THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1959

HOUSE OF ASSEMBLY

Tuesday, 16th 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. E. ST.A. HOLDER; Mrs. E. E. BOURNE; Hon. D. D. GARNER, *(Minister of Agriculture, Lands and Fisheries)*; Mr. C. B. SEARLES; Hon. L. ST.A. THORNE, *(Minister of Education)* and Mr. L. W. CORBIN.

Prayers were read.

MINUTES

Mr. SPEAKER: I have the honour to inform the House that the Minutes of the Meeting held on the 9th June, 1959, 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 Barbados Approved Estimates 1959-60.

Hon. R. G. MAPP: Mr. Speaker, on behalf of the Hon. Minister of Social Services, I am commanded to lay the following:-

The Film Censorship (Charges) Regulations, 1959.

The Film Censorship (Fees and Travelling Allowances) Regulations, 1959.

GOVERNMENT NOTICES

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

Resolution to sanction the decision of the Governor-in-Executive Committee to close the Belmont Police Station.

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

A Bill to amend the Post Office Act, 1911.

BILLS READ A FIRST TIME

Hon. R. G. MAPP: Mr. Speaker, I beg to move that the Bill to amend the Post Office Act, 1911 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.

Mr. SPEAKER: Before the first Order is taken, I have the honour to inform the House that I have received a Statement of Revenue and Expenditure from the Highway Commissioners of the parish of St. James for the half year ended 31st March, 1959.

The first Order of the Day stands in the name of the Hon. Premier: To move the second reading of a Bill to repeal the Public Trustee, Provost Marshal and Official Assignee (Amalgamation) Act, 1937, to make other provision for the performance of the duties and exercise of the powers attaching to the offices of Provost Marshal, Sergeant-at-Arms and Official Assignee, to provide for the performance of the duties and the exercise of the powers attaching to the office of Public Trustee by the Crown Solicitor.

PUBLIC TRUSTEE, PROVOST MARSHAL AND OFFICIAL ASSIGNEE (PERFORMANCE OF DUTIES) ACT, 1959

Hon. Dr. H. G. H. CUMMINS: This Bill, Sir, is to provide for the whole-time office of a Crown Solicitor. Barbados has never had a whole-time Crown Solicitor. I am reminded, Sir, that I am wrong and that this is a Bill, so to speak, to provide for the amalgamation of certain offices with that of a whole-time Crown Solicitor, although the Order creating that post comes a little later on. That is what I had in mind; so, if I stick strictly to the terms of this Bill, I will say that it is proposed to provide a whole-time officer for the post of Crown Solicitor. It is also proposed that amalgamation of certain offices should take place along with the duties of that office.

This Bill also seeks to repeal the Act providing for the amalgamation of the Public Trustee, Provost Marshal and Official Assignee, and to provide for the performance of the duties and exercise of the powers attaching to the offices of Public Trustee and Official Assignee by the person holding the office, permanently or otherwise, of Crown Solicitor. It also seeks to provide for the performance of the duties and exercise of the powers attaching to the

offices of Provost Marshal and Sergeant-at-Arms by the person holding the offices, permanently or otherwise, of Provost Marshal and Sergeant-at-Arms.
12.25 p.m.

So, Sir, that is strictly the Objects and Reasons of this Bill. At this point, I do not think I should say anything more on the proposals. I shall stick solely to the provisions of this Bill.

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

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

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

On motion of Hon. Dr. H. G. H. CUMMINS, 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.

Clauses 1, 2 and 3 were called separately and passed.

Clause 4 - was called.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, speaking on Clause 4, I am asking leave to insert a new Clause 4. This covers the point that, in reference to any Act or subsidiary legislation in which the Queen's Solicitor appears, it shall be construed as a reference to the Crown Solicitor. The new Clause 4 reads as follows:-

"Any reference to any Act or any subsidiary legislation to the Queen's Solicitor shall be construed as a reference to the Crown's Solicitor."

I beg to move that this be now Clause 4 of the Bill.

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

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

Clause 5 - was called.

Hon. Dr. H. G. H. CUMMINS: In view of the insertion of the last Clause, I beg to move that Clause 4 be renumbered 5 and stand part of the Bill.

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

The question was put and resolved in the affirmative without division

Clause - 6 was called.

Hon. Dr. H. G. H. CUMMINS: Clause 5 is now renumbered 6 and in consequence of that change, I beg to move that Clause 5 be renumbered 6 and stand part of the Bill.

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

The question that Clause 6 stand part was put and resolved in the affirmative without division.

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

Mr. SPEAKER resumed the Chair and reported accordingly.

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

COMMITTEE OF SUPPLY

Mr. SPEAKER: The next Order of the Day stands in the name of the Hon. Leader of the House: To move the House into Committee of Supply to consider the grants 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. D. D. GARNER: 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 ESTIMATES 1959-60 No. 5
HEAD XV - POLICE

Head XV – Police – was called

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, speaking on the item under Head XV - Police, for which the sum of $100 is to be voted, I think hon. members ought to know that, with the establishment of the new Supreme Court which is vested with power to award costs against appellants who fail in their appeals, the same thing applies to the Police; and the Court has commenced to exercise this authority. As the Police Department is not exempted, they have asked that a certain amount of money - in this case $100 - be provided to pay the costs of such appeals.

I beg to move that Head XV - stand part.
12.35 p.m.

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

Mr. BRANCKER: Mr. Chairman, the amount asked to be voted under this Head strikes me as likely to be inadequate; because the amount which I find to be normally awarded in respect of an unsuccessful appeal is about $20. It would seem, therefore, that the Police are very optimistic about not losing many appeals. This amount of $100 would cover only five appeals at the usual rate.

I can mention an instance before the Appeal Court which came into existence in August last year, when costs were awarded against the Police in a case which went to the High Court, the Court of Error. A successful party, a private citizen, has only been very recently the recipient of the costs awarded by the Court of Error presided over by Sir Stanley Gomes.

It has always been the position here that the Police, however ridiculous might be the case which they have brought and lost, could put private citizens to worry by bringing cases which they had no chance of winning; they would feel that they had a case against somebody and they did not have to worry about the results. For the first time that we had a non-Barbadian Judge on the Bench, he followed the practice obtaining in other colonies and awarded costs against the Police when they were unsuccessful with their cases. I am referring now to a case from the Holetown Police Court; the successful party was from Boscobel and, until very recently, he had not received the six guineas or so costs which were awarded in that case of Sergeant Kellman *versus* Hurley.

I am wondering if the Accountant General, when this money is voted, will interpret the vote to apply only to Supreme Court matters or to any matters in the High Court in respect of which appeals go against the Police. It is bad enough to make a litigant feel that he has to pay costs if he loses an appeal: but when the Police lose appeals, it is the Devil's own job to get costs from them. The litigant is in an unfavourable position and he will have to face the consequences; whereas the Police will lodge a case which they have not the ghost of a chance of winning, feeling that if they lose that case they will not be mulcted in costs. However that does not happen now.

This amount seems to be very low, unless the Police will be taking beforehand the opinion of the Crown Law Officer; they should not rush a case to the Crown Law Officer just a few days before the Court of Appeal. The Crown Law Officer tells the Court that the Police

failed beforehand and then came to him afterwards. It may be that strict instructions will be given, as were given when Mr. John Wylie was Attorney General, that the Police should not appeal except on the instructions of the Attorney General. In that case we would expect to have the minimum of appeals.

In these particular cases I think that the Government should advise that these costs be paid; otherwise, I will advise my client to levy on the Sergeant's property. One of Her Majesty's subjects should not lose six guineas whereas, if the Police has won the case, the costs would have been recovered a long time ago. It is right that the Police Department should not be exempt from those who have to pay costs. I am supporting this Resolution but, in this case, it is a question as t o whether this amount is sufficient.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, the only answer I could give is that the Police are so sure of their forensic ability, they do not envisage losing many appeals.

The question that Head XV - stand part oft the Schedule was put and resolved in the affi rmative without division

HEAD XVIII - FEDERATION

Head XVIII – Federation was called.

Hon. Dr. H. G. H. CUMMINS: In connection with this Item "Payment of Currency Profits" which is a new item, the note sets out that Article 98 of the Constitution of the West Indies makes provision for payment of currency profits by Unit Governments to the Federal Government in respect of each financial year beginning after 31st day of December, 1957. It is provided by Article 100 that such currency profits shall be paid by the end of the first quarter of the next succeeding year.

This is the provision which has to be made here.

I beg to move that Head XVIII stand part of the Schedule.

Mr. GODDARD: Mr. Chairman, there is only one little query which I would like to raise here. It is obvious that we do not know the amount of currency profits as yet; therefore, as we see from the note, this payment of $35,206 is envisaged. It may be less than that, or we may be called upon to pay more. I am wondering how this amount of $35,206 was arrived at; we expected them to put a round amount of $36,000. Can the Premier enlighten us on how this amount was arrived at? I see that it is a part payment.

12.45 p.m.

Hon. Dr. H. G. H. CUMMINS: You will see that the note says "in respect of each financial year beginning after 31st day of December, 1957". That, of course, applies to every year, and it does not coincide with our financial year. That is why it is bound to be a part payment. We will not know until the end of our financial year what the true position is.

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

SUBSIDIES - GRANTS

Head XXVIII – Subsidies and Grants – was called.

Hon. Dr. H. G. H. CUMMINS: Head XXVIII, Sir, deals with the West Indian Students' Centre in London; to this Government's contribution to that Institution for the period 1st October, 1957 to 31st December, 1958 which is outstanding. The supplementary provision of $1,764 is needed to make the payment.

I beg to move that Head XXVIII - Subsidies and Grants stand part.

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

The question was put and resolved in the affirmative without division

MISCELLANEOUS SERVICES

Head XXIX – Miscellaneous Services was called.

Hon Dr. H. G. H. CUMMINS: The first, Mr. Chairman, is Item 57 - Repatriation of Barbadians. This relates to a Barbadian who is resident in Casablanca, Morocco; one Joseph Leonard Boyce, his wife and his four youngest children who are in a critical condition. The British Consul has made representation to this Government for repatriation in accordance with the Law. This amount of money is sought to bring them back to Barbados. The cost is estimated at $1,968 and an additional amount of $2,000 is required to augment the amount already voted.

The next Item is 60(A) which deals with the office of Crown Solicitor. This is a new Item. A little later on an Order to establish that post will come before the House; but this amount is needed to provide furniture, office equipment etc. for the Crown Solicitor, his clerk and his stenographer.

The next Item is No. 73 which is new - Population Census. I think it is proposed to take a census of all the West Indian territories in 1960. Of the estimated cost of $1,920,000 for all territories, a sum of $480,000 will be provided from Colonial Development and Welfare funds to meet the cost of preliminary central operations as well as certain preparatory costs. The cost of local operations will be met by individual unit Governments. The cost to this Government is estimated at $60,000.

Item 74, Sir, is new. It is to provide for text books. This text book was written by Mr. Hoyos, commonly known as "Fab" Hoyos. The title of it is "Our Island Home". It is considered to be a very good book for the use of children over the age of 11 years.

The Barbados Elementary Teachers Association recommend that help be given in the publication of this book and the securing of copies for use in schools, probably not only locally, but throughout the Caribbean. The Caribbean Union of Teachers is favourably impressed with it. The book deals with the history and geography of Barbados.

Item 75, Sir, - Pre-Federal Commissions - is also new. The note says "the Government of Jamaica has been finalising the accounts connected with the expenses of the Pre-Federal and Capital Site Commissions, and has advised this Government that the sum of $2,821.60 is still outstanding. The amount that this Government is now asked to pay is $239.84 calculated in accordance with the agreed proportion of 8.5%."

Here again, Item 76 - Crown Solicitor - is also new. There is some confusion with regard to this new Item 76. Again it deals with the office of Crown Solicitor which we will be asked later on to create. Higher up, in Item 60, we were also dealing with the Crown Solicitor; and there is no further explanation.

12.55 p.m.

I am asking leave to postpone Head XXIX until I get further enlightenment on Item 76.

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

HEAD XXXII - HIGHWAYS AND TRANSPORT

Head XXXII – Highways and Transport was called.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, the sum of $191 is required under this Head for furniture and equipment. According to the note, the sum of $1,880 was provided in the 1958-59 Estimates under Head XXXII, Item 59 Furniture and Equipment, to meet the purchase of one Service Register Cabinet, Cards and Protectors, four Filing Cabinets and two Typewriters. The actual cost of these items amounted to $2, 070.30 and an additional sum of $190.30 is now required to complete the purchase.

I beg to move that Head XXXII stand part.

