, it widely affects the community in general and that is where the power should lie; that is to say, with the Governor-in-Executive Commitee and not with the individual officer concerned. But, Sir, if you look at section 6, you will see that you are appealing from Caesar to Caesar. It says, in section 6 (1) "Where application is made to the Town and Country Planning Officer under section four of this Act, and the permission or approval sought by the applicant is refused by that officer or is granted by that officer subject to conditions, then if the applicant is aggrieved by the decision of the Town and Country Planning Officer he may in the prescribed manner and within the time prescribed or such further time as the Governor-in-Executive Commitee may in his discretion think fit, appeal to the Governor-in-Executive Committee."

Now, Sir, that does not relate to the section in which we think the power to make an order or to lay down conditions should rest.

Mr. MOTTLEY: Mr. Chairman, I rise on a point of order. Section 4 says how you should apply. Instead of reading section 5, you go to section 6 and say that if you apply under section 4 you have the right to appeal to the Governor-in-Executive Committee. But you say in section 5 that the Governor-in-Executive Committee has a right to see all applications that come before the Town and Country Planning Officer, and as I have said, I see the point there. Do not let the Hon. Minister say that I am arguing against them. The Sandy Lane Scheme and such other schemes are very important matters. One or two things you will have to do. If the Governor-in-Executive Committee must have the right to hear appeals, the Governor-in-Executive Committee must appoint a Board to deal with them.

Mr. Chairman, you have to read the three of these sections together. Under section 4, you can appeal from the

decision of the Town and Country Planning Officer. Between sections 4 and 6, you say that the Governor-in-Executive Committee may give directions to the Town and Country Planning Officer requiring that any application made under Section 4 of this Act or that all such applications of any class as may be specified in the directions shall be referred to the Governor-in-Executive Committee instead of being dealt with by the Town and Country Planning Officer and any such application shall be referred accordingly.

You go on further and say that where application is made to the Town and Country Planning Officer under section four of this Act, and the permission or approval sought by the applicant is refused by that officer or is granted by that officer subject to conditions, then if the applicant is aggrieved by the decision of the Town and Country Planning Officer he may in the prescribed manner and within the time prescribed or such further time as the Governor-in-Executive Committee may in his discretion think fit, appeal to the Governor-in-Executive Committee.

I do not think that is the correct thing to do. That is really a Russian move.

Hon. R. G. MAPP: Mr. Chairman, I think the hon. member had risen on a point of order.

Mr. CHAIRMAN: That is so.

Mr. MOTTLEY: We are in Commitee. I am trying to point out that under section four you say that you appoint a Town and Country Planning Officer to whom applications for permission to carry out development must be made. That is all right. He can refuse to grant the application. Now, let us forget what you say in section 5 and let us take section 6. If you do not read it that way, you will get confused. The Town and Country Planning Officer having refused to grant your application or to give such approval either unconditionally or subject to such conditions as he thinks fit, according to you, the applicant can appeal to the Governor-in-Executive Committee. That is why I say section 6 should be section 5.

Now, never mind whatever happens whether there is an appeal or not, the Governor-in-Executive Committee still has the right to call upon the Town and Country Planning Officer and say "give me all the applications you have." I say this is Russian law. My contention is this; the person making the application should have the right to go to the Judge of the country in case he wants to make an appeal.

In other words, what you are doing amounts to this: A person applies to the Town and Country Planning Officer for permission to carry out a development; the Governor-in-Executive Committee says to the Town and Country Planning Officer, "let me see those plans." And it goes on to say that the Town and Country Planning Officer shall give his decision in accordance with the Governor-in-Executive Committee. I agree 100% with the Governor-in-Executive Committee. In the absence of a Board or Authority set up by them, they say: let us see those applications which come before you. They may say, in the case that the Sandy Lane Scheme is an application which has come before them, that they do not agree with any ten-foot right-of way or so. However, we cannot agree that they should be the same people to whom you should have the right to appeal. In other words, let me ask: whatever decision you make, whatever the Town and Country Planning Officer says, is that final?
6.10 p.m.

Mr. TALMA: The position is clear. In the first place, application is made to the Town and Country Planning Officer, but the Executive Commitee have the right to have all applications referred to them, so that the Governor-in-Executive Committee, in the first instance, are a Court of Original Jurisdiction. Then, later on, they are also a Court of Appellate Jurisdiction; that is what it amounts to. In the first place, applications are made to the Town and Country Planning Officer but the Governor-in-Executive can direct that all applications be sent to them; they take away the power which ostensibly they have given to the Town and Country Planning Officer in Clause 4. The power which they have given to the Town and Country Planning Officer in Clause 4, they have taken back in Clause 5; they therefore occupy the place of an Appellate Jurisdiction. In Subclause 2, all applicants are given the right to apply to the Governor-in-Executive Committee and their decision shall be final. The provision in Sub-clause 3 is that the Town and Country Planning Officer deals with an application and when it is something to which he does not care to put his neck where he might get squeezed, he refers such a matter to the Governor-in-Executive Committee so that he cannot be jeopardised. He does not want to get too deeply involved in the matter and he has the right of the appeal of the Governor-in-Executive Committee; then the decision of the Governor-in-Executive Committee is final.

The crux of the whole thing and the wicked part of it, for the want of a better word, is in Sub-clause 4. After assigning or assuming to yourself Original and Appellate Jurisdiction, after having given certain powers to the Town and Country Planning Officer which you really do not mean to give, you end up and you make it crystal clear that the Governor-in-Executive Committee have this dictatorial power; you say that the decision of the Executive Committee on all applications referred to them under this Section shall be final. Well, that is not democracy. If we are keeping on democratic lines, let us keep on democratic lines; but if we are moving towards dictatorship, let us understand where we are moving.

In view of the fact that the Definition Clause is so vague and there is no true understanding of what the definition means, in view of the fact that the Bill calls for a legal definition, and in view of the fact that we have the Legislature separate and distinct from the Judiciary, I think it would be wise and prudent to have this Clause amended also. The proper power of final appeal should be vested in a Judge of the Supreme Court of Judicature. Let the decision of the Court be final and not allow a combination of laymen, who will be very versed in matters generally, to go into a matter like this and give a final decision. I would say that the Cabinet should feel relieved of not having this power.

I may not understand the true implications or the reasons for this power which has been set out in this Section, but if we are still functioning on democratic lines (and Cabinet is seldom seised of legal knowledge and the interpretation of legal technicalities) it would be fair and wise and prudent in the eyes of the people of Barbados not to take that final decision from trained lawyers and give it to a Cabinet which is not particularly comprised of members who can give a legal interpretation of any matter.

Hon. R. G. MAPP: I do not think that hon. members opposite would be afraid of the Governor-in-Executive Committee doing anything which would be undemocratic or dictatorial. Of course, the Constitution will not always be what it is. Be that as it may, I cannot imagine anything like bringing a Judge of the Supreme Court into a matter like this.

The hon. senior member for Christ Church spoke about people putting up dance halls in certain areas in which they should not be put, and of people doing this, that and the other. You have an application referred to the Town and Country Planning Officer and he feels that he can deal with it on his own under Clause 4. It might be a development plan or some other thing, but nevertheless the Town and Country Planning Officer is operating under the policy of the Government, not under his own policy. When it comes to carrying a big plan like the Sandy Lane scheme into effect, it is the policy of the Government. Are you going to allow an individual, who may not want to comply with the policy of the Government, apply to the Court?