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

Mr. WALCOTT: Mr. Chairman, I am sorry that the Minister in charge of this Department is not in his place, but I will have to draw this matter to the attention of the Committee now because I will not have another opportunity again of so doing for a while. Before dealing with that matter, I would like to inform the Hon. Premier that, if he looks at the Annual Estimates for 1959-60, he will see that the Head which has just been postponed because of Item 76 is one for which he can get easy clarification. As I see it, all the new items must come after Item 71. Crown Solicitor can be Item 72. I only mentioned that so that the Hon. Premier can look at it.

My attention has been drawn to an incident - and I wish that some close investigation be made into this matter - which occurred in the Department of Highways and Transport. One of the workmen who was working at that Department until recently, has reported to me that four of them have been laid off and no satisfactory reason has been given them. They had been employed continuously for the last four years there. I understand that the matter has been drawn to the attention of the Hon. Minister in charge, and that nothing has been really done to satisfy the workers concerned.

I do feel that, in a Department where workers have been employed for almost four years, a lay-off like this should not take place. I am not making any charge on the Department. The workman came to me and made a very serious allegation as to the reason why certain people have been laid off. I believe the matter is of some importance, and the Hon. Premier should draw it to the attention of the Hon. Minister in charge in order to see that proper investigation is being carried out.

I know, Mr. Chairman, you are looking at the item with which we are dealing. I am dealing with the Head for which we are providing a supplementary provision.

Mr. CHAIRMAN: I really was looking at the Item. This deals with furniture and equipment; therefore, I do not think you are in order to enlarge on that matter. If you make passing reference, it is all right. I am not against your doing that, but I do not think you should enlarge upon it at this moment.

Mr. WALCOTT: I am not enlarging on it; I am explaining it. It is true that we are dealing with an item under the Head with respect to furniture and equipment; but what I want to draw to your attention is that, if a fire took place at that department, it may be of such national importance that if you are dealing with some item for which you wanted funds to be provided, there is nothing wrong with drawing the attention of the House to the fire which took place.

I am drawing to the attention of the Minister that four men have been dismissed from that Department recently; and one of them drew to my attention to the fact that he has also brought the matter to the Minister in charge of that matter. He said that he was working in the mechanical section of that Department for four years, and three others and himself have been laid off, and they were not the last four to come into that Department.

The usual practice when laying off people, is to lay off the last that come in. Another serious allegation has been made by one of the workmen. I do not want to repeat it, because the man himself did not satisfy me that he had enough evidence to prove the charge which he was making. But what I would say is this: the workman said that he had been to the Minister and the Minister promised him to carry out an investigation. I think it is my duty to state that, where four men are aggrieved, the Hon. Minister in charge should be in a position to give some light as to whether there is a general policy in that Department of laying off people, in spite of the fact that we have been going in for more public works and that we find that more mechanical staff is needed.

Hon. R. G. MAPP: Mr. Chairman, in spite of your ruling in this matter, and in view of the fact that these things are twisted sometimes and the truth not often told, I think I should touch briefly on that matter in explanation of the facts. I think the hon. senior member for St. Peter is correct in saying that the men were laid off. They were taken on as casual workers; they were laid off, but not dismissed.

Sometime ago, we held an investigation into the establishment branch. In his report, the gentleman who undertook the enquiry said that, even if this workshop had all the Government vehicles to repair and what not, it would still have too big a staff. He said that the men were idling, and that Department had far too many men on the staff compared with what was done in private enterprise. 1.05 p.m.

I think he said you would want three or four less mechanics than you have at present. That Report has been acted upon. It was alleged by one of these men that the principle of asking the last to go was not adhered to. I told the man to put the matter to me in writing and I would investigate it. Two men came to me; I received a letter last week, and another reached me yesterday. I am now investigating the matter. I think that the principle should be that those who come last should be the first to go. I have the matter under investigation.

Mr. WALCOTT: I thank the Hon. Minister for his reply. I do not believe he meant the remarks when he said that these things are twisted. I hope he does not mean that.

Hon. R. G. MAPP: That is a general remark. When I replied to the hon. member I did not mean that things are twisted in this particular respect.

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

HEAD XXXIX - STATISTICAL SERVICE

Head XXXIX – Statistical Service – was called

Hon. Dr. H. G. H. CUMMINS: Under this Head, the amount of $320.00 is asked for in respect of Item 18 "Office Equipment" which is a new Item. The Statistical Department has been made responsible for the tabulation of trade statistics. This is considered to be a big job for which a special typewriter is needed; it is therefore proposed to provide the Department with a typewriter with a special type. I beg to move that Head XXXIX stand part of the Schedule.

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

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

HEAD XXIX - MISCELLANEOUS SERVICES

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, in connection with Head XXIX - Miscellaneous Services - the information I have is that the person who is responsible for the preparation of these notes was not present; the information is that one item is non-recurrent and that is, I think, item 60 (A) under which item provision is made for furniture and office equipment for the Crown Solicitor and his Staff. The other Item is Item 76 and that is for recurrent expenditure. The particular items are not mentioned, but I suppose they relate to paper and ink and things of that sort.

That is the information which I have, and I leave it to the Committee to decide whether they will pass this Head in the circumstances. I will draw the matter to the attention of the Financial Secretary and the Accountant General and ask them to see that notes are provided to relate to the expenditure. I beg to move that Head XXIX stand part of the Schedule.

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

Mr. BRANCKER: Mr. Chairman, if I might seek some information about two items - Items 57 and 74. I

notice that in respect of Item 74 the wording of the note has been done very carefully. It says this:

"Mr. F. A. Hoyos has written a textbook "Barbados, Our Island Home" for the use of School children over the age of 11. The book, which was suggested to the author by the Barbados Elementary School Teachers' Association in keeping with the policy of the Caribbean Union of Teachers, contains information on the plant and animal life of the island, its institution, history and geography etc..."

I gather that we are being told that the Teachers' Association suggested to the author that he might write such a book. I am wondering, Sir, if, since the book has been written, the same people have approved of the author's efforts. I have no information either in one way or another-whether they are not satisfied with this book or whether it comes up to their satisfaction.

It is rather a pity that we are asked to vote this sum of money; this would be a matter on which we would be entitled to form an opinion. It is not a question of financing the publication of a highly technical work. If we were sent a copy of it, that would help us to decide as to whether this book should be circulated at the public expense or not.

The Minister of Education should certainly have had the advantage of perusing this book. We have so much respect for his opinion that he might well be in a position to re-assure us as to the value of this book, especially as it is in respect of people with whom he has had long experience, as to whether we should purchase it. I am wondering if this $6,000 indicates that, if anybody was buying 5,000 copies, he would get an allowance, or whether we are getting any allowance from the author. Sometimes the author gets certain benefits from the aggregate sale of his book and, if the author is entitled to a certain rebate for every 5,000 copies sold, I think he should let us get the benefit in respect of those sales which would normally have accrued to him. He is getting a first-class advertisement for his work, and we are helping him by selling 5,000 copies. If the book is likely to be up to standard along with its price, that would help to commend the book itself to other people who would be requiring any of these five thousand copies.
1.15 p.m.

I feel, Sir, considering the assistance we are giving to this publication, that he should be willing to forego any amount which might accrue to him in respect of this order for 5,000 copies which the Government is putting through, and either pay it back into the Treasury or supply us free of charge for a certain additional number of books equivalent to the amount which he would otherwise be making from this large sale which the Government is responsible for.

In respect of Item 57, Mr. Chairman, a little more information would be helpful. The note says that this gentleman, his wife and their four youngest children are in a critical condition. Does that mean economically? Is it a question of their health and perhaps the climate of Morocco does not suit them as well as our climate? I am just wondering, Sir, how long these folk have been there, and what is the nature of the critical position. I am rather inclined to think that it must be financial, unless it is that the four youngest children of the parents are all suffering from some malady peculiar to Morocco.

I wonder if there is any more information which the Hon. Premier could give us or would care to divulge to this Committee about the critical position of these half a dozen Barbadians.

Mr. STRAUGHN: Mr. Chairman, it so happens that I have risen to speak on precisely the same two items on which the Hon. Leader of the Opposition has spoken. However, I will just take them in the reverse order to how he has taken them.

Far be it from me, Sir, to want the Premier to divulge any particular personal information about this family which might not be in the best of taste. The last few words of this note says the man and his wife and the four youngest children are in a critical condition; and I notice that the Leader of the Opposition was asking about the same term. I do hope that the Government is getting all the necessary information - and making sure that they do get all the requisite information for a situation like this - because it certainly would be of interest to persons, especially in the new Local Government, in case there has to be some measure of public assistance given to these people.

We do not want any details at the moment - I certainly don't - as to what the critical condition is. I would like to feel that the Government does make sure they get all the information which could contribute to the proper rehabilitation of these people if and when they do reach these shores.

In connection with note 7 - the purchase of text books - I see here that the Ministry is placing an order of 5,000 copies. I am quite certain that, as the Hon. Leader of the Opposition has asked, the Minister of Education will be able to give some information on that matter as it is his Ministry placing this order. I would like to say here on my own that sometimes I wonder if Government does get the credit it deserves for any action it takes in the field of education.

I am conscious, and I believe Government is conscious, that there is a lot more needed to be done, but certainly it is a bold and resolute step like this which is an indication of what is needed and what I think the Government intends to pursue; therefore, I think there should be some form of commendation for the Ministry of Education in the purchase of these books, even though perhaps we would be expecting some further information as was asked for by the Hon. Leader of the Opposition.

Mr. WALCOTT: Mr. Chairman, with respect to the Crown Solicitor and what the hon. member has asked for, there are some things which I have in mind. So far as this matter is concerned, I am of the opinion that the Civil Establishment Order should have been settled first. I do not believe the House is opposed to it, but as a matter of principle you are more or less committing the House or the Committee to agree to the appointment of a Crown Solicitor by voting money, while the purpose of the Crown Solicitor has not yet been explained to us. If the reverse had taken place and we did not want the Crown Solicitor, we would not have to vote the money; and that is why I say it is a matter of procedure. This should come after the Amalgamation Order because the Amalgamation Order speaks about the person who is to be Crown Solicitor. Really, the post of Crown Solicitor should have been the first thing to establish.

Dealing with this specifically, the Premier said that, in view of the fact that there is both a recurrent vote and a non-recurrent vote under this Head, the two things are separate; but the unfortunate thing about the note is that, if you look at the recurrent expenditure in the Estimates which we have passed and approved, you will find that Item 60 deals with loans to Public Officers; and, in italics, you find "Fees to Queen's Solicitor" and "Cost of Living Allowance." None was voted in 1958-59 or in 1959-60, because there is a blank.

What I find here is that the non-recurrent vote should come after No. 60 (A) which would have been No. 76, so that if we pass it like this, we are putting the Auditor General not to know purely from bookkeeping which is recurrent and which is non-current; because, if we deal with No. 60 first and read the note, it says that "a Resolution seeking approval of the creation of a post of Crown Solicitor has been introduced into the Legislature. This sum is needed to provide furniture, office equipment, etc.". If you read this note by Item 60, it will be wrong because this would be an Item that is non-recurrent, and then the note says "for the Crown Solicitor, his Clerk and his Stenographer. That would be recurrent and in passing this it is purely a matter for the Auditor General.

I would say that one note to two different items under a Head does not give the sort of guidance which the Law

would require, in that you cannot utilise money from one item into another. If we pass it this way and no item is stipulated, the person concerned can spend the money anyhow. How is the Auditor General going to know under this Head which is Item 60 (A) and which is Item 76? These Items are really meant to be items under which strict control should be maintained and therefore the Department could not spend it as it pleases; and that is why it would be a good thing if the items with their respective amounts were stated, because under Item 60 (A) there is an amount of $785 and under Item 76 there is an amount of $1,215, and we do not know which is which, therefore it whould be properly clarified.
1.25 p.m.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, as I have said earlier, I am not satisfied. I am quite prepared to postpone it until I get sufficient clarification. I have been looking through the files and I see the items occurring, but there is nothing I see so far as their being recurrent.

With regard to the point raised by the hon. junior member for St. Lucy and also by the hon. junior member for St. Joseph in connection with the repatriation of this gentleman and his family, I wish to say that this case was investigated by the British Consul at Casablanca. Mr. Boyce seems to have been born in Barbados in 1876 in the parish of St. Lucy. His wife was born at Bogota and a daughter was born at Casablanca. As a matter of fact, most of his children have been born at Casablanca. He is not out of work through any fault of his own, but owing to the fact that there was a change of Government. The Police there have not allowed him to re-register and remain, as well as the fact that he wants to come home.

Since in most countries the wife follows the nationality of the husband, naturally, she will have to come if he desires it; and his children are young children. He has some elder children but he is taking with him the four youngest which are under 14 years. They will come with him because they are under 21 years, but they were born there; so they can remain there. However, they are still minors and because Mr. Boyce is still a British subject he is returning to the land of his birth.

I wish to say again that this gentleman was born at Pie Corner, St. Lucy. I am sure the hon. junior member for St. Lucy will be glad to hear that! He says that he entered Law School at Howard University but, owing to the war breaking out, he was drafted into the British Army. There is plenty of evidence that he has relatives here at Pie Corner. Some of them were interviewed. He has cousins who are living in St. Lucy at the moment but they state that they are not willing to receive him, or willing to pay the cost of his repatriation; so there is abundant evidence to prove that he was born in Barbados and still is a British subject.

Hon. L. St.A. THORNE: Mr. Chairman, in attempting to provide hon. members of this House with the necessary information in connection with the text book "Barbados, Our Island Home" written by Mr. F. A. Hoyos, I should like to observe that people not only in this island, but throughout the West Indies who have had something to do with the education of the child, have been for a long time decrying the absence of a proper text book more or less suited to the needs of the West Indies; they all have decried the fact that the children in these parts have been forced to use books which were more suitable to the needs of children overseas. As a result of a request, as you have heard before, from the Elementary School Teachers Association supported by C.U.T, Mr. Hoyos has provided this subject book.

We are truly fortunate to have such a good book written by Mr. Hoyos. We of the Ministry of Education have perused the work from cover to cover; we have found it an exceptionally good work, and very much suited to the age groups which it is intended to cater to, that is, children from 11+ to 14 years.

At one point of the venture, so far as the publication of the work is concerned, the author was confronted with the hurdle of being able to guarantee the publishers that they could supply 3,000 copies. If the author would have guaranteed the publication of 3,000 copies each copy would have been sold at 7/6; and they intimated that, if the order was for 5,000 copies, the cost of the book would be 6/6.

The Ministry of Education having been convinced of the worthiness of the book - and in an endeavour to ensure that its value would not be lost to members of the community, not only to the children of the school - it is a work which can be well read by grownups - felt that we should come to the rescue and undertake to be responsible for the publication of a 5,000-copy order in the first place. The book will find its way into our schools at a cheaper rate than would be possible if the smaller order was printed.

Each book of the 5,000 copies would cost approximately $1.50 minus 25% which is really $1.03; then we have to add a 10% cost which brings the total cost to $1.24.
1.35 p.m.

This book will be used more or less in our primary and secondary schools, and, presumably, in some of our Grammar Schools. There is everything to commend this book. In addition to the matter which it contains, there are quite a number of very vivid illustrations. The type and everything else we feel is of the sort which will commend it very highly to anybody who is fortunate to obtain a copy.

As regards the profits which the author of this book may make, we do not know of them. We have not been concerned with the profits which he will make; our concern was to secure a book for use in our schools in that we were assured that this was something which was worth while.

I do not know that it is necessary to say anything more on this subject. I have tried to make it quite clear that we are making a good investment. I should mention that these 5,000 copies for which the Ministry will be responsible, will be more or less disposed of on a sort of fifty-fifty basis; that is to say, the schools which will purchase copies will do so from their present book racks, and they will purchase them on the understanding that they will get a free copy for every copy for which they pay. In short, of this $6,200 which is asked to be voted by this Resolution, the Government stands to recover one-half of the sum. This amount of money is being asked for with the understanding that 50% of it will be recovered by the Treasury as soon as these books are sold.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I have just received the information required in connection with the Head "Miscellaneous" Item 76 which deals with the proposed office of Crown Solicitor. This is recurrent expenditure; this sum of $1,215 is for the purpose of providing books and stationery, travelling expenses and incidentals. Those are the recurrent items; the others are non-recurrent, the desk, chair and cushion. Everything was set out in as one and there was no indication as to which item was which. I have just received the information that the books and stationery, travelling expenses and incidentals are recurrent items.

Mr. WALCOTT: I thank the Hon. Premier for the information, but the Stenographer and the Clerk would have to be recurrent items too. The salary of the Clerk and the Stenographer must recur because you have to pay them from year to year. If you say that the stationery, books, travelling expenses and incidentals are recurrent items, then the salaries of the Stenographer and the Clerk would have to be recurrent items too.

Hon. Dr. H. G. H. CUMMINS: Of course the hon. member made a point just now which I should have known, and with which I agree. It is really my mistake; I should really have dealt with the Civil Establishment Order first. As to the point which he has just made, the Clerk and Steno-

grapher will have to be dealt with in the Civil Establishment Order.

Mr. WALCOTT: I appreciate that, but the note says that this sum of money is needed; this note only speaks about office equipment and that would have to be broken down. What I would like to draw to the Premier's attention is that, if you look at Item 60(A) and Item 76, you will have to know from which of the Heads you are going to draw. You have the sum of $785.00 under one Item and $1,215.00 under the other. The travelling expenses are not stipulated there. It is a matter for the Auditor General and the Accountant General to get out this matter, but it is not easy for me.

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

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I beg to move that a Resolution for the sum of $48,022.00 do now pass.

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

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

RESOLUTION POSTPONED

Hon. M. E. COX: Mr. Chairman, with regard to the next Resolution for $12,000.00, I am asking leave to postpone that temporarily.

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

SUPPLEMENTARY ESTIMATES 1959-60 No. 7

MICROFILMING OF DOCUMENTS

Hon. L. A. A. THORNE: Mr. Chairman, the next Resolution is a Resolution for the sum of $5,420.00. This Resolution is before the House as a result of an attempt which is being made by the Government more or less to preserve a number of valuable records which are to be found in the Public Library.
1.45 p.m.

These records consist of newspapers of the pre-1900 period and a number of Rule Books and so on. This Government is of the opinion that in various other Departments there might be found records which are worthy of preservation. On this point, I am to observe that this venture might well be regarded in the nature of a pilot scheme.

In 1955 Government approached UNESCO with a view to obtaining an expert and the necessary equipment which would have, if secured, enabled it to carry out this work of the micro-filming of documents. We have had to wait, Mr. Chairman, for these four years before such a service could be provided. Shortly after the Federal Government came into being this matter of the securing of the services of a UNESCO expert had to be dealt with through that Government, and we have now been informed that we can have that expert come down with the necessary equipment.

We can see from the notes here that an amount of $5,420 is needed. The estimated costs of the visit are $1,820 to cover subsistence allowance and other incidental expenses of the expert, and $3,600 to provide a micro-film Reader and Film as well as pay cost of developing and printing these papers.

With that information, Mr. Chairman, I beg to move that this Resolution for the sum of $5,420 do now pass.

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

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

SUPPLEMENTARY ESTIMATES 1959-60 No. 8

Head XXIX – Miscellaneous Services – was called.

Hon. Dr. H. G. H. CUMMINS: This Item, Sir, is something new. The purpose of this Resolution is for the Government to have in hand a sum of money to assist persons who have to go abroad for medical treatment. Within recent years we have heard several cases of people who have had to go to Trinidad; we have had a case to Canada; and, quite recently, in the last few weeks, we have had an appeal for assistance to a little girl to go abroad for treatment in the United States.

This is for people who are unable to help themselves, people who are unable to pay the cost and the expenses connected with their going abroad for treatment which could not be obtained in Barbados. On a few occasions we have had to apply to the airline people for assistance which they have readily given. Quite recently the assistance of the public was sought; and here I must pay tribute to the people of Barbados for having so generously come forward to assist in this most recent case. It has restored my faith in the good will of the people of Barbados.

Very often, Sir, when representations are made in the case of those people who are unable to pay the doctors in the country to which they are going, the doctors give their services free of charge, but very often you still have to pay certain expenses in connection with the hospital, the taking of X-rays and other things which help to diagnose the cases and also for the ward. Those are expenses which have to be met, even though the doctors may give their services free and the airline people assist in reducing to a great extent the fees in connection with transportation.

Government is therefore asking this Committee to vote $3,000 for us to keep in hand for such cases. Each case will be investigated thoroughly; and, when we are satisfied that a patient or the family of the patient is unable to pay such expenses the Government will assist him. That is the purpose of the $3,000 which we are seeking.

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

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

Mr. WALCOTT: Mr. Chairman, everybody would be in favour of this Item, but there is something which I should like to point out to the Premier. Barbados is a small place. If you do not have a means test - and the Premier will know what I mean - you are going to find yourself in a very invidious position in determining and letting people know what are the circumstances under which you will give this assistance.

I know, speaking personally, that I have been placed in this position already, but I did not think I was in a position to afford it. In these circumstances, you are borrowing money against your life; you have nothing to mortgage; the only thing you can mortgage is borrowed time, so that if you live long enough you hope to pay it back. Is this going to apply in a case where a man is working for a certain salary? A man working for $300 or $400 a month and has six children, four of whom are going to school is in a different position from a man who is working for $200 a month with a wife and one child or no children.

All of these are instances in which I would like to know how you are going to administer this $3,000. I still believe in public subscriptions when it comes to cases like these. I do not believe any Government can handle a matter like this properly.

The Hon. Premier lived in the United States of America and he should be aware that the Government of that

country could not provide free treatment for poliomyelitis; therefore, people must learn to provide money voluntarily for necessitous cases. When the Government starts out to give assistance in these mercy cases you will find that the gates would be so opened that you do not want anyone to make politics out of them. You may not be *persona gratia* and you may find that your case is not taken into account. I know that the Hon. Minister in charge of this would have no compunction in refusing such persons whose parents are even *persona gratia* with them.

Now, Sir, I am a man who has had personal experience in this matter which I have paid dearly for. I would be the last person to say that the Government should not make a loan to such persons needing this assistance. As a matter of fact, I would encourage a person to seek aid from Government. I have done it already; and the person has been rehabilitated, and performing good public service today. The person took the advice which the hon. senior member for the City and I offered.

However, I must ask you, how from a public administrative point of view would you administer this fund? I know it is the intention of the Government to give aid in these circumstances. You say that people who are able to pay would not be given aid. What yardstick are you going to use so that the public would know that these are the measurements? I would like to hear the Hon. Premier on the measurements which he proposes to use in a case of this sort.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, certainly the hon. member cannot expect me off-hand to give any standard; but, if this is left into the hands of the Cabinet, we have means of investigating through the Social Welfare Department. We cannot say offhand that a person earning so much or having so many children would be entitled, but we would use our good commonsense. Every case would be investigated and dealt with on its merits. I am not saying that this $3,000 would give everything, but it would give some assistance.

SUSPENSION OF SITTING

Mr. SPEAKER: It now being 2 o'clock, the sitting of this House now stands suspended until 2.30 o'clock. 2.00 p.m.

On resumption,

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

The Bell was rung and a quorum obtained.

Mr. SPEAKER called Question Time but there was none.

PRIVATE MEMBERS' BUSINESS

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

Mr. SPEAKER: The first Order is to resume the debate on the passing of the following Resolution: Resolution re Statement of Hon. Premier on 14th April, 1959.

On the last occasion, the hon. junior member for St. John was speaking when Government Business was resumed.

Mr. BARROW: Mr. Speaker, on the last occasion, I was dealing with the present constitutional position in this Island of Barbados. We had reached the stage where I had quoted authority for the proposition from no other source than the report of the deliberations of the Royal Commission which sat here in January, 1939.

Your Honour would also remember that I gave hon. members of this House, not only the benefit of listening to the report of the proceedings before the Royal Commission, but the actual page and date on which these statements were made. You will also remember that my reason for saying that was to demonstrate that in this year of grace - let us say in the middle of the 20th century - we still had people who advocate and have advocated in the past that we should revert to the status of a Crown Colony here in Barbados; and, moreover, that the revenue and expenditure of this island should be placed in the hands of the Colonial Office. Those were the precise words which were used.

Your Honour will remember that the document was produced and read on the floor of this House last Tuesday. It is not therefore, surprising that there would be a certain amount of distrust and misgiving on this side of the House if such an important matter as the constitutional changes which are now contemplated should take place, firstly, *in camera* and secondly, without full representation of all the political parties in this island and particularly the Official Opposition in this House.
2.50 p.m.

Since there appear to be certain political bay-woodsmen still remaining in the ranks of the Government party, people who until comparatively recently were openly confessing - you will remember the Report from which I read, the Report of the Royal Commission - that they do not consider the people of Barbados to be sufficiently enlightened as to be entrusted with the vote without some, not only Reserve Powers on the part of the Governor of the Island, but with the check and balance of having our finances manipulated by the metropolitan country, I do not think the Official Opposition could be blamed for not being entirely enthusiastic over the idea of a constitutional conference of this importance or of any importance taking place without our active participation as custodians of the rights and privileges of this community.

There are some on the other side of the House who see the question of constitutional amendment as something peculiarly within their province, unskilled as they are. There are many in the Government Party who feel that it is far better if a colonial official, an expatriate from another country comes - to use the word of one former member of the Government Party who also spoke before the Royal Commission - the expatriates are birds of passage and so will not be in a position to challenge the sovereignty and influence of the Government members; there are those who feel that it is far better, no matter how unskilled or uninterested a colonial official may be in the development of the Barbadian people, it is better to take him to a conference than a member of the Opposition for reasons which I have already stated. Such a colonial official cannot disclose to the public - these are my assumptions - the stand adopted by any member of the Government Party when a certain important issue may have been raised. Because a Colonial Office Official is here today and gone tomorrow - and even although that particular official may have made some worthwhile contribution towards the constitutional change which is brought about - the Government members could always claim the honour and glory for themselves because, by the nature of that Official's job, he could not go out openly and perhaps give the lie to any credit which they may claim.