The Town and Country Planning Officer can make a man restore land to the stage at which it was originally; he can make him dig down a building or part of the building. 6.20 p.m.
It is a matter of policy. This House should be aware of the fact that, even with the Public Utilities Bill, we found that through a change made in the Other Place to the original Bill, the Public Utilities Company could appeal to the Court; and it meant that the Judge could be involved in political matters. That does not happen in Canada from where we got the Public Utilities Bill.

Mr. Chairman, that may happen in the interpretation of Law to certain Acts, but in a matter where we say: "This is our plan; you should fit into it," the Governor-in-Executive Committee is the final authority for policy. Are you going to put power in the hands of the Judge on a matter of plain policy? That is a very dangerous thing; but, as I said, there is nothing dictatorial about this. It would be dictatorial if we allowed an appeal under Clause 5. If we reverse that, it means the same thing; and he would still have power in certain matters to apply to the Governor-in-Executive Committee.

If the hon. members look at Clauses 4 and 5 they will see that the decision of the Executive Committee shall be final. Clause 6 can never relate to Clause 5 because the decision there is final. It has to be so, otherwise you would be allowing the Court to upset a matter of policy for which any Government is to be responsible. In an Enforcement Order, and in Clause 8, I would say "yes" to that point, but not in a matter of policy.

Mr. MOTTLEY: Mr. Chairman, I am sure the hon. member will agree with me that I never said anything about policy. This is a Bill with the title "An Act to make provision for the Interim Control of the development of land." You will pass this Bill and then you will make regulations which the Officer will carry out.

I am surprised to hear the hon. member say that the Judge might be involved in politics, and that this does not happen in Canada. The real truth is that the hon. member is expressing the view of many members of the Executive that the only people who are interested in the welfare of Barbadians are the members of the Executive Committee or Cabinet. He says the Judge might be involved in politics, which means that you cannot trust a Judge to make a decision, a man who holds the highest office in the whole country; but we must trust members of the Executive Committee whose decision shall be final.

Mr. CRAWFORD: On a point of order. What really amazes me is the statement by the hon. member for St. Thomas to the effect that the decision of the Judge may cut across the policy of the Government. I have never heard anything more fantastic. Certainly the decision of the Judge must be based on his interpretation of the Law; he is nothing at all to do with what their policy is, and whether or not the Judge's decision runs contrary to their policy does not arise at all. The Judge is there to resolve the issue in accordance with the Law of the country. Whether or not their policy is the same as the Law does not matter; it is a question of what is the Law and not what is their policy.

Mr. BARROW: I think, Mr. Chairman, that certain elementary principles have to be cleared up before we proceed much further in this debate. The first is that we are not living under a dictatorship; we are living under the Rule of Law.

One of the fundamental principles underlying the Rule of Law is that there should be a separation of powers, that is, that the Executive Committee should be free and independent of the Judiciary and vice versa, and also that the administration should in no way be bound up with the Judiciary or the Executive Committee. It is true that in the 20th Century particularly with the concept that people like Montesquieu had and with the writers on the Constitution around the time of the American Revolution in the late 18th Century, there were considerable inroads...

Mr. CHAIRMAN knocked the gavel.

Mr. BARROW: I am dealing with Clause 5.

Mr. CHAIRMAN: You have not allowed me to ask the question. What Section are you dealing with?

Mr. BARROW: We have Clauses at this stage and I am dealing with Clause 5. If you follow me carefully, Sir, considerable inroads have been made on this doctrine of the separation of powers. It is quite true that in England, today, a Minister acts as a sort of quasi-tribunal thereby exercising a judicial function in matters relating particularly to Local Government, and that would be the Minister of Health; then you get a Minister of Pensions hearing appeals on questions relating to pension rights and matters of that kind. But I want it to be clearly understood that wherever an encroachment is going to be made on the fundamental liberty of the subject, and whenever a fresh inroad is going to be made upon the doctrine of the separation of powers, then the Legislature should be quite clear as to what they are doing. Fundamentally, we are living under a democracy.

Now, Sir, what Clause 5 seeks to do is this: in Clause 4 of the Act you make an application not so much now to the Minister of Health as is the custom and Law at the present moment, but to the Town and Country Planning Officer who is the appropriate authority, to develop an area of land. As you know, under Clause 4 permission will then be granted upon such terms as the Town and Country Planning Officer thinks fit. We do not quarrel with that. He is an employee of the people of the island; he is a public servant and therefore we expect him to carry out his functions in an impartial and honest manner. The appropriate authority who is the Town and Country Planning Officer can in no way exceed the powers which are vested in him by the Act, and nothing in this Act so far has taken away from the ordinary member of the public the right to challenge his decision in a Court of Law either by a Writ of Mandamus, Prohibition or any other prohibitive Writ.
6.30 p.m.

As late as 1945, a gentleman called Mr. Robinson had been very badly treated by the Minister of Pensions. He had lost his right of appeal because he had been kept shuttling between the Minister of Pensions and the War Office for a period of between six and nine years. His statutory right of appeal had been lost; yet he had been allowed to challenge the Minister of Pensions as to why he could not get his pension in the High Courts. They declared that the doctrine of estoppel bound the Crown as much as any other ordinary citizen. That is the corner stone of our system of justice.

You have to understand that what we are doing under Clause 5 is this: we are doing two things. I want to say this right away to clear the air. We know that members on that side have their friends. We know from experience that public monies have been expended in ways which we have not necessarily approved of because of some personal reason. We know of persons who have had to offer a property for sale to members of the Government. I do not want to be invidious and to call names but if they want me to call names I will do so. (A VOICE: Do so.) I can call names, but the only reason why I will not call names is because I do not believe in calling the name of anyone when that person is not here to defend himself.

Everybody over here, and over there, knows of the Cave Hill sale. Everybody in here knows of "Enmore" and Mr. Hart. Do you want me to call more names? Do you want me to talk about Grazettes or should I go ahead and deal with the Bill?

Mr. CHAIRMAN: Revert to Clause 5.

Mr. BARROW: Sir, I was provoked, and that is why I sidestepped a bit. This is the position. You make incursions on the fundamental liberty of the subject. We have for the sake of the demands of society to interfere from time to time with a person's freedom to dispose of his labour and of his land as he will. We have made various encroachments on that from time to time.

Now, a man makes an application to sub-divide his land in keeping with the provisions of the Public Health Act. He knows what his limitations are. He knows that he cannot divide it into less than 2,400 square feet plots. What he does not know are the perils on that side which he will have to encounter. Somebody may have a scheme and under Clause 5, the Governor-in-Executive Committee (having received some knowledge of the scheme) can ask the Town and Country Planning Officer to let them look into the scheme and this officer has to refer the matter to them. The Town and Country Planning Officer may have made a decision telling the applicant that he may go ahead with his scheme. This officer looks at his powers under the Act. He has comprehensive powers; he is in charge and he knows as a matter of general principle that what he is doing does not in any way impinge upon or encroach, or invade upon the principles outlined by the Government in their statement of general policy, so he grants the application.

We have now in this Section what used to be the Court of Star Chamber; that is the only Court that attempted after something was done *ex post facto* to say: "We are going to review this thing or uphold this man or take away his property or land." So you can see that the Governor-in-Executive Committee is not the Governor now, because, according to the terms of this Act and the Memorandum of the 31st July, 1957, it is clear what the functions of the Governor-in-Executive Committee would be. They will ask the Town and Country Planning Officer: "You granted an application to that man? " Mr. Chairman, you know the expression they use. They will say: "You know, he is not one o' we ! How can you grant him permission to do that?"

Mr. Chairman, you will remember that this legislation is coming at a time when we have been told, by a responsible Minister of the Government, that he saw the income tax returns of members of the Opposition parties. This is coming at a time when we have the Emergency Powers Act railroaded in the Federal Legislature and when the public was told --

Mr. CHAIRMAN: Will the hon. member get back to Clause 5?

Mr. BARROW: I am dealing with Clause 5. I am giving you the general background to what we are dealing with. I was saying that the Emergency Powers Act was being railroaded in the Federal Legislature and the public knew nothing about it. All of these dictatorial powers are being exercised at a very strange time. A strange coincidence is that we are now told about the rates which the Government made as regards a public utility; they were more or less rates which the High Court had to review. Thay had made a 700 per cent increase in the rates of a public utility instead of making the commodity more easily available to the populace and, as a result, the matter went for review by the High Court.

The Governor-in-Executive Committee has the right to exercise the power of hearing an appeal on a matter in which hitherto they removed the application from the hands of the competent authority and passed on to themselves. What is even more dangerous in Clause 5 is that they say that, if a member of the public makes application under the Land Control Act to have his land subdivided or developed in some way or the other, and the Town and Country Planning Officer has made a decision, and that decision is on appeal, they can hear it. And this is what I consider dangerous. Do you realise that, although the appeal is to the Governor-in-Executive Committee themselves, they can say the appeal is not to be an appeal at all?

6.40 p.m.

What does it say in Clause 5? It says this:

"The Governor-in-Executive Committee may give directions to the Town and Country Planning Officer requiring that any application made under section four of this Act or that all such applications of any class as may be specified in the directions shall be referred to the Governor-in-Executive Committee instead of being dealt with by the Town and Country Planning Officer and any such application shall be referred accordingly."

And it goes on in Sub-clause 2 to say this:

"Any directions that may be given pursuant to the provisions of subsection (1) of this section may be given before or after the expiration of the time allowed for any appeal on the application to the Governor-in-Executive Committee and if given after an appeal is made, the appeal shall thereupon be abated."

There is an obvious mistake in this Subsection; it should state "on the application of the Governor-in-Executive Committee" instead of "on the application to the Governor-in-Executive Committee. The original application is not addressed as such to the Governor-in-Executive Committee and therefore this Subclause will have to be amended.

Mr. Chairman, it is not that I am agreeing to this Clause at all; it is just a question of a verbal amendment which I am bringing to the notice of the Minister. You are appealing to the Government Department to do justice and they are removing the matter, not only out of the hands of the Executive Officer who is the competent authority to deal with it, but they are doing something more. They are saying: "We know that you have an appeal pending but we are not listening to the appeal in your case; we are removing it out of the hands of the Executive Officer.' And then the matter is indefinitely postponed.

The policy which you are seeking to establish here will not be observed in a case of this kind; a man has a right to dispose of his property as he so desires and that is what you are interfering with. I do not agree with that even if the Government was comprised of the members of this side, or most of them; or if the Government were comprised of desperadoes and touts, good, bad or indifferent. Not even a Government in which I am interested should have any powers of this kind.

In the same way as you have a Public Utilities Board against which an appeal can be made if a consumer thinks he has been unjustly treated - as some people felt that the rates levied by the Natural Gas Corporation were discriminatory - in the same way as you have a Public Utilities Board, I say, let us have a Town and Country Planning Board to which appeals may be directed. In the same way as an appeal is made to the Court by the Public Utilities Board and the Court may say: "You have not acted within the spirit and the intention of the Act", obviously we must have that safeguard. You must have an appeal to the Board and from the Board to the Court; but you intend denying justice to the citizens of this country.

I am not a landowner or dealer in real estate property or a friend of the Government, and therefore I have no interest in the matter at all. In fact, my only interest is to see that we do justice not only to the people whom we represent but also to ourselves. With this kind of legislation, when people are looking back at the wisdom or unwisdom of our Acts, even when posterity comes to look back on the Acts of this Legislature, they will say that we were not concerned with civil liberties or the rule of law at all, because we were setting up machin-

ery whereby the fundamental rights of citizens have been denied.

Mr. Chairman, I do not intend to support this Clause. I am not asking the Government to amend it; I am going to vote against this Clause. It will not make any difference but, at least, we will have the record straight and nobody will be able to say: "You are a lawyer and you were either asleep or disinterested when a matter of such great principle as this contains, came up to be debated in the Legislature of this colony".

Now, Sir, I want to say this: when we come to the question of review by the Court, I want the Minister to understand that they should not go away from this Chamber tonight with the impression that they can do what they like and that the Courts have no jurisdiction. In this connection, I recommend the hon. senior member for St. Thomas to read a book called "Freedom under the Law" in which the Courts review the decisions made by Ministers - I refer to the Statutory Order 1305 and the National Arbitration Tribunal. They thought at one time that their decisions were final and were not subject to review; but the Courts said: "You can make a final decision but we can decide whether, in arriving at that final decision, you exercised the powers vested in you in a judicial manner or otherwise".

The hon. member says that he does not want the Court to play politics. Look at the introduction or the Objects and Reasons of the Bill which they are introducing today! Look at Clause 8 of this same Bill! In Clause 8 of this Bill, you will find that they are enforcing a sort of final Order made under the authority of this legislation. In other words, this is something which is almost as final as death because it is like an executive order issued by the High Court to the Provost Marshal to eject a person off a portion of land. Cases have been known in England where a person has built a house at considerable expense to himself but who has not complied with the regulations made - .....

Mr. CHAIRMAN: To what Clause is the hon. member referring?

Mr. BARROW: Clause 5.

Mr. CHAIRMAN: Clause 5 does not deal with any Enforcement Order.

Mr. BARROW: I am illustrating why you should not pass Clause 5 and I am giving reasons.

Mr. CHAIRMAN: I am afraid I cannot allow you to use Clause 8.

Mr. BARROW: I am explaining that, right here in the Bill, we have an analogy; and I am sure that it is competent for members of the House to draw analogies even from a situation which exists in the same Bill or a similar Bill or outside of the House. I can draw an illustration from an animal farm that all pigs are equal, but some are more equal than others. I could say that is the policy of the Government, but I am not doing that.

Now, Sir, what I want to point out is that cases have been known in England where Enforcement Orders, using the same kind of authority as we have in Clause 5, have been carried out after a man has erected a house at considerable expense to himself and that house has been demolished. That is the kind of legislation with which we are dealing; it is dynamite; it can demolish a man's home and habitation.

In the same Bill, by analogy, we have the members of the Government stating that, in order to prevent the power granted by Clause 8 from being arbitrarily exercised, the right of appeal to the Governor-in-Executive Committee against the terms of the Enforcement Order is granted. If they have it in Clause 8 and they envisage a situation in which either the Executive or the Town and Country Planning Officer himself in performing purely ministerial functions -(I do not mean ministerial in the legislative sense, but performing ministerial functions as distinct from judicial functions or performing judicial functions instead of ministerial functions) - it is possible that either one of them could exercise their powers arbitrarily; and if in order to prevent this arbitrary exercise of the powers of enforcement you have a right to appeal to the Judge, all the more why having an original application rejected or accepted or permission being granted to proceed thereon, the citizen should have the right to appeal to a judge of the Supreme Court to prevent them or the Town Planning Officer from exercising their or his powers arbitrarily. That is the precise language which is employed in the Objects and Reasons of this Bill as the *rationale* for Clause 8 of the Bill. But how is the hon. member in his theme against the decision of the Court in a Public Utilities matter, going to argue that a judge should not have the right to interfere; that he can interfere in an enforcement for demolition or anything of that kind which is very final and he should not also have power to say you are exercising these functions arbitrarily?