Mr. Speaker, a matter such as constitutional change or amendment, the voluntary process by which we proceed from a position of status to a position of contract - by that I mean that we do not resort in these islands as they do in some of the neighbouring territories in the new world, at least not yet at this stage, because a full debauchery of the Constitution of this island has not taken place to such an extent as to provoke the people to violence - but the fact is, we do not resort to revolutionary methods but rather, to the conference table, in order to bring about such changes in our Constitution as we may seek. That is what I consider as moving peacefully from a position of status, whether we call it second-class status of the British Commonwealth, to a position of contract which is the objective of all colonial countries, using the word colonial in the less offensive sense. We proceed from a position in which we were entirely at the whims and fancies of the metropolitan country, the

lowest position but the Colonial Leader thinks of Crown Colony status - to a position of full and responsible self-Government. There is absolutely no dispute, and I want to get this on the record; I want members on this side of the House and members of the Government Party as long as their objective happens to be the same as ours, which is that we should get in Barbados full internal self-Government, to see that we advocate for this position of contract where you regulate your day to day matters on a contractual and not on a subservient basis to any other country.

If we want representation at a conference it is not because we want to argue against constitutional change; we want to make sure that the result of such a conference or of such deliberations does inure to the full benefit of the ideas to which we subscribe, and to the benefit of the community. We do not want a conference to take place in which one man or two men or one or two men in an assortment of imported officials will arrogate to themselves the right to speak on behalf of the suffering masses of Barbadians in the first instance, or particularly on behalf of the Opposition. We do not want anybody staying here in Barbados and sending telegrams to the Colonial Office stating that the Opposition is in agreement with what they do and that is all.

It is not that we are unduly suspicious of this matter which affects the view, not only of people of Barbados but the people of the West Indies; because at this particular time there is taking place in the United Kingdom a conference on the constitutional status of the Windward and Leeward Islands.
3.00 p.m.

I have no doubt that, if we do not put our aims sufficiently high, Barbados would be hel up to the Windward and Leeward islands as a criterion of what is desirable at this particular stage of the history of the people of the West Indies. You will remember, Sir, I mentioned that too often have these constitutional changes been brought about as the result, not of any spontaneous demand from the masses of the people for a change, but because of the particular predilections of the moment of an individual who might be in a position to misrepresent or represent to the metropolitan authorities that the people of Barbados want so-and-so or the people of Barbados want this and that. It is to guard against such abuse of the sacred trust which the people of the islan repose in their legislators that we say that the Opposition should be fully represented not only consulted; because that is the *sine qua non* of any consideration of constitutional change: to be represented at any discussions or talks which take place between the Barbados Government and the Government of the United Kingdom.

I heard it mentioned, Mr. Speaker, during the course of this debate, I think it was by the hon. junior member for St. Joseph, that the Official Opposition Party had forfeited the right to be consulted or represented because this Party did not support the Government during what they chose to nominate as the recent constitutional crisis.

Mr. STRAUGHN: Mr. Speaker, on a point of order. If the hon. member is making reference to what I said, I would just like to correct him. I did not make that particular remark.

Mr. BARROW: I do not have the Hansard; Your Honour is fully aware of the situation in so far as the printing of the debates of this Chamber is concerned, a situation which we deplore, and which we have brought to Your Honour's attention from time to time, and which I believe Your Honour is trying to remedy as much as it is possible for you to do.

A daily newspaper came out with a headline "D.L.P. Unworthy of Representation on any Constitutional Delegation says Straughn." This was right after the inception of this debate. I think within a day or two after the hon. junior member for St. Joseph had spoken. No denial has appeared in the daily Press or in any Press of this statement; neither has any denial been made on the floor of this Chamber by the hon. junior member for St. Joseph that he did not make this allegation. It was heard by members on this side; it was not only heard, but given the widest possible currency in the daily journal. The hon. member is only at this stage stating that he did not make any such statement.

Mr. STRAUGHN: Mr. Speaker, on a point of order. Apparently the language might be confusing the hon. member. I was referring to the remarks that he made at the beginning in which he said that I seemed to have intimated that his Party had forfeited the right. I did not use any words to that effect.

Mr. BARROW: I consider the attempts of interruption by the hon. member pathetic, so the least that can be said, the better; I will not make any further comment. It is on the record what he has said, not only today, but during the course of this debate.

I am saying that the hon. member intimated that the Official Opposition had forfeited the right to be represented or consulted or to take part in any constitutional delegation, because the Official Opposition did not support the Government Party on what they chose to call the recent constitutional crisis. To the forefront, like Don. Quixote tending at the windmills, was the hon. junior member for St. Joseph in that ill-starred campaign to denigrate, not only the character of the Officer administering the Government of this country, but to go further to debauch the constitutional provisions under which we up to this time have acknowledged that we operate in this country.

Mr. STRAUGHN: Mr. Speaker, on a point of order. I am conscious that the hon. member is particularly concerned about any influence I might have on a political platform, but I did not take part in any campaign to denigrate the Officer administering the Government or to debauch our constitutional rights.

Mr. BARROW: It went even further than that. It even at one stage developed into a situation where the hon. member imagined himself to be the champion of the under-privileged Backbenchers of his Party and was initiating a movement to call upon the Premier to resign. That is a question of fact. I do not know if he wants to get up, but he had better do so before I go on.

Mr. STRAUGHN: On a point of order, Mr. Speaker. The hon. member is just completely and absurdly incorrect; that is all.

Mr. BARROW: I am very grateful for the hon. member's interruption. It is follow pattern, but those sitting around the Table of this House will know whether what I have said is incorrect; therefore, I think if an unfortunate impression has got around, the hon. member ought to write a letter to the Premier and explain his position at the earliest possible opportunity.

If I may continue, Sir, I am not really concerned with bandying words with the hon. member for St. Joseph. We are extremely tolerant to his inexperience. We hope that one of these days he will develop into a useful legislator - if his life is spared in this Chamber.

Well, Sir, I want to clear up firstly any idea that we regard our right to be represented on any constitutional delegation in any way connected with our loyalty to the Government Party or our willingness to support them blindly or otherwise when they think that we ought to support them.
3.10 p.m.

We will always continue to support the demands of the people of Barbados for a better standard of living. We will continue to fight against discrimination, economical, racial, religious or otherwise. We will continue to

take part, if not to lead, in the struggle for political emancipation. We will continue to see that the democratic rights and privileges of this Chamber and of the Legislature of Barbados are always preserved.

We have never committed ourselves at any stage - and we would be very ill-advised to do so - to support the comments of abuse and slander against any public official and the ill-considered trivialities which are snapped up by members of the Government Party like salmon-tot retrievers from time to time in order to give people amusement instead of giving them bread. We never considered ourselves to be bound by bonds of fidelity or allegiance, to the political misconceptions of the leaders of the Government Party. It can only be in a rush of impertinence that the hon. junior member for St. Joseph should not only state that this Party is unworthy of representation on any constitutional delegation, but that the Daily Press should decide that that should be on a prominent page; and, more than that, should be given the greatest headlines without giving the members of the public the reasons why the hon. member should come to such a drastic decision.

We know, in Barbados no doubt, that the freedom of the Press in the fullest sense of the word is stifled. We know that we are not the benefactors of pure and impartial reporting on matters of public importance; as a matter of fact, we are living in an age when the flare for misreporting and misrepresentation appears to be the order of the day rather than the exception.

Now, Mr. Speaker, since the coming into being of the Cabinet system of Government in 1957 in Barbados, we have had a period of constitutional dormancy. There was no election occurring in which constitutional reform has ever been raised as an issue. There has been no outburst of indignation over the deficiencies of our system. There has been no demand by the general public that greater power should be placed in the hands of the Ministers of Government, or indeed that the power which they now wield in a manner which is highly questionable should be taken away. There has been no public debate on constitutional reform as to whether that reform is to take place in an upward direction as we would hope, or in a downward direction as was advocated as recently as the sittings of the Royal Commission.

Even in the recent noise - I do not know if it would be correct to describe it as that - which was made by certain members of the Government Party over the results of the Municipal elections, no one suggested that we should revert to Crown Colony status; the only hint put forward in a purely negative way was that we should have more power in so far as the Ministers are concerned; and that the Governor should be a mere figurehead. These statements were made in a moment of pique, not after mature consideration.

The position therefore existing today is that Barbados is still a colony; and the sooner some of us understand that, the better for us; we would know what we are fighting against.

Secondly, we have not the right to elect - and I doubt very much that we would have the right - the Officer administering the Government of this Island. It is so in the U.S.A. where the Governor of a State is elected and not nominated by the people; so it is not as ridiculous a situation as some people would imagine. Furthermore, according to the Leters Patent and the Royal Instructions which have not been amended in this detail, the Governor exercises powers of veto over all legislation coming from the two Houses of Parliament. He has absolute powers of veto. It is also a fact that our constitution does not vest in the Governor any reserve powers, that is in a nutshell, powers to legislate in the face of the opposition of the Houses of Parliament.

The next thing to recognise is that although we have proceeded in recent years with minor alterations which we have agreed upon in the constitutional set up in the Island, we have proceeded by way of conventions rather than by statutory enactment; but, in order to make a convention workable, the convention itself must be one which is respected by all members of the community, and there must be a certain measure of agreement on the convention itself. If there is no agreement on the convention, I humbly submit that it is not a convention at all; it falls into the category of an attempt by the party in power to impose its will on the community without their free will and consent.

The next thing which I want to draw to Your Honour's attention is that the Executive Committee Act, 1891, is still to all intents and purposes the corner stone of our Constitution; of the very powers which are now wielded by the Ministers of the Government.
3.20 p.m.

We really have not made any great departure, despite all the changes and modifications which we have witnessed during the past ten or fifteen years. We have not repudiated in any way the Executive Committee Act or the work of Sir Conrad Reeves, and Barbados is still living under the shadow of his legal brains. If it is proposed now to make any major departure from the system to which we have only recently become accustomed, it is imperative, Mr. Speaker, that the whole community should be made aware of the proposals; and, up to now, I do not think that the members of this House have been given the privilege of knowing the details of the proposals which the Premier wants to put before Her Majesty's Government.

How then could he, and any other member of this Chamber or anybody in Barbados, with a clear conscience, proceed to the United Kingdom and hold discussions with the Secretary of State for the Colonies and the United Kingdom Officials when they are speaking only for their personal preferences rather than for the general public of the island? I always like to establish my position by reiterating that we believe in Government by consent, and not in Government by conspiracy. If you consider that a matter like constitutional amendment is a matter which should be done in such a manner, that it should be a great message like the Decalogue brought down from Mount Sinai, that somebody should come down from the mountain and say: "This is your Constitution" when there has been no prior consultation or active participation by the representative elements in the community, you are always postulating a situation in which the people are likely to revolt.

It seems to be a matter of simple statesmanship or political expediency, if nothing else, that in order to obviate a kind of eruption in our body politic of which I have just spoken, if it is only from the point of view of self-preservation, the Hon. Premier should not only consult but have the active assistance of members on this side of the House when these discussions take place. I need not remind the members on the other side that they are not vested with a fee simple absolute in possession of the Government of this country; I need not remind them that Governments come and Governments go. The writing is already on the wall; and whoever runs may read; and whoever cannot read will have to run. *(Laughter.)*

The position is that, whether it is the present Government or any other Government outside Barbados or the Federal Government, whether we were speaking in connection with Trinidad or Jamaica, this Constitution is a principle which we are trying to re-establish and re-affirm - the Constitution which will be as much applicable in Barbados as in any other part of the British Caribbean. That is a principle which has been recognised by the Secretary of State for the Colonies himself, whether he was misled or not; but he did make reference in one of his Despatches to the fact that all parties had been consulted. I believe that there was some cursory reference by the Governor to the other Parties in the House at the

time; but what is significant is that, when it suited them, they were only too glad to put the mind of the Secretary of State for the Colonies at rest by indicating to Mr. Oliver Lyttleton - I beg your pardon, I think it was Mr. Lennox-Boyd, in 1957 - that consultation had taken place between the Government in the loosest sense and the Opposition Parties.

I do not have right here the Memorandum from the Secretary of State for the Colonies, but Your Honour will remember that in one of these Despatches - I think it was between April and July, 1957 - the Secretary of State for the Colonies himself recognised that consultation was a necessary prerequisite to any constitutional change which was contemplated.