To put it in another way, I would say this: if you are going to pass Town Planning legislation, let everybody in Bridgetown and outside of it know what they can do and what they cannot do and put that in the Bill itself. If from time to time you find that the provisions which you have either in the Bill or in the particular Act itself are unworkable, and that the dictates of modern development and what not call for wider powers or a different kind of powers, come into the Legislature, debate these new powers and regulations, and, if you can get away with them in the Bill or the regulations, let every citizen know where he stands; but do not tell me or anybody else in this country in this year of grace, 1959, or hereafter, that although we are living in a Parliamentary democracy, you can pass regulations saying that a man can build a house say 20 feet from the road as long as he complies with the regulations and still he can have the Executive Committee refuse him permission to abide by the Law as it stands.

If that is not totalitarianism, I would like to know what it is. I would like to have the new word which the Minister of "Truth," (as I used to call the hon. member for St. Thomas) is going to coin now for this new innovation, if it is not totalitarianism. The difference between a totalitarian state and a democracy is that, in a democracy, you are supposed to know where you stand.

I see no emergency, no situation of riot and civil commotion notwithstanding, earthquake, fire or flood or any visitation in which you could not summon the Legislature and get the kind of powers which you say you want now to exercise arbitrarily without having any redress whatever on the part of the subject to a Court of Law or any other Tribunal in order to challenge the validity of what you may have done.

Let us assume, Mr. Chairman, purely for the sake of argument, that that Government is an enlightened, honest, outstanding, intelligent and competent Government; that is quite an assumption to make; let us say that their *bona fides* are in order and that they are proceeding from the highest possible motives that any human beings can have. Let us say that the Almighty has granted them a wisdom which he has not vouchsafed to any other Legislature in the British Commonwealth of Nations. And because Governments come and Governments go, let us say that the Government falls into the hands of people like the hon. senior member for St. George, the hon. junior member for Christ Church and the hon. senior member for the City who has just left his place, the Mayor of Bridgetown; let us say that the Government falls into the hands of land sharks and racketeers; are they still going to ask us to keep that on the Statute Book? I am not saying that the hon. members whose names I have just called fall into that category.

Let us say that there is some grave misfortune and the people of Barbados are relieved of the supervision of the present Government; do they still want that Clause in the Bill? To me that is the crucial test. It is not a question of whether you would do something; it is a question of whether it can be done, whether such a discretion could be exercised arbitrarily or whether there is any possible loophole in Clause 5 which the arbitrary exercise of the powers which are vested in the Executive Committee can take.

That, Sir, appears to me to be the criterion. I am sure that my colleagues on this side of the House, since we view the matter in that light, could never subscribe to any further encroachment such as the one contemplated by this Section.

Mr. TALMA: Mr. Chairman, I have already spoken on this Section and I shall not attempt to recapitulate all the points made. But in a matter of such grave importance it is as well that this matter at least should go to the vote; and without attempting to be academical or historical, like my colleague who has just sat down, I will say that it is patent to all hon. members that questions of policy rest with the Ministers and the Cabinet.

But in so far as the interpretation of the law or legislation which passes this Chamber, and the administration of equity and justice in this island is concerned, that is not a question of interpreting or misinterpreting; it is a matter of the Judiciary interpreting the law; therefore, we should attempt to pass legislation which is intelligible, reasonable, fair and right and not legislation which, on the face of it, appears to be vindictive or selfish and which, on further examination, cannot hold water. Even in the explanatory clause, many of the ordinary definitions are not clearly simplified. The Interpretation Clause has had to be postponed because it is ambiguous in many respects. Almost every word which they attempted to define, the proper definition was not made and the Hon. Minister agreed to postpone that clause.

We are now dealing with Clause 5. Can we attempt to pass a clause which, on the face of it, passes on dictatorial powers to the Governor-in-Executive Committee? This Committee will again be misinterpreted to mean in time to come the Cabinet; although the power is not delegated to the Cabinet, another row similar to that which took place recently, could flare up. You will get section 5, subsection 4, misinterpreted. The Governor-in-Executive Committee will be taken to mean the Cabinet and the Cabinet will mean the Minister; and the Minister will run it his way; instead, in the case where there is an appeal, the person make his appeal to a competent judge who will administer the law fairly, rightly and equitably, and in the eyes of the public, would dispense justice in fairness to all.

This is another attempt whereby in the first place the application normally should be made to the Town and Country Planning Officer ostensibly, but having given him that power you automatically take it back in Clause 5, sub-clause 1....

Mr. SPEAKER took the Chair.

SUSPENSION OF SITTING

Mr. SPEAKER: It now being 7 p.m., the sitting of this House now stands suspended until 7.45 p.m.
7.00 p.m.

On resumption,

Hon. M. E. COX: Mr. Speaker, there is no quorum and I ask that you instruct the Clerk to ring the Bell.

The Bell was rung and a quorum was obtained.

Mr. SPEAKER left the Chair and the House resumed Committee on the Bill, Mr. BRYAN in the Chair.

Mr. CHAIRMAN: The question is ---

Mr. TALMA: Before you put the question, I wish to contribute further to the point I was making just before the suspension of the sitting. I was simply awaiting a quorum to continue.

I had reached the point in my speech where I was attempting to point out to this Committee that even in a democracy such as this, we have the Legislature, the Administration, the Law Courts and the Police. Well, the duty of the Legislature, which is comprised of the House of Assembly, and the Other Place, and the Governor who gives his assent to legislation, is to pass legislation. The duty of the Law Courts is to administer justice in accordance with the laws passed in this Chamber and the Legislature as a whole. The functions of the Police need not to be elaborated.

I am suggesting in passing that this bit of legislation, investing the powers as outlined here in the Governor-in-Executive Committee, will be imposing dictatorial powers as regards land and the application for the division and sale of land in lots. If you were to peruse Clause 5 carefully you will see, Mr. Chairman, that in the first instance although applications should be made to the Town and Country Planning Officer, as is set out under Clause 4, yet in Clause 5, the powers which have been vested in that officer are automatically abrogated.

That means that what you have given to the Town and Country Planning Officer with one hand under Clause 4, you have taken back under Clause 5, sub-section 1. In other words, the Governor-in-Executive Committee is sitting as a Court in its Original Jurisdiction and then, when we go to sub-section 2, you will see that the power is now vested in the Governor-in-Executive Committee in its Appellate Jurisdiction.

Section 5, sub-section 2, reads as follows:-

"Any directions that may be given pursuant to the provisions of subsection (1) of this section may be given before or after the expiration of the time allowed for an appeal on the application to the Governor-in-Executive Committee and if given after an appeal is made, the appeal shall thereupon be abated."

That means that the appeal will cease and will be quashed. That is taking away the right of the citizen because it means that the appeal will not be heard.
8.00 p.m.

Subclause 3 reads this way:

"Where an application is referred to the Governor-in-Executive Committee under this section, the prescribed notice of such reference shall be given to the applicant by the Town and Country Planning Officer and the provisions of section four of this Act shall apply, subject to any necessary modifications in relation to the determination of the application by the Governor-in-Executive Committee as they apply in relation to the determination of the application by the Town and Country Planning Officer."

In other words, the Town and Country Planning Officer has to notify the applicant by a prescribed notice that he has referred the matter to the Governor-in-Executive Committee. Notice of such reference shall be given to the applicant by the Town and Country Planning Officer and the provisions of Section 4 of this Act shall apply, subject to any necessary modifications in relation to the determination of the application by the Governor-in-Executive Committee as they apply in relation to the determination of the application by the Town and Country Planning Officer. All that Sub-clause 3 means is that reference is made to the Governor-in-Executive Committee by a prescribed notice by the Town and Country Planning Officer after he has notified the applicant of what he is doing.

All of that may be regarded as being quite in order, but when you come to Subclause 4 it is stated in clear and unequivocal language that "the decision of the Governor-in-Executive Committee on any application referred to him under this Section shall be final." In other words, the Governor-in-Executive Committee are the deciding factor whether all applications shall be dealt with by them, whether appeals shall be sent on to them or whether appeals are to be upheld, quashed or abated and their decision shall be final. All we are saying is that the Governor-in-Executive Committee which today is regarded under the present Constitutional set-up as the Cabinet, which is interpreted recently as the Cabinet in everything and which means the Cabinet under any change in the Constitution - all we are saying is that the Governor-in-Executive Committee or the Cabinet or the appropriate Ministers will have the power to administer this legislation and an appeal to the Ministers is final.

Our contention is that, in a matter which affects the lives of the community and which affects their property - (in this instance it is land which is valuable in this country) in relation to any appeal on matters relating to land, we are simply saying that the Court should be allowed to deal with the matter equitably. The appeal should not go to the Cabinet or to the Executive Committee or to the Minister but it should go to the Law Court and be adjudicated by the Supreme Court of Judicature.

If we agree to this Clause tonight it means that we are giving away the rights of people in this island and allowing the Ministers to sit and decide on matters concerning land. That is not good enough. These matters should be decided by the Law Courts, otherwise this legislation will be a means whereby the average person will not know his right rights where land is concerned.

Hon. R. G. MAPP: On a point of order. Is the hon. member talking about appeals in relation to Clause 5?

Mr. TALMA: Sub-clause 2 says this:-

"Any directions that may be given pursuant to the provisions of subsection (1) of this section may be given before or after the expiration of the time allowed for an appeal on the application to the Governor-in-Executive Committee and if given after an appeal is made, the appeal shall thereupon be abated."

Is that not a question of appeal? Imagine a Minister of the Crown who had had a prominent part, or who should have understood every word or Clause in it, and who has had five or six Crown Law Officers and his Permanent Secretary, interrupting me on whether this Clause refers to appeals! If that is the understanding of the Minister as to this particular Bill, then it is an absolute waste of time proceeding with it any further. If the Hon. Minister has to administer this Bill and if he is a Court of Appeal you will understand what sort of decision you will get. Having sat and considered this Bill and having contemplated a Bill of this nature for years.....

Hon. R. G. MAPP: On a point of order. If the hon. member had been listening to his colleague, the hon. junior member for St. John, he would have understood that the word "to" occurring in line 4 of this subclause should be the word "of". In any case, this is not the principal Clause which deals with appeals. Let the hon. member deal with the principal Clause; the Clause dealing with appeals is the one after this Clause.
8.10 p.m.

Mr. TALMA: Mr. Chairman, now that the Minister apparently has found out that he is not on such good ground, he is trying all sorts of side-stepping devices to extricate himself and his Cabinet from a mass of - to say the least- bad legislation, although well intended. We have to remember that good intentions are not enough. We have to translate our intentions in such a manner as to affect and be beneficial to the lives of the community. We have to pass legislation which will reflect on the lives of the community and the people who sent us here in a manner which would prove beneficial to them; so, if you are hazy and unaware of what you are doing, that is not good enough. You should not pass legislation which even the members of the Government Bench do not seem to understand.

Mr. Chairman, I am even now more convinced as to the stand we are taking here; because, if the particular Minister will be the competent authority to administer this, and if the Governor-in-Executive Committee which will mean the appropriate Minister as under the convention will interpret or misinterpret this, it means that the whole legislation will be badly administered and injustices will be created here, there and everywhere.

At a later stage, Mr. Chairman, I shall make a motion whereby the final verdict or final decision will rest, not with the Executive Committee, but with a Judge of the Supreme Court who would be more competent, more suitable and more learned in Law to administer this legislation, and to give any final decision or verdict on a matter affecting land or people's property. I will not make any motion now because I will wait to see what further the Minister may have to suggest or what decision he may arrive at.

Mr. MOTTLEY: Mr. Chairman, I am sure that the Minister has by now made his mind up on what he is doing to do; but I am taking him up on the point which he made before we went out to dinner. The point which he did make was to the effect that, in dealing with Section 5, you are only dealing with cases which the Governor-in-Executive Committee may call upon the Town Planning Officer to refer to them. This is the section in which the hon. member says that the decision of the Governor-in-Executive Committee should be final. I feel that Sections 4, 5 and 6 are so closely bound that you do not know what you are dealing with, and I referred to Section 6. It seems to me as if the draftsmen have put the hon. member off the scent. When you get to Section 6 you will see that you have to appeal to the Governor-in Executive Committee.

The hon. member asked how could we pass legislation here allowing the Chief Judge of the island to make a decision on a question of policy. This is a Bill for the provision of interim control of development of land in place of the Town and Country Planning Bill; this, in itself, is the policy of the Government. It is Government's policy as from now to control land; so when this Bill passes it becomes Law; and then you will draft Rules and Regulations to carry out this policy.

Now if that is so, how could you suggest that it would be a wrong thing for the judiciary to decide on how your policy should be interpreted?

Let us deal with Sandy Lane area. You are going to have three hundred acres of land at Sandy Lane to develop into a Housing estate, and according to you, you are going to make rules and regulations that buildings should be of stone and covered with corrugated roofs and set back so many feet from the road.
8.20 p.m.

You are going to have regulations as to whether Mr. Ronald Tree or I should put in an application. You like my face and you say that "I am going to allow your application to go through: but I do not like Mr. Tree's face, so I am not going to allow his application to go through." If it is power you want I cannot see my way to vote for it.

Part of your policy would be to make regulations to carry out your policy; the Town and Country Planning Officer is to carry out your policy. It can be a matter taking place in the St. James area or the Christ Church area, and you can say that you interpret it differently from what this officer has laid down; so you tell him that the matter must come back to the Executive Committee for

you to decide the policy. That is ridiculous; you can only have that in Russia. You have done the same thing in other departments. I say that people should have the right to appeal to the High Courts of this country.

Sir, I do not think that we should waste any more time on this. The hon. senior member for Christ Church says that he is going to move an amendment to it but I say, let us vote against it. It is sure to run you into trouble. On top of this you are going to make regulations. You can have a Cabinet and other things but, just as other things leaked out (that you did things because you liked the face of somebody and because you did not like the face of somebody else), things pertaining to this will eventually leak out. You can do as you like.