I would only say this in conclusion: we on this side of the House do not hold ourselves in any way responsible for anything which the Premier, or any other Minister over there, professes to have done in the name of the people of Barbados, unless we are consulted and the members of the public are also consulted in the matter. We often forget the members of the public once we have been elected; you will find that in the course of discussion the general public of the island is never considered to be a contracting party at all.

Not only do we not hold ourselves responsible for anything that happens in a unilateral conference where we have not been consulted, but we say that the public of Barbados should have a full and frank disclosure of the material changes which are envisaged before any conference takes place at all.
3.30 p.m.

We do not have the machinery or the referendum as they have in the Swiss Cantons; there is no provision in our Constitution for the referendum at all. And that is all the more reason why any matter of such great importance as constitutional change should be disclosed before it is actually implemented or enforced on the general public. There should be public debate, and the light and glare of publicity should be brought to bear on deliberations which should be held subsequently to such disclosure, and not prior to the disclosure as had been done in the past.

Mr. Speaker, I have now in front of me the memorandum and the Despatches which passed between His Excellency the Governor and the Secretary of State for the Colonies. Message No. 13/1957 was sent down to this Chamber by the Excellency the Governor embodying the constitutional changes which had already been agreed upon. The negotiations had taken place for a considerable period culminating with a letter dated 31st July, 1957 from the Rt. Hon. Alan Lennox-Boyd, Secretary of State for the Colonies to the Governor of this island; and in paragraph 4 of his Despatch on the 31st July, 1957, the Secretary of State said: "A welcome feature of the proposals is that the changes now contemplated, like those introduced in 1954, can largely be effected by convention. This serves to emphasise that they are a natural evolution and it is gratifying to learn that they have met with such a wide measure of support as the next logical development towards full responsible government in Barbados in internal affairs."

Now, Sir, in paragraph 12 of the letter dated 27th May, 1957, Despatch No. 304 - this is the letter which was written before the one from the Secretary of State for the Colonies on the 31st July; the one of the 31st July immediately followed in sequence the letter of the 27th May - His Excellency the Governor at that time told the Secretary of State for the Colonies in finalising the arrangements for the change over:-

"These proposals were framed in consultation with the Premier and have been agreed in Executive Committee. I have also discussed then separately with my Executive Council, with members of the Legislative Council and with the Parliamentary Leaders of the political Parties represented in the House of Assembly."

Now we get the young political whipper-snappers, who know absolutely nothing about constitutional law and who are completely innocent of any of the fundamental principles of Parliamentary democracy, coming into the Legislature and informing the House that, if you do not support us in so and so, or because you have not supported us in so and so, you have tantamount to forfeited your right to be consulted or represented in such a grave and weighty matter as constitutional change.

His Excellency the Governor went on, after stating that he had consulted the Parliamentary leaders of the political Parties represented in the House of Assembly, to say:-

"There has been no opposition to the proposals which are regarded as the next logical and natural step towards full responsible government in internal affairs. The only doubts that have been expressed have been on the timing, but I am satisfied that the introduction of the changes should precede rather than follow the first Federal elections."

Now, Sir, when one turns that statement over in one's mind, one will see that two principles are implicit; the first is that there should be consultation, and that there was consultation in the very last and certainly most far-reaching constitutional change which we have experienced within the last, I would say, as much as 65 years. Not only was consultation implicit, but the second principle which was implicit in the statement made by His Excellency the Governor was that, after consultation, there should be a broad measure of agreement.

What kind of consultation would you be having if only half of the nation agreed that the Government should function in this way, and the other half had a contrary view? It would make no sense. Your Honour would not be in a position, apart from the Rules of the House, to know where you stood from debate to debate, or as to what the true constitutional position is in this island, because there should be, I reiterate, Government by consent and not Government by conspiracy. If one member of the Government gets in a corner with one's fellow-conspirators or colleagues, or whatever names you choose to call them, and decide you are going to give the people so and so, is that constitutional change?

Now, Sir, you cannot bring down a constitutional change, as I said, like the Decalogue from Mount Sinai; it has to be as a result of consultation and agreement; and you will find, as is set out in paragraph 12 of the final letter sent to the Secretary of State for the Colonies to which I have referred, that these two principles are clearly enunciated - consultation and agreement. There can be no parliamentary democracy unless you have consultation in matters of this kind and unless there is a broad area of agreement on fundamentals.
3.40 p.m.

I remember a member of the Other Place stated that we would get holiday with pay in God's good time; but I do not think the same hon. member, as he then was, of the Other Place, would seek now to repeal the enactment which has been placed on the Statute Book of this island providing two weeks' holiday for the workers of this island. His idea was that it should happen, but it should happen in God's good time and we should not precipitate the welfare state by introducing a matter of that nature.

It is no good, I respectfully submit, going to the United Kingdom or consulting in any way with the people who preside over our destinies in the metropolitan country in the hope that, whatever conclusions which may be arrived at, may turn out to be acceptable to the people of Barbados. I warn the Hon. Premier and the members of the Government that they are taking too much for granted. I want to repeat *ad nauseam* that we have no intention of changing them from the course which they are pursuing down the Gadarene slopes, and that we do not hold ourselves bound by any conclusions arrived at if those conclusions are without our knowledge, consent and agreement.

The member of the general public, the man who feels the pinch of the shoe, is the man who is not concerned with the niceties of parliamentary Government or the delicacies

of constitutional changes. The man in the street is not going to feel himself constrained, and may be will not accept and support a policy which would be inimical to his economical and political interests; therefore, with all of that in mind, with the practice and the judicial method which has not been explained to us up to now of dealing with these constitutional changes, I think it would be an act of the utmost folly - just because the Hon. Premier may have a few unskilled and emotional backbenchers who are bowing at his heels and would aim at the "turannos" and who would dethrone him if his back was turned for one short minute and he was not perpetually on his guard and exercising eternal vigilance - to disregard all that has been stated on this side of the House, and to consider that the foisting of a change on the people of this island, without consultation, is a political victory to be secured by any Government or any group of persons in this island.

I am merely warning the Hon. Premier that, from the point of view of statesmanship, he has more to gain than lose if all that he gains is the silent approbation of the members of this side of the House after such consultations. As the matter now stands, the public is in the dark, and members of the Legislature are completely unconscious of the proposed changes. The only way that we can guarantee that there would be the fullest and frankest discussion of debate, not only in this Chamber but outside of it by the people and the electorate, is by the case being put by both sides or by all three parties before the general public, in order that the reaction may be tested; in order that we may go forward with confidence. Only then will we not be doing something which, far from pleasing the populace of this island, may precipitate a crisis of one nature or the other.

Sir, I only want now to state in terms - which cannot be misinterpreted in any way - that our stand on this matter is not in opposition to constitutional change, but we would like to know what constitutional change it is, to begin with; why the public was not told; why the members or the leaders of the major parties have not been consulted as was done in 1957 or was professed to have been done at that time. We want to know what great mystery and with what monster now the Hon. Premier hopes to parcel the electorate with. Why should the matter of constitutional change be accorded the secrecy that one normally associates only with the declaration of war?

If the Hon. Premier still persists in the attitude which we have witnessed up to now from members on the other side of the House, I want to serve notice right now that we do not need to hold any talks at the Summit; we do not need to have recourse to the emergency powers or any matter of that kind; we ourselves are prepared to fight tooth and nail and to declare war on those who would debauch the Constitution of this island of Barbados.
3.45 p.m.

Hon. R. G. MAPP: Mr. Speaker, if it had not been for certain statements made during the course of their speeches by some hon. members on the other side of the House I would have been content to leave it probably to the Premier to speak on this motion and make his reply. But, Sir, there have been some things said during the course of this debate, which, left unanswered, would certainly not redound to the credit of this House; it would be a display of political ignorance of the worst kind. It is for that reason that I feel I should make my contribution to this discussion.

Now, Sir, the Premier has made a Statement - I cannot find a copy of that Statement; apparently it was not written - but in that Statement all the Premier merely said was that discussions were taking place for some time between the Governor and himself about certain extensions of the Constitution; and I believe, the Premier added something about his being invited to the Colonial Office. With that bald statement the Opposition proceeded to quarrel, and, apparently, to have some fears about it. Why they should have those fears is a mystery to me.

The Premier has not said that the same procedure which has been adopted in the past will not be adopted now. The Premier has not said that he is going to the United Kingdom tomorrow before discussions have taken place with hon. members as in the past; it is just a statement that the initiative has been taken in these talks, even before the impasse which was weeks after the Local Government Elections. That was the nature of the Premier's Statement; that is the important point which he wanted to bring out.

I see absolutely no reason for anybody in this House to express any grave fears that the same procedure which has been adopted in the past and admittedly so by members of the Opposition on constitutional matters, will not be adopted in this respect. The Premier has not impliedly said it; therefore, I cannot see any cause for alarm, except that the cause for alarm lies that in constitutional matters the Opposition appears to be so negative. I find that during the course of this debate or rather in a previous debate, when we were discussing the reply to His Excellency's Speech from the Throne, the hon. senior member for St. Lucy and the Hon. Leader of the Opposition himself, I believe, saying - this is what the Hon. Leader of the Opposition said:-

"Before the current Constitution was promulgated, the Leaders of both Parties in this House were invited to Government House and in a discussion with the Governor they were told what the proposals were and were asked for their reactions to them."

The hon. member said that parties had been consulted on constitutional changes in the past, and this and that would have been agreed to, and they had to put forward something which had not been agreed to. That policy has been adopted for a very good reason. The Consitution of any country is not like somebody's hat or papers which, when you enter the House you bring them in and when you leave the House, you take them out; it is the concern of the island as a whole; and we, to this day, are only too willing and anxious to make it the concern of the people as a whole and the concern of all the parties, because we feel that, if things should come to a head or if the Constitution needs defending, it is better for everybody to feel that we shall defend it, and not one single Party.

The Hon. Premier has never given any cause for thinking that the Constitution is merely something concerning one Party; and hon. members have said that the Opposition has been taken into account whenever constitutional changes are to be made. I think that the Hon. Leader of the Opposition and his colleague have put up a case. I cannot find any quarrel with the principle which they have tried to put down. I will, however, draw swords with them when they attempt to change this Address and say by what method the principle should be carried out.

I am at liberty to ask if they want us to go further than what was done in years gone by when we were discussing far greater changes than we are discussing today, when we were discussing Ministerial Status and so on? I do not think that on the lines of action which they have advocated, we have any disagreement with them. The Hon. Leader of the Opposition indicated that we should have broad lines of agreement in any suggestions which were put forward by the Government to the Secretary of State for the Colonies. Those are, broadly, what those two hon. members put up in their arguments. I do not have any quarrel with them.
3.55 p.m.

When we come to some of the members of the Opposition, Sir, it is amazing how they think about constitutional matters. It appears to me, Sir, that the Opposition is a divided force in this respect. Here we have two hon. members telling us that the Constitution is above Party, it is not a one Party affair but it is an all-Party affair; that everybody must be consulted because it is everybody's business and it is the country's business. Then you have the hon. senior member for St. Philip, a prominent member of the Party opposite, saying that you should have a general election first. He says this after saying that it is an all-Party matter. He asked, "How can you expect

us to agree that the members opposite" - meaning the Government - "should have more power in their hands?" He said that we should have an election first, and see whom the people want and then put more power in their hands.

Well, Sir, how can we take a Party like that seriously when a prominent member of the Party can get up and on an important issue, - a constitutional issue of the greatest moment like this - argue on the one hand that it should be an all-Party affair and on the other that any change in the Constitution should be conditioned by whomsoever is in power? He feels that you should put the Government out of power, have an election first in the very vain hope that they will be out of power, let the electorate test them first and then we can ask for further constitutional changes! That is the tenor of the speech of one of the leading members of the Party opposite! Isn't it obvious that he is making it a Party affair?

Mr. TUDOR: On a point of order. The hon. senior member for St. Philip is not in his place, and I think that the hon. member who has just sat down is rather misinterpreting him. What the hon. senior member for St. Philip argued - and he is supported by his colleagues in this matter - was that agreements on constitutional changes should of course be all-Party agreements, but that the timing and the putting into effect of the changes agreed on by all Parties should be after a general election. There is no contradiction in this point of view. I may say that the hon. senior member for St. Philip spoke for all of us when he said that.

Hon. R. G. MAPP: Sir, it is not my fault if the hon. member is not here. I am certain that I am not misinterpreting him. If the hon. member who just spoke was not here when the hon. senior member for St. Philip spoke, I was; and one of the things he said, on which the junior member for St. Joseph took him up, was how could we ask for more power in the hands of the present Government when it has misused the power it already has?

While we may ignore remarks like those on certain occasions, yet I submit that it is too important in every respect; we are not to blame if the impression is given that recognition has not been given to certain members of the Opposition, and that constitutional affairs have been treated as one- Party affairs. They treat them as one-Party affairs. They apparently, feel, as the hon. senior member for St. Philip demonstrated by his speech, that the Constitution is ours to pick up whenever we choose and to lay down or fling away when we choose. That is the only conclusion I can come to after listening to a speech such as that of the hon. senior member for St. Philip.