We agree with this Bill, but people should know where they stand. Somebody turns up with the application for some place but, as the hon. junior member for St. John said, because "he is not one o' we," you do not grant him that application. I cannot agree to that. I am not going to make reference to the Blue Waters, or what is happening with the Sandy Lane area, but, surely, everybody knows what has happened in this country. If you think you can abuse the local capitalists on the one hand and, on the other hand, you praise the capitalists who are coming in tomorrow, you are failing to realise that the next day they will be local capitalists and you will turn and abuse them also. Everybody knows these things.

Persons making application should be allowed to call upon the Officer. I will agree that you have the right to say that we will scrutinise it and say that you should not take away so much agricultural land, and so on, for such purpose; but, why do something for one set of people? Are you going to pass one set of regulations for me, one set for the hon. junior member for Christ Church and another set for the hon. junior member for St. Andrew? You should say that these are your zoning regulations; these are your regulations. Why do you want to say, after putting your policy into the law of the island and then having the right to make regulations, that you must still have the right of appeal?

The Hon. Minister has asked how is he to know that the Judge will not be mixed up in politics. I think that is a strong statement for him to make. After they have finished with this, it becomes the law of the land; it is not politics any longer.

Mr. Chairman, I am not supporting this clause. I hope that hon. members on that side will deal with it as it deserves, that is, not to vote for it. There is no point in the hon. senior member for Christ Church making any amendment because the Hon. Minister has told us plainly that he is not accepting any amendment. Power corrupts and absolute power corrupts absolutely.

Members of the Government should always bear in mind that they are not always going to be in power; therefore, they should not enact legislation of this kind.

Mr. CORBIN: Mr. Chairman, with reference to this Bill for development planning, I am asking Government to be wise and to keep their eyes wide open to see that this island is developed in the right way. We have lots of people coming into this island and they are walking up and down looking for various spots of land to purchase to put down hotels and so forth. I am asking Government to beware lest we become like the camel and the Arab. You know the story. The Arab had a tent and it was snowing. The camel asked him to allow it to put in its head out of the snow and the Arab granted his request. Later on, the camel asked him to allow him to put in some of his body and on the Arab granting that request also, the camel not only pushed part of his body but all of it and in so doing pushed the Arab outside. As a result the Arab had to sleep in the dew and snow for the balance of the night!

If this Government allow foreigners to come in and buy all the most important spots of land, especially arable land, I would like to know what will eventually become of the inhabitants of this island. Recently, Sandy Lane sold out over 300 acres of land.

Mr. CHAIRMAN: We are dealing with Clause 5, not Sandy Lane.

Mr. CORBIN: I realise that we are dealing with Clause 5. My reference is on Clause 5. What I am saying is that the Government has a duty to do. I am not against this Bill for the development of land, but I am asking the Government to be aware and to keep their eyes open lest later on the inhabitants of this country will have nowhere to live. We realise that the Government has power over every department. They have power to rule and to govern.

Mr. CHAIRMAN: On what is the hon. member speaking?

Mr. CORBIN: I am speaking on the same Clause 5. They have the right to know of any plans, of any structure or any work that is to be done in this island. That is what I feel.

8.25 p.m.

I would not like to know that they are over-stepping their boundaries and each man should have his own way to plan and to build, to act and to perform. I want to say that when you reprove a fool he will hate you, but when you rebuke a wise man he will love you. I have seen that in this very House. Why hon. members cannot get together and have things done is because .....

Mr. CHAIRMAN: I should like to inform the hon. member that we are now dealing with Clause 5 of this Bill.

Mr. CORBIN: I am still speaking on Clause 5; I am not straying. I am saying that the Government should not try to force any man out of the position into which he has fallen. If the hon. members opposite want all the power, they are at the head of the Government and they can travel over places where they have been already. The island is in their hands and they have the power to do what they want.

If there is any Clause in this Bill which needs amending we are quite willing to reason with them. Let us amend the minor things and pass this Bill with good features. I am willing to vote for everything that is good in this Bill but, where there is an evil thing in it, I will not vote for it.

Mr. TUDOR: Mr. Chairman, I noticed that when the hon. member who has just sat down was speaking the hon. members opposite were inclined to laugh at him. (A MEMBER: With him, not at him!) but they may be laughing on the wrong side of their faces soon from now. The hon. member represents a constituency which has accepted no member of the other two parties.

Hon. M. E. COX: On a point of order. I want to draw to your attention, Mr. Chairman, the fact that the hon. member has not attempted to speak on Section 5 of this Bill at all; he is criticising our smiling over here. We were not smiling against the hon. member; we were smiling with him.

Mr DOWDING: That is not a point of order. Mr. Chairman.

Mr. TUDOR: The Hon. Minister who has just sat down cannot make the mistake of thinking that I am a new member of this House. It will take something more than him to frighten me and tell me how I must speak.

Hon. R. G. MAPP: Mr. Chairman,.....

MEMBERS: Question!

Hon. R. G. MAPP: Mr. Chairman, when the Minister who is in charge of a Bill does not reply to points which

have been made by members on the other side, they will howl and say that the Minister will not answer; but now that I am paying them the courtesy of answering, they are abusing it. I do not understand the position.

Mr. BARROW: On a point of order. The way I under stand it is that a procedural motion was moved, and the normal method of moving a procedural motion is to say "I beg to move that the question be now put." Hon. members merely have to indicate that by making the statement that the question be now put, and anything which the Minister wants to say is out of order. It is for you, Mr. Chairman, to instruct the hon. member as to the Rules of the House.

Hon. R. G. MAPP: Mr. Chairman, to accept the suggestion of the hon. members opposite would be tantamount to ripping up this Bill. What does this Section say? Somebody says.....

Mr. BARROW: On a point of order.....

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

Mr. BARROW: It is very tiresome, Sir, for me to be getting up time after time and appear to be usurping the functions of the Chair; but if the Chair is not diligent in the management of the House, I will have to point out the relative Rule. You cannot allow any hon. member to rise while I am on a point of order. I want to say that the Clerk of this Assembly is not to run this Chamber; you are to run it. I did not know that the members of the Government had so many people on their side. Rule 32 of the Rules of this House says this .....

Mr. CHAIRMAN knocked the gavel.

Mr. BARROW: Is this the moment of interruption Sir? _ All right.

At this stage, it being 8.30 p.m. of the clock, the CHAIRMAN reported to Mr. SPEAKER who took the Chair.

Mr. SPEAKER: The Chairman has reported to me progress, it now being the moment of interruption.

STATEMENT re NEWSPAPER REPORT

Hon. M. E. COX: Mr. Speaker, before moving the Adjournment of the House, I would like to make a Statement relative to a Report which appeared in the *Advocate* newspaper which was more or less mentioned by the hon. junior member for St. John in the course of his discussion this afternoon. This is the Statement:-

In the Advocate Newspaper of Wednesday 27th May, 1959, the following Report appeared with reference to my Speech delivered during the course of the Debate on the Cost of Living Allowance Resolution which took place on Tuesday, 26th May, 1959.

> "Government had the devil's own job, said Mr. Cox, in referring to the fight against Income Tax by the wealthy Opposition. They were saying it was too high but he had seen some of their returns and they were very handsome and yet they were strongly opposed to paying good wages."

8.30 p.m.

That statement has caused a little controversy. While I am not correcting it because I know exactly what I said, at the same time I should like to get the records clear.

I wish to make it clear that the reference to returns the extract quoted above is to trade returns and not to come tax returns. As far as I know, no member of the vernment - in fact no one other than a member of the staff of the Inland Revenue Department - is allowed to see Income Tax returns made in confidence to that Department.'

I do not know if any member from the Other Side sees them, because I know there are a lot of spies.

Mr. SPEAKER: Is that part of the statement?

Mr. WALCOTT: Mr. Speaker, you cannot allow the hon. member to talk about hon. members on the other side being spies. The hon. member said that there are a lot of spies on the other side.

Mr. SPEAKER: Did the hon. member make that statement?

Mr. WALCOTT: The hon. member said that he knew there are a lot of spies on the other side. He could only mean members on this side of the House.

Hon. M. E. COX: I was not referring to any member of the House.

Mr. BARROW: Mr. Speaker, on a point of order.....

Mr. SPEAKER: Does the hon. member really want to speak on a point of Order during a statement being given by a Minister? This part of the House's business cannot be opposed.

A VOICE: Why?

Mr. SPEAKER: How can a statement be opposed? I did not think I should have to do this in Parliament, but I could never imagine that a Minister laying a statement should be regarded as the pretext for raising a debate immediately. It is not my business to assume that.

Mr. BARROW: As a matter of enlightenment.....

Mr. SPEAKER: I cannot accept that at this stage. The hon. member will have to desist. The House, within its right, can deal with that statement at a subsequent time. The hon. member is out of order and must take his seat.

Hon. M. E. COX: At another point in my speech I said- and I quote from the Official Records of the Debates:

"If they (meaning the Conservatives) appear to be shedding the imaginary crocodile tears, do they care for one moment or consider the people who work with them and who have produced the wealth which gave them money so that they could buy estates and invest money in South Africa and other places which have no use for us? Have they ever considered these people in relation to the hundreds and thousands of dollars which they make in returns to the Vestry every year? Today every voter has the opportunity and the privilege of going and seeing the returns which they make yearly."

Mr. MOTTLEY: That is not true.

Mr. SPEAKER: I will have no debate or interruption at this stage. It may be true, let the House hear it; it may be untrue, let the House hear it.

Hon. M. E. COX: I want to make it clear that my reference to returns, Mr. Speaker, meant trade returns.

Mr. DOWDING: On a point of order, Mr. Speaker, ...

Mr. SPEAKER: I am not allowing any interruptions to a statement being made. It is impolite, to say the least, for any Minister to be constantly interrupted.

Mr. DOWDING: Mr. Speaker, I ask for enlightenment from you. On one occasion I asked to be shown the records of this House and was told that a member was not allowed to see them.

Mr. SPEAKER: This is not the time for that. This House has the power to deal with this statement line by line after now.

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

Mr. SPEAKER: No member can be so facetious. I would not allow any point of privilege at this stage. Let him make it at some subsequent time.

Hon. M. E. COX: From this it can be clearly seen that I was referring to trade returns made to the Vestry and not to Income Tax returns made to the Inland Revenue Department.

I hope that this statement will clear up any misapprehensions or erroneous impressions.....

Mr. SPEAKER: The hon. member may sit. I want hon. members to understand this quite clearly. If an Hon. Minister is making a statement hon. members will listen to the statement. The House or a member of this House is able to interrupt at a certain set time, but if it ever comes to a situation where an Hon. Minister of this House is making a statement - this Party may be in power now and another Party may be in power at another time - I, as Speaker, must see to it that whoever the Minister is, he must be heard in silence. The Rules of the House say so. Therefore hon. members must learn to contain themselves; if they hear something that is untrue they must still contain themselves as hon. members should. That is my contention and the Rules must be carried out.

Hon. M. E. COX: Finally I want to say that it is not ...

Mr. SPEAKER: Is this all in the statement? I want no comment.

Hon. M. E. COX: I was reading the last part. "I hope that this statement will clear up any misapprehensions or erroneous impressions that may have been gained as a result of the said Newspaper report."

Now, Sir, ...

Mr. SPEAKER: Is this still in the statement?

Hon. M. E. COX: No, Sir. I beg to move .....

Mr. TUDOR: Will you hear me on the point of privilege now, Sir?

Mr. SPEAKER: Provided it bears nothing on this statement. I will not allow any reply to the statement at this time.

Mr. TUDOR: Mr. Speaker, ...

Mr. SPEAKER: *(Looking towards the Government side)* Will hon. members on this side now listen and not interrupt?

Mr. TUDOR: Mr. Speaker, what the House would like in future, and I think all hon. members should agree with me in this, is that Your Honour should clearly lay down for the future guidance of the House what are Ministerial statements and what are personal explanations.

Mr. SPEAKER: If and when the need arises.

Mr. WALCOTT: Mr. Speaker, I want to draw Your Honour's attention to Rule 26 sub-section 11 which reads as follows:-

"No member is to allude to any debate of the same session upon a question or Bill not being then under discussion except by indulgence of the House for personal explanation."

The reason why I am saying that, Mr. Speaker, is because I want to know if I am permitted as a member of this House, when a matter is under debate in Committee (and it is not yet concluded) in the course of that same debate, to make a statement which could not be alluded to or debated.
8.35 p.m.

I just want to know in accordance with Rule 26, subsection (11), what interpretation must one give to that. Would Your Honour be in a position to tell us now?

Mr. SPEAKER: Oh yes. The hon. member is perfectly right as far as that right is concerned. Hon. members in their individual rights are not allowed to make statements, but Ministers of the Government are allowed to make statements but not a statement of policy. It may be a statement that does not necessarily mean to illustrate Government policy. Ministers long before this Session very often have delivered themselves of statements. I myself do not fancy the habit of Ministers under the guise of making a statement referring to speeches and having those speeches corrected. I, personally, do not fancy that because it leads to serious repercussions. I am promising this House that I shall watch very carefully the contents of statements and see that they do not infringe on the rights and privileges of hon. members of this House.

Mr. MOTTLEY: Mr. Speaker, I rise on a question of privilege.

Mr. SPEAKER: Is this another question of privilege?

Mr. MOTTLEY: Oh yes. Mr. Speaker, I would just like to find out something as regards this whole question of members having the right to go to Reporters of the House and be allowed to come into the House and quote what is reportedly to have said. This has nothing to do with what the Hon. Minister has just said. I am referring to speeches made before they appear in the Official Gazette. May I ask, are all hon. members allowed to do that?

Mr. SPEAKER: When the hon. member is finished, I will answer him.

Mr. MOTTLEY: I would like to know if it is the privilege of every hon. member, or if it is a right that hon. members should go to the Reporters of this Chamber and then come into the House to correct statements they made or to change their speeches. I am not saying anything more on that. I will only say that as far as I am concerned, I do not like the misleading statement which was made that everybody can go and see a copy of their speeches.

Mr. DOWDING: Mr. Speaker, my point is the same as that which the hon. senior member for the City raised. Recently, the hon. member on my right - the hon. senior member for St. Peter - made a speech and I personally wanted to be able to find out what the hon. member had said. I approached the Clerk of this Hon. House and asked him if I could see a copy of it. The Clerk told me that the Debates Committee ruled that out of order.

Now, Sir, as a consequence, I have a typewritten copy of what I was trying to get from the Clerk. The debate on this matter has been finished for some time; but what I want to point out is that here it is, the Hon. Minister has been allowed to get the records and another hon. member has not been allowed that opportunity.

Mr. BARROW: Mr. Speaker, I rise on a point of privilege.

Mr. SPEAKER: I am supposed to answer this question first. I may say that hon. members have the right of asking questions until the clock strikes nine, but if they continue to ask all these questions, I will not be able to answer them.