The hon. member is only too anxious to have an all-Party outlook on this matter, and an all-Party consultation; but, Sir, it depends, he said, on whether the electorate favours this Party or that Party.

Now, Sir, when the last hon. member who spoke said that the Government must regard it as more than a victory to be scored by members of this side of the House, I do not know why the thought should have occurred to him. We do not look at it as a victory to be scored by one Party. In any constitutional advancement it is the people of Barbados who have gained a victory, not the Labour Party, the Conservative Party - the so-called one-man group - or the Party opposite. It is a victory for the people of Barbados who have suffered for these many years under a Colonial type of Government. It shows that we are going forward to self-Government; that we are ready to take our place alongside other self-Governing countries of the Commonwealth.

Surely, when we have expressions of opinion like that from members on the other side who should know better, and who are certainly responsible members - not the newest boy on the other side but the old members - it shows that they regard this as a one-Party affair, and that this is a matter to be treated like our red boxes-to be taken up when we go out and be brought in when we come in. That attitude comes from the other side and not from the Barbados Labour Party.

Most of us are aware of that, when we consider their reaction to the recent *impasse* which has been referred to by members on the other side in this debate, because if it were felt that the constitution of this island was a thing on hallowed ground, sacrosanct and of concern to everybody in this island, and not to one person or group of people or one Party alone, we would have had a different reaction by the people of this island. It is a fallacious and stupid idea which, of course, was of benefit to our Colonial masters in the past, that when we go forward on constitutional matters we will go forward as if they were the preserve of one side and therefore a victory for one side. It is that which has led to this unfortunate reaction by certain people in the recent issue which we had over the Local Government elections for the City. We would have had a far different reaction then, and a reaction more in keeping with the dignity of men, and with our advanced status; we would have achieved something more in keeping with our outlook as Barbadians rather than in keeping with Colonialist people who are not yet ready for self-Government, as was displayed by political leaders on the other side, if that idea has not been prevalent.

4.05 p.m.

I have heard, during this debate, some statements which are absolutely amazing. Take the political outlook of a member of this House, a former Minister of the Government and a member who has been on a delegation about constitutional matters of this island up to the Colonial Office - and I refer to the hon. senior member for Christ Church. During the course of his speech, what did he say? He said, among other things, that we were many years behind Jamaica and Trinidad in the granting of adult suffrage, yet the former Premier will come in here time and time again and say how advanced was the Barbados constitution. He said that Barbados was always trailing behind in constitutional matters; because, when we were hearing that Barbados was first and foremost, here in the Caribbean we had Jamaica in 1944 and Trinidad in 1950 being granted adult suffrage. We were in the rear because adult suffrage was not granted us before 1951. He also added that the Governor can call a meeting of the Executive Committee or of the Ministers and be Chairman, and then he said in a scoffing manner "yet the former Premier often said that we were masters in our own house. Masters what?"

When you reflect on statements like that, we must ask ourselves, if some of the leaders of the people can make statements like that, how fit are we for self-Government. You must conclude that the people are divided on a matter on which they should be united. Does the hon. member know that, even with the constitution Jamaica has at the moment, the Governor can do what the Governor cannot do here? Do you know that the Governor of Jamaica can call a meeting of the Cabinet and preside over it? But does that make Jamaica non-self-governing?

Mr. TALMA: Mr. Speaker, I rise on a point of order. I pointed out that the Executive Committee of this colony is still headed by the Governor, not the Premier; and the Governor still has the right, on matters which he thinks fit, to summon the Executive Committee as it is; therefore, when the hon. member talks of Cabinet system, it functions on daily routine matter; but the Governor as Chairman can summon the entire Executive Committee on any matter within his discretion.

Hon. R. G. MAPP: The hon. member is only displaying more profound ignorance than he has displayed so far. The Executive Committee, with a Cabinet Government, is only what its name implies. It is not a policy making body.

Imagine he says that the Cabinet meets on daily routine matters! There are certain matters which the Executive has delegated to Ministers and does not worry to deal with them at all. When it comes to policy, the Governor cannot summon a meeting of the Cabinet of Barbados; he

cannot do it. But under the new constitution of Jamaica, the Governor there can do so.

Mr. TALMA: Mr. Speaker, this is Clause 8 of the Governor's despatch of the 27th May, 1957 which I shall quote in substantiation of my remarks.

"The Governor would preside over the full Executive Committee, but would not attend the Cabinet. The Premier would preside over meetings of the Cabinet; the Chief Secretary, the Attorney General and the Financial Secretary would attend meetings of the Cabinet on request. It would be open to the Governor, acting in his discretion, to summon meetings of the full Executive Committee at any time for the discussion of any matter. It would be of course a convention that full meetings would not be summoned for the discussion of matters normally dealt with by the Cabinet unless there was in the opinion of the Governor good and sufficient reason. It would also be open to the Premier to request a meeting of the full Executive Committee at any time for the discussion of any matter. Arising from this it will be necessary for Cabinet papers to be circulated to members of the full Executive Committee as at present to enable them to advise the Governor when called upon."

Hon. R. G. MAPP: When we had discussion on that, the former Premier laid it down clearly that that would only take place on rare occasions. *(Laughter.)* If it happens twice in one year, that is the most it can happen.

But, Mr. Speaker, what I am stressing is this: Here, the Governor can summon a meeting of the Executive Committee and preside over it, but he cannot summon a meeting of the Cabinet. What I am trying to point out is that, under the Constitution in Jamaica in its presently advanced stage, the Governor can summon a meeting of the Cabinet and preside over it. (A VOICE: They do not have an Executive Committee there.) No, they don't. The Executive Committee there or the equivalent is called the Privy Council.

Even under the present Constitution of Jamaica, the Governor can preside over a meeting of the Cabinet, but, though that may be so, would anybody in Jamaica scoff at Jamaica's Constitution and say that they do not have locally self-government? It has gone throughout the world that they have accepted self-government. With our present Constitution, you still have the hon. member saying: "Yet we call ourselves masters in our own house!" He is scoffing at his own self.

A member comes in here, a man who represents the people, a man who leads public opinion, a man who is supposed to stand up for his own rights and who knows that certain things are above Party, and yet he scoffs at the idea that you are the master in your own house. Does he not mean to say that we are only fit for colonialism? It is that kind of attitude, that kind of reaction to the problems which face us and nothing else in this debate that has brought me to my feet.

It is when you regard yourself as not masters in your own house that you are kicked about.....

Mr. TALMA: What is happening here in this country is that the conventions have been misinterpreted; and it is for that reason that we had this monkey show.

Mr. SPEAKER: That is not a point of order. If it is something with reference to what the hon. member just said, if it is some expression by the Hon. Minister and you are rising in defence of that, that is a point of order; but, certainly, the hon. member has not risen on a point of order.

Mr. TALMA: Sir, the Hon. Minister is making me out as being an irresponsible member of this House; more especially, because I was a Minister in past years. I am here to point out that he fails to understand the conventions. I can more or less excuse him because his former leader did not understand them either!

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

Hon. R. G. MAPP: That is the woeful exhibition which we have in this debate. He is still one of those cringing colonialists. Look through any part of his discussion and you will see it.

Mr. TALMA: Mr. Speaker, I am asking the hon. member to withdraw that offensive remark.

Mr. SPEAKER: What do you mean?

Mr. TALMA: "Cringing colonialist".

4.15 p.m.

Mr. SPEAKER: Does the hon. member want that remark with reference to him withdrawn?

Mr. TALMA: Yes, Sir.

Mr. SPEAKER: The hon. member is asking that that remark be withdrawn; that he evinced a spirit of cringing colonialism. The hon. member has asked that those words be withdrawn; they are offensive and the hon. member has asked that they be withdrawn.

Hon. R. G. MAPP: I withdraw them, but, Sir, that is the spirit of a mere appendage of someone else. That is not one which pervades our soul and makes us feel independent; that is a spirit which does not exist even among the people of Kenya or Nyasaland. That is the spirit which you would expect of people a hundred years back; that was the spirit of the people of 1879, who would say: "Hands off the Barbados Constitution" and who would tell the Governor not to interfere with their internal rows.

I say that it is a very sad moment because you may argue about constitutional law, you may be mistaken about constitutional conventions but not the type of reaction to anything which appears to be unconstitutional. It is the type of reaction which shows that you are possessed of a spirit which is alive or a spirit which is dead. I do not want to dwell on the hon. member's remarks any longer because it might lead to the use of unparliamentary remarks.

Even in the matter of Adult Suffrage, I maintain that it is a slur on this island to say that we got Adult Suffrage the last of the three islands, and because of that we are constitutionally backward. It must be known to all of us, for all of these years, what has happened to Trinidad constitutionally. The fact that we had Adult Suffrage a year after does not make us come behind Trinidad constitutionally. I maintain that the reason why we did not have Adult Suffrage before Trinidad is that we did not have the Crown Colony system which would impose it. When the hon. member said that the then Leader of the Government told the Royal Commission that we should have a Crown Colony system, if he did say it at all.....

Mr. BARROW: On a point of order. The hon. member who is now speaking, was not in his place when I read the Report of the Royal Commission in January, 1939. The hon. member who is now making his loud asides was not in his place. I am surprised that the other hon. member did not challenge what I said - that the then Leader of the Government said that we should be a Crown Colony and he gave his reasons why he said it too.

Hon. R. G. MAPP: I have not got to score any debating points - that is for the lawyers to do. I say that the reason for maintaining that a Crown Colony Government would suit Barbados then was that when Sir Conrad Reeves was in power - and historians differ about it - when a suggestion was made by the Nominee Bill to have an official in this Assembly to handle measures to assist the suffering masses, those in power locally opposed it, because the Colonial Office would then be able to do something for the masses of this island which was not in the interest of the then rulers of this colony.

The Crown Colony system of Government was instituted in Jamaica in 1866 for that reason; it was introduced following the revolution there, because the Colonial Office wanted to do something tangible for the working classes of this island, and they were being blocked by the vested interests at that time. Adult suffrage came into existence in Trinidad and Jamaica because the same Crown Colony system of Government made it possible for the Colonial Office to do something on behalf of the masses who were still living in slavery. That could not be done in Barbados, because we had a better Constitution than they had.

Some people in Great Britain argue that South Africa got independence too early and, by giving them independence too early, and so long in advance of other places, it has ensured that the ruling classes could rule the natives with a whip and Great Britain could not interfere. It would be better to have Crown Colony rule in that colony than the present minority rule; that is why it was maintained that it would have been of benefit to Barbados to have had Crown Colony Government at the time, because something would have been done for the suffering masses of the island instead of allowing them to suffer at the hands of those who ran the affairs of this colony at that time.

Mr. WALCOTT: On a point of explanation. While the hon. member is at this stage, I should like to say that I made the point over which he seems to have got a little confused. I said that the present Constitution which we said is the best Constitution of all, was no different from the same Constitution which existed prior to the advent of Ministerial Government; it was the same Constitution which was retrograde in the sense that it gave the type of representation which the Crown Colony system gave. It was an analysis of the same Constitution which Barbados possessed as compared with the Bahamas and Bermuda. It was a question of making an analysis.

Mr. SPEAKER: I thought that the Hon. Minister was replying more to the remarks of the hon. junior member for St. John.

Hon. R. G. MAPP: And the hon. senior member for Christ Church.

Mr. BARROW: My statement still stands unchallenged and unrepudiated: that the then Leader of the Government Party said that we should have a Crown Colony Government. He said that before the Royal Commission in 1939; and what we are apprehensive about is that with the level of thinking on the other side of the House, we cannot entrust a serious matter such as a constitutional change to them and to them alone without the full consent and consultation of the general public and the members on this side of the House. That is a statement of fact.
4.25 p.m.

Hon. R. G. MAPP: It is unfortunate for us, Sir, that the Royal Commission has come, and gone; but, most unfortunate, that some members are still with us. I would like to see the context in which a statement like that was made.

Look at the conditions which existed when the Royal Commission was here. I myself have spoken about these matters to the Leader of our Party, and I agree that those words could have been appropriately used in those days. The former Premier felt that the then ruling classes did not want Adult Suffrage; but, under a Crown Colony system of Government, we could have had it long before, as in the case of Jamaica and other units. Through it we could have introduced reforms which would have been carried out.

The attempt by the Nominee Bill to have a spokesman in the House for the Colonial Office was made by Pope Hennessy and other Governors, and resisted by the ruling classes; and, under our form of Government, Adult Suffrage could not have been done here in Barbados as in Jamaica. It is facetious and wicked for the hon. member to take an expression or point of view when the Royal Commission was here, and apply it to present day circumstances. Obviously, I hesitate to take the hon. member seriously.

Mr. BARROW: Mr. Speaker, on a point of personal explanation. I did not think it was necessary, but you will remember that I said that the reason why we were apprehensive was that we had the same Leader of the Government Party sitting down on a Federal series of discussions which he himself has attacked as being a Crown Colony constitution. His name was at the Head of the signatories; so I do not know whether today they are going to push Barbados back into Crown Colony status.

Hon. R. G. MAPP: Those are new points.

Mr. SPEAKER: A point of explanation has been put forward.

Hon. R. G. MAPP: I did not know that the Federal Constitution was made by one man; he must be an extraordinary man to make a Federal Constiution. Even today the people who helped make it - Jamaica - are planning for certain reforms; but, Sir, I am not being tempted to go into the by-ways and hedges; I will come back to the main tenor of this discussion.

I think, Sir, that we will all agree, whatever Party we may belong, that constitutional matters should be the concern of all Parties and the people as a whole. If all the people take part in forming the Constitution, then they will all spring to the defence of that Constitution. The very essence of Colonialism is that it divides the people; and the longer you keep the Colonial system of Government, the more you will be divided and the less you will be united especially in constitutional matters. That is why I feel we should be so anxious to avoid any controversy which does not help us who pretend to be Labourites and Socialists or nationalists, as both sides say we are. It helps the reactionaries, the Conservative element, and the people who do not have faith and trust in the people; and who would like to hoodwink them into going back ten or twenty years - but not those of us who fundamentally believe that, until the people are really self-governing and have Dominion status, they will continue to be so immature politically and nationally, and will not rise to their full height and full status like men and women of any free country. Until we display the spirit that makes for free and equal men, and not the spirit that makes us mere appendages of any other nation, country or people, we will never attain the stage of real self-government, because we would always be divided when the crucial time comes.

Sir, I am not dismayed by any constitutional disagreement, or controversy over conventions, or things of that sort that may have arisen over any dispute locally or otherwise. Even in Great Britain today, with the stage they have reached, they still argue over these things; I believe that Lewisham is a very recent example. The Socialists argued that they were right in doing as they did, and the Conservatives argued that the Socialists were wrong; but none of them said that they were unworthy of a democratic Constitution; none of them said that the Constitution should be taken away or that they should go back fifty years or that they were unworthy of the Constitution. That is what the local Conservatives would say.

Let it not be mistaken, Sir, that mere acquiesence in anything means a real positive fight for it. We have had from certain people in this island mere acquiesence in the idea of self-government, but their hearts did not bleed for it. We in the Government know their attitude; they do not get up in public and display it, but they hold no real faith in the progress of our people; they have no real burning desire for it; and the longer they can hold on to the *status quo* the better it suits them. Fundamentally, they are not with us, and we know it; and if sometimes we are suspicious of them, it is because we can sense these things. There are certain things which you cannot discern but you sense it within you; and that is why I think it is a tragedy when people, looking at us who want to show to the world that we can stand on our own feet, may wonder, when they

display a reaction like that, where we are heading. Are we really ready for self-government or is it mere talk, a slogan and phrases?

Mr. Speaker, I do not think that the appeal for an all-Party affair will fall on other than deaf ears in some cases. It is a matter on which I feel very strongly; I know the ills to which we have been subjected as a Colonial people. I can see it every day, and I can see that, if we want to get out of the rut and capture the confidence that marks the stride of people who have gone ahead, we must constitutionally come alongside them. I do not regard it as a secondary matter.

I believe the hon. senior member for St. Peter, who has been no less active in the past in the struggle for constitutional attainment than we are, has once or twice in his wilder moments said that constitutional matters are one thing but economic matters are another; but surely the hon. member must know that they are bound up to a more far-reaching degree than any of us can think. We cannot evolve our own economic institutions until we stand on our own feet constitutionally. How can we?
4.35 p.m.

Mr. WALCOTT: Mr. Speaker, I rise on a point of explanation. The Hon. Minister must talk on things in their own context. I never made that statement. How could I make that statement? Far from making that statement, in this debate let me say that I am a believer in self control in internal matters - Police, everything. I will not say anything more of the memorandum.

Hon. R. G. MAPP: I am very glad to hear that the hon. member is on all-fours with us, because, my impression was that he was decrying constitutional advancement and saying that we did not concentrate sufficiently on economic advancement. If we who form the majority and who lead the majority of people in this island display even the slightest atom of unity, no Colonial Office or any other people can stand in our way.

I have heard our leader who is now Prime Minister of the Federation talking back at Government House on certain matters, and there is absolutely no doubt that his words were respected; but, it was because it was known that he commanded the support of the majority of the people, that he was listened to. It was because he as a leader commanded the support of the majority of people of this island.

If the Colonial Office believes that we are divided on this issue, then, Sir, we will find ourselves with this *impasse* and crisis to keep us back. *(LOUD ASIDES)* Sir, if we were to mind some of these Asides, if you were to listen to them, you would talk all the time. I can go on to give other facts.

RESUMPTION OF GOVERNMENT BUSINESS

Mr. SPEAKER: It now being 4.30 p.m., the House now reverts to Government Business.

HOUSE RESUMES COMMITTEE OF SUPPLY

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

Mr. CHAIRMAN: When the sitting was suspended, the Hon. Premier was addressing the Chair.

Hon. Dr. H. G. H. CUMMINS: When the sitting was suspended, I was answering a point made by the hon. senior member for St. Peter relative to the item for assistance to persons in need of medical or surgical aid outside of Barbados. The hon. member made the point enquiring how would this be controlled. As I said then, and I still say now, it is difficult to come in here and pass rules, but the advice of the Medical Authorities at the Hospital would chiefly be our guiding factors.

By that I mean, for instance, suppose the Surgeon-Specialist said that some person here needed an operation which could not very well be obtained in this country, and advised that that person go abroad, well, I say that advice from the medical authorities would be the guiding factor; plus the question of the economic status, that is to say, the inability of the patient, his friends and family to pay for the operation. It would not be administered on the main application of somebody coming along saying, "I want to go abroad for an operation and I want you to loan me some money".

I cannot, at this stage, give the standard requirements which would be expected to be made; but I can give you the assurance that the cases would be thoroughly investigated, and the advice of the medical authorities would be the guiding factor. The money will be administered by the Cabinet. It may probably be on the advice of a Committee. I want to assure the Hon. Committee that each case would be thoroughly investigated, and help would be given as decided on the requisite advice of persons whom I have mentioned.

Mr. WALCOTT: Mr. Chairman, I would like to point out to the Hon. Premier that the Hon. Minister of Communications and Works has just talked of the Constitution of this island, and I am aware of some of these constitutional practices.

Now, the Cabinet is a body of politicians. In normal circumstances, Cabinets do not administer money. By that I mean that Cabinets are responsible for the general expenditure of funds, but they do not administer the spending of money from day to day; and this is because politicians do not want to be embarressed in what can be regarded as political favouritism given to one side or the other.

The reason why I asked that question is this. Everybody will agree that every person in impecunious circumstances should be given assistance for medical attention. The Hon. Premier is a medical man, and, I think that I can speak with some authority too, because I have suffered at the hands of a surgeon specialist, and as a result, it cost me more money than I ever had. He advised that it was a case for an operation when it was not a case for operation. I felt that it was a case which you should not operate and other doctors felt so too.

What I am saying is that there may be occasion where an operation may be necessary abroad, but how are we going to determine the circumstances under which broadly you should loan this money or give aid? We must have some pattern to know to what kind of people should assistance be given; one can come to the conclusion that every few people would be to pay, because the majority of the people are in humble circumstances, and the people who are in the middle income group are people who have no savings put down so that they can take up to go abroad for medical attention.
4.45 p.m.

It means borrowing money, and borrowing money does not necessarily mean that you can afford it. Very often people borrow money on the basis that they have to pull their belts and other things. What are you going to do in the case of somebody else who is not thus prudent?

If the Cabinet makes a bad case and gives somebody medical attention, somebody will ask about somebody else's going out. If it is not a means test, you should be able to say that these are the circumstances under which we are granting certain things. The Cabinet is a Cabinet of politicians; it is not like a Civil Servant who is not interested in constituencies. As between your constituents, people whom you know and people whom you do not know-it is not to say that you are asking medical opinion, and people will say: "Send this case as against that one". If a man or woman has to unfold all their circumstances what is going to be the position?

I want to be very frank. I want to know how would you treat a person who is regarded as the bitterest opponent

of the Government. Would it not be a good way of having one of your opponents liquidated without helping to contribute to his liquidation in a positive way? I have no doubt that the Premier has very good intentions behind this matter, but the Constitution is not anything that you can take up and put down like a box.

Some people are rapacious, some are afraid, some are kind and some are extremely spiteful and vindictive; when you have a situation where somebody knows about someone else, what is going to be the position? I would like the Premier to be able to tell me that people of a certain income group will be helped.

A little girl was ill and anybody would sympathise with a deserving case. I do not want to say how much I gave, but I gave something; I gave something because I felt that it was a case of need. Some people would only give if they know the person. I owe, and I gave. All I want to know in connection with this matter is that the person is rehabilitated to health again. How are we to determine what they really mean here?

I have lived long enough in this community to see things. I have seen some people's children going to Harrison College and to Combermere School as a result of the award of Vestry Scholarships, when those people could afford to pay for their children at these Schools: and some poor people's children did not get any Scholarships because they did not have the pull upstairs. (HON. R. R. MAPP: That is the Vestry.) It happens in the Local Government too. Some people go to the politicians and say: "I have been supporting you all the time, and I want support now." And have the politicians not called and told people: "If I cannot help you I will see what I can do?" You are expected to help people who feel that they are in need of help.

You have, for instance, the child of one of the chief supporters of the Labour Party taken ill; and even if circumstances did not permit you to help him, he would whip up a lot of propaganda against you. He would go around and say: "My child was ill the other day and the Cabinet refused to give me any help." A case may be a more deserving one than another in that the parent has never been near a political meeting.

I heard one of the Ministers say that, in the same way that the other people used to do these things, what is wrong with their doing them now? What is wrong with our doing what our opponents used to do? I want to say that malpractice by anybody is wrong. You may own a jacket and leave it in your name, but you may not buy a lorry in your name.

An Hon. Minister is sucking his teeth; the Premier would not suck his teeth at that because he has never owned a lorry; where you have those who will sit down and tell you that they are honest, those are the persons of whom you have to beware; nothing but improper remarks will come from them. *Sotto voce*, the Hon. Minister of Trade will use the most unparliamentary remarks; all the phrases which you should not use and the sewerage type language he will use; but we are not dealing with anything against any person; we are arguing hypothetical cases.

This is a matter of the Premier shunning the appearance of corruption which is likely to take palce. If you are giving a man, woman or child assistance to go away, why not state now the circumstances in which you are going to help them? Do not let us say: "We do not know the circumstances," because there are people in certain circumstances to whom you will never say anything. 4.55 p.m.

I do not believe that if a man is working for $1,000 or $1,500 you will accept an application from him; you will have to state under what circumstances you are going to regard these people. I am not suggesting that you are not going to look into hard cases; all I am saying is that this will be administered by politicians. Mr. Chairman, I am a politician and I personally would not like to have to administer anything like this; I would prefer it to be administered by people who are not politicians and have the final appeal coming to me. If people are aggrieved with the Committee which you have set up to deal with this matter, they can, if they want, refer to the Cabinet; but it should be left outside the pale of the politicians to administer this money.

I say that in good faith. If the hon. member looks at the Cabinet System in the United Kingdom he will see that in very rare cases, although the Prime Minister is first Lord of the Treasury, do you find the Prime Minister sitting in on the dispensation of money. Whenever it comes to the dispensation of money somebody else does it, and the Prime Minister becomes the final arbiter. I am saying that both as a matter of protection to ourselves, and to the people who may come for assistance because, I am a believer in helping people in illness; but if you are going to help people in illness, you cannot help everybody.

Are you thinking of people in a certain income bracket, or are you thinking of everybody existing in Barbados? If you are going to examine all the cases that arise, I say that you cannot do it on that wide basis, because, $3,000 or all the money in the Treasury cannot afford all the cases that would be likely to arise for this purpose - unless you take all the money and devote it to this situation. That, Sir, is why I am pleading to know what sort of means test you have in mind.

Mr. TUDOR: Mr. Chairman, I am very sorry that I was not here when this particular part of the Resolution under discussion was being introduced. I think I have heard enough from the Hon. Premier, and from the hon. member who has just spoken, to understand what both sides of the House feel about it. I say that there is no cleavage of principle between the hon. member who has just spoken and the Premier on this matter. It is just a matter of the hon. member and other members on this side wanting Government to proceed very carefully in these affairs.

Now, Mr. Chairman, when you vote $3,000 for the purpose of granting quick medical aid or assistance to those who need medical or surgical treatment overseas, you are doing a good thing; and there could possibly be no disagreement on either side of the House about that. If the unfortunate and tragic death of little Annette, and the circumstances preceding her death have shown us all anything, it is that there are people of all ages in this island who would certainly benefit and profit by the generosity of the House, and by Government attending to this aspect of public health.

Now, Sir, what I fear is this: I wonder if Government has realised that this money is inadequate from our point of view? Recent experience has shown that it takes rather more than $3,000 to meet the expenses of these emergency cases. There are of course, cases which will be less serious than those we know about, but we regard $3,000 as being a very, very near figure indeed; and if it is Government's intention to make this a permanent part of its policy by granting medical assistance of one sort or another, surely the time will come very soon when they will have to reconsider raising this figure to more suitable proportions.

I believe that investigation by the appropriate authorities will disclose.....

Hon. Dr. H. G. H. CUMMINS: On a point of order. I just want to remind the hon. member that he was not here when I spoke. I said cases in need of treatment abroad, that is, cases certified by the medical authorities here for which treatment cannot be obtained in Barbados. I did not mean that, if a person comes along and feels sick and feels that he wants to go abroad, he will be considered. I just want to stress that point because the hon. member does not seem to be aware of it.

Mr. TUDOR: I was well aware of that. I took it for

granted that it would only be extreme cases of urgency where the particular medical and surgical requirements could not be given here.

As I understand it, this is a token vote. I am telling Government that very soon the token may have to be changed into one of reality; investigation will show that there will be cases frequently brought to the attention of Government which were not brought before, because people did not know that they would get the help; but, as soon as you say you are willing to consider cases of great urgency, naturally those not brought to your attention before will be brought now. That is why I say that I think you will have to put more money here before long.

The second point, Mr. Chairman, is this: the advice of the hon. senior member for St. Peter to Government is timely and sensible. We all know that Governments cannot at all times avoid appearing to be partial to their own supporters; but they could help themselves in this matter if, when they have to set up Boards, they made quite sure that everybody understands that the Ministers of Government have as little as possible to do with the administration of the funds which the Boards will have. It is for the good of the Ministers.

If that is clearly known by everybody, and more so if appeals continue to come in from all sorts and conditions of persons who now know that Government is willing to help, the wider the net is cast the more quickly can Government get itself involved; and the more difficult it would be to escape the charge of partiality if it is not careful. So the advice tendered by the hon. senior member for St. Peter should be well taken. Government should really thank him for stressing what, perhaps, does not need to be stressed, but which cannot be too often drawn to its attention.

Thirdly, Mr. Chairman, there is another matter closely connected with this which I think it will be useful to bear in mind. The educational authorities should be asked to co-operate, especially in cases where victims of disease needing treatment are young children or adolescents; and I think that Government should go farther even than just promising financial assistance in deserving cases. I would say that it should be the duty of Government to set up machinery to find out what cases are likely to need assistance before they get so bad that nothing more can be done even with the money.

Medical people have said that preventive medicine, where it can be applied, is much better than curative. If that is true, I think that it would do no harm if a system of investigation - I leave the details to the Minister if he thinks the suggestion worthwhile - is carried out so that perhaps Headteachers in schools could report to the appropriate authorities all the cases of children who are likely to be suffering from brain tumors or any such serious illness to have their cases investigated.
5.05 p.m.

It cannot be more than one in every thousand or perhaps a lesser percentage. Small pox is not a disease which needs the sort of assistance which we are giving here, but the principle is a good one. I am thinking of the more urgent cases where a child is unsatisfactory in its attendance at school, and if it is classed normally in what is called backward children. Those are the cases which you should investigate and draw to the attention of the medical authorities in order to see if something serious is not happening.

Wherever treatment is given early when most needed, certainly extreme treatment may not be necessary after that. I think it is a matter in which the educational authorities can well co-operate with the medical authority as to the terms and conditions under which these severe cases can be given assistance. I should imagine that it should be for the educational authorities as well as the medical authorities to have a say in this matter particularly as regards children and young persons.

Another point which I think is just as important to the proper handling of this matter as the last one is this. This question must not be treated purely as a Central Government concern. It is a matter in which the Local Government authorities can play their full and true part; and it would be wise to incorporate into the Board which is proposed to be set up representatives of the Local Government authorities, so that contacts at all levels can be maintained and the merits of individual cases can be taken into account because of direct knowledge of the situation and the parties concerned.

Let me make one last point, Mr. Chairman. Acceptance in principle, and in reality, of giving help to those deserving who want to seek medical and surgical treatment abroad is a good one; and is an extension of the opinion which is shared in this House by both sides that all of these cases should be handled as promptly as possible. This is the point I want to make. Whichever Minister is responsible for the carrying out of this policy, he should bear in mind that the quicker the person is handled, the better it is for him and for all concerned; and he should make it an unfailing rule that, while thorough investigation should be made of every case, yet ordinary Civil Service routine should never prevail, and there should be a way of speeding up cases and getting to the individual problem without causing the unnecessary delay with which we are familiar in Civil Service routine. The Government should also state quite emphatically that, in addition to all of this, it adheres to the principle which has been laid down in this House - I do not know if it is Government's policy but it should be - that those persons who are poor and who require for their treatment artificial limbs and appliances, should continue, if they do not now, to receive them free of duty. These measures are all part of one and the same policy.

Just as you seek to help those whose cases are urgent and who must go out because you cannot provide the treatment here, so too those whose cases are less urgent should be given facilities for regaining their health. The Government's policy in these matters should never be piecemeal, but should be part of a continous system of improving the health of the people.

Hon. M. E. COX: Mr. Chairman, before you put the question, I just want to say that I really thought the hon. member was quite up to date with what has taken place in this House. This House has already passed legislation for the duty-free importation of artificial limbs.

Mr. TUDOR: I said I could not now remember, but I am grateful to the Hon. Minister for refreshing my memory. That was on account of an Address of mine which this House passed.

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

HEAD XXXII - HIGHWAYS AND TRANSPORT

Head XXXII – Highways and Transport – was called.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, all these items under this Head - Traffic signs, Parish roads, Repair and cleaning of suck wells, Repair and maintenance of paved road drains, and Repairing, resurfacing and drainage of parish roads, Christ Church, require supplementary provision on account of 9 1/2 miles of road, which was formerly under the control of the Highways Commissioners of Christ Church, being now placed under the control of the Department of Highways and Transport by the Tenth Schedule to the Local Government Act, 1958. Hon. members will remember that provision was made for the Department of Highways and Transport to resurface all the roads of St. Michael. As part of the roads in Christ Church has been taken over by the Municipality, the amounts of money against each item under this Head we have been asked to vote for that purpose.

I beg to move that Head XXXII stand part.

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

Mr. TALMA: Mr. Chairman, I do welcome the passing of these various amounts in order to repair certain roads in Christ Church, and the drains particularly. This will bring home to the Government the various representations which have been made in the past in so far as the necessity for having more money allocated, say, for tenantry roads.
5.15 p.m.

I may be told that this provision does not include tenantry roads, but I want to point out to the Government that, under the new Local Government Act, whether you live on the main highway or along the tenantry road in the back, you are liable to be taxed, whether you own a little 2 x 4 house or a big house. I want the Government to adopt the policy which was adopted in St. Michael in many places. If you were to inspect Deighton Road, you will observe that, on the Western side from Rudder's pasture, all the roads are properly done; but on the Eastern side none of these roads have yet been touched.

Whether you use the term "Parish Roads" or not, they are not only the main roads, but the roads which lead off the main road; there are many side roads which have not been repaired. I refer to Brathwaite's Road and I think that the Hon. Minister is aware of all these roads. This is along Dayrell's Road; and there are many other roads in that vicinity leading to Marine Gardens or St. Matthias Gap. There are the Rockley Golf Club Road, St. Matthias Road, Clapham Road and Bonnetts in the back. Many of these roads have been under the control of the Highway Commissioners of Christ Church; and whether it be that funds were not available or that certain roads were done to the exclusion of others -- it may be that funds were not available -- the fact remains that some of these roads were not done. The note to this item "Parish Roads" states this:-

"Approximately 9 1/2 miles of road formerly under the control of the Highways Commissioners of Christ Church have now been placed under the control of the Department of Highways and Transport by the Tenth Schedule to the Local Government Act, 1958, and funds are needed for their maintenance and upkeep....."

I am trying to put to the Government that in any case it is not merely a question of maintenance and repairs, but it is a question of building roads and not allowing the swampy and muddy conditions to continue. I say that because, under the Local Government Act, every owner of a house will have to pay taxes or he will be sued. Although you have this distinction between parish roads and tenantry roads, all of these distinctions will have to be brushed aside. No matter whatever be the roads, you will have to pay taxes on your house whether itbe a 2 x 4 house or a big mansion; and I am probably voicing the feeling of many members of this Chamber. I am asking the Government not to restrict repairs to the Golf Club Road and such other roads to the exclusion of the gaps in which people live. It is not necessary to have a formality because everybody wants a road over which the doctor can pass and over which children can go to school.

Hon. M. E. COX: Mr. Chairman, I should like to correct a misleading statement made by the hon. member who has just sat down. The hon. member said that, never mind how small a chattel house is and whether it is on its own land or not, the owner has to pay taxes to the Department of Inland Revenue for it. As you know, Sir, under the old Vestry Act on a rateable value of $36.00 there was an exemption granted; under the new Local Government Act, the exemption is on a rateable value of $125.00. Anybody whose house has a rateable value of $125.00 and if it is not situated on its own land, does not have to pay one cent taxation. That is the law of the land today, the law under which the Local Government Councils are operating.

It is misleading to tell these people that they have to pay taxes under this Act no matter how small their houses are. I thought that the hon. member was aware of the Act; he is one of those persons responsible for the passing of that Act.

That covers the point raised by the hon. member who said that people have to pay taxes whether they live along the main road or along the back road; he said that under the Local Government Act, people have to pay taxes no matter the size of the houses in which they live. This new Act helps these people to a large extent; whereas they had to pay taxes if the house had a rateable value of $36.00 and over, now they have not got to pay any taxes if the house is of a rateable value of up to $125.00 per annum. Over that they will pay taxes so long as the house is not situated on its own land. There are many houses which were rated before under the old system but which will not be rated today.

Mr. TALMA: The hon. member who has just sat down has attempted to throw some light on the matter, but he is aware that under the recent assessment valuation, every little chattel house in this island was assessed; and he is also aware of the fact that chattel houses which are hardly rateable were also assessed. Chattel houses of a rateable value of $40.00 and chattel houses which were not fit for human habitation were assessed.
5.25 p.m.

As to whether or not these people have to pay taxes is yet left to be seen; they are asked to send in the cases for relief if they want to question it, but the Local Government Act has been in force long enough and no one knows who will have to pay taxes yet; no rates have yet been laid. Assessments were made of small chattel houses of $30 or $40. I have several forms in my office from people who want relief and do not know how to go about it.

Why assess people on little houses which are not habitable? As long as the assessors found people living in houses, the houses were assessed even though they were not habitable. To all appearances the Local Government Act while giving Adult Suffrage to electors generally, is still penalising the owners of small chattel houses by making them pay taxes in return for the vote they have got.

Mr. CHAIRMAN: I think the hon. senior member for Christ Church has replied to the point about chattel houses.

Mr. TALMA: With all respect, Sir, under the Local Government Act, the change of bringing this 9 1/2 miles in Christ Church under the St. Michael area is a Local Government matter for which provision is being made in the House to take over the roads.

Mr. CHAIRMAN: The road is now being handed over to Highways and Transport; so I do not want the hon. member to go through the Local Government Act. You have already made the point about the transfer being made because of the Local Government Act.

Mr. TALMA: Mr. Chairman, the hon. member was at pains to make out that I was unaware of what I was saying, and I am perfectly justified to defend myself and explain more particularly certain points which he has overlooked, that assessments were made of every little chattel house in this island. As to whether or not they will have to pay taxes is a matter for the future.

Now, Mr. Chairman, I certainly welcome the various amounts which are here. I would like particular attention to be paid to the various drains and gutters, and, in certain parts, to the construction and erection of side-walks. I hardly think that this amount is sufficiently handsome to provide these things. I regard this merely as a start in the right direction, and that other amounts will be brought up from time to time. This is one of the benefits which we derive in the new set up under the new Local

Government, and I hope that the sanitation part will go along and that the Mayor will look after it as I know he will.

I want attention to be paid to drains and gutters and to any signposts probably at the corner of Dayrells Road and the Garrison. Of course, I know there are many other places where traffic signs should be erected, such as at Eagle Hall corner, both ends of Bank Hall Cross Road, Government Hill and a few other places.

Hon. M. E. COX: They are well taken care of.

Mr. TALMA: Why take years in doing them? You took years to put up two and three and you are going to take another four years to put down another two. That