Mr. MOTTLEY: I would like to have an answer

Mr. SPEAKER: If the hon. junior member for St. John allows me.

Mr. BARROW: I will.

Mr. SPEAKER: In answer to the question raised by the hon. senior member for the City, the Debates Committee some time ago made definite rules regarding hon. members seeing their speeches. I remember that. I have not a copy of those rules and I have asked the Clerk to fetch me one, and on the next occasion, I will promise hon. members to read the rules made at that time. I was the Speaker at the time and on account of that, I was the *ex-officio* Chairman of the Debates Committee.

The hon. member for St. George asked if an hon. member can get a copy of another hon. member's speech, but as I understand it, there is no provision for that. An hon. member is allowed under certain conditions to see his own speech but not to change the substance of it.

Hon. M. E. COX: Mr. Speaker, ---

Mr. SPEAKER: The hon. junior member for St. John wanted to say something.

Mr. BARROW: Mr. Speaker, I have two points of privilege but I would look at one more seriously than the other. As Your Honour is probably aware, I only made a pilgrimage back to this island this morning in order to attend the debates of this Chamber *inter alia* with all due respects. One of my chief reasons for coming back here was on account of a misleading statement which was issued in the Federal House of Representatives which would give the public the impression that we in this Chamber are concerned over a matter which touches the Trade Union and the citizens of this island.

Mr. SPEAKER: Now you have raised that, I think that it is of so much importance, that a motion of privilege should be brought up for a separate debate.

Mr. BARROW: I only wanted to take the opportunity now as matters of privilege must be raised at the earliest opportunity.

Mr. SPEAKER: They can be raised at any time.

Mr. BARROW: But at your discretion.

Mr. SPEAKER: Not at my discretion at all.

Mr. BARROW: This House knows nothing at all about that Bill at all but we will discuss it in full at a later stage.

The other matter which I want to draw to Your Honour's attention is this. I was out of the island and I received a copy of the *Barbados Advocate* on Thursday of last week. That is the 28th May. It had this as a headline: "D. L. P. Unworthy of Representation on any Constitutional Delegation"; and it is attributed to the hon. junior member for St. Joseph who is not in his place. This is not followed up by any accurate report of the debate.

I want this to go on record. Your Honour has had the occasion to draw the attention of the House to the inaccuracies of the reporting of the debates of this Chamber by the newspapers. We on this side of the House consider that, when a newspaper for political or other motives distorts the debates of this Chamber, that is a misrepresentation and a serious infringement of the constitutional rights and privileges of the House.

So gravely does the House consider this matter, the relationship of the Legislature with the Fourth Estate of the Realm, that we have even made provision in our new rules and in the Representation of the People Act to deal with matters of this kind.

8.50 p.m.

Now we suffer from two major difficulties not of our own creation. The first is that the debates of this Chamber are not printed in Hansard with the greatest alacrity.

Mr. SPEAKER: May I just interrupt the hon. member? If the hon. member intends to pursue his claim of a breach of privilege on the part of any newspaper, he should have some Resolution passed in that respect. It is not possible to deal with such a Resolution at this hour of the night. The hon. member has about three minutes more if the House is to be adjourned normally and not wait for me to adjourn it. I think that the Order Paper should be arranged. What is the good of just playing out time?

If the hon. member means seriously to claim that a breach of privilege has arisen through a daily newspaper distorting the speech of an hon. member, I personally, regard that as a very serious matter; and I do not think that hon. members who are interested in it could do such a Resolution justice at this late hour of the night.

Mr. BARROW: That is why I did not formulate a formal Resolution at this juncture. I think that the matter should be raised, as it is a matter of privilege, and drawn to the attention of hon. members so that we would have an opportunity of looking at the source of this breach of privilege and expressing our opinion on it.

Mr. SPEAKER: A copy of the newspaper would have to be produced.

Mr. BARROW: And made a document of the House and this is too frivolous a matter to be put before the House.

Hon. M. E. COX: Mr. Speaker, I beg to move that this House do now adjourn .....

Mr. WALCOTT: Before that motion is made, I would like Order No. 3 to be brought up as Order No. 1.

Hon. R. G. MAPP: I object.

Mr. WALCOTT: That Order was Order No. 1 before, therefore what is the Hon. Minister's objection? The Hon. Minister of Trade made a statement that this matter was *sub judice* and for the last couple of weeks it was not discussed; I want to get cracking on this debate.

Hon. M. E. COX: On a point of order. If I am correct, Sir, if objection is taken to any matter the question is automatically put to the House.

Mr. WALCOTT: Can an objection be taken to this request while I am on my feet?

Mr. SPEAKER: The hon. member is on his feet.

Mr. WALCOTT: Mr. Speaker, it is peculiar to find that an hon. member is objecting to Private Members' Business being taken in a certain order as if it is interfering with Government Business. I am not interfering with the Government fixing the Order Paper and Private Members' Business should be allowed to be fixed. If there is going to be any objection to the fixing of the Order Paper under Private Members' Business that objection should come from Private Members. I say it is strange for the Government to object to the fixing of Private Members' Business when they have no Private Members' Business.

This Order No. 3 which I am asking to be made Order No. 1 , was Order No. 1 previously and it was put in its present position on an occasion when I was not in the House and I therefore had no opportunity of objecting to its being removed from the first Order of the Day under Private Members' Business.

There being no objection, leave was granted the hon. member to make Order No. 3 under Private Members' Business as Order No. 1 under that Head.

ADJOURNMENT

Hon. M. E. COX: Mr. Speaker, I am appealing to hon. members to come back here on Friday.

Mr. TUDOR: Which Friday?

Hon. M. E. COX: There are matters .....

Mr. SPEAKER: I should like to remind the Hon. Minister that he is talking in his own time.

Hon. M. E. COX: I am appealing to hon. members to come back here on Friday. We have to consider the Resolutions dealing with the Cost of Living Allowance for Government employees and for pensioners, which Resolutions were not discussed today. I therefore beg to move that this House do now adjourn until Friday, 5th June, 1959, at 12 o'clock noon.

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

Mr. BRANCKER: Mr. Speaker, I have intimated to the Hon. Leader of the House my reaction to this proposal that I personally cannot meet it. I have spoken to my colleagues and we find that Friday of this week would not suit us, much as we are willing to cooperate with the Government. We wondered why these Resolutions were not dealt with first today.

I am moving as an amendment that the words "Friday 5th June." be deleted in order to substitute therefor the words "Tuesday, 9th June": As much as we would like to proceed with Government Business I want as soon as possible to give notice of a motion which is already in the Clerk's office, to discuss the Statement made by the Premier today in respect of discrimination which took place here on Tuesday of last week. I beg to move that amendment.

Mr. WALCOTT: Mr. Speaker, I have great pleasure in seconding the motion made by the hon. Leader of the Opposition. The hon. Leader of the House should have been the last person to get up here tonight and talk about the Resolution dealing with a Cost of Living Bonus. That Resolution was the first matter on the Order Paper last week, but he regarded the Town and Country Planning Bill as being more urgent than people getting their money. Are you asking any reasonable man to come here and say ...

Hon. M. E. COX: That Resolution was not the first Order today; it was Order No. 2.

At this stage, it being 9 p.m. of the clock.

Mr. SPEAKER: It now being 9 p.m. of the clock, this House now stands adjourned until Tuesday next at 12 o'clock noon. This House now stands adjourned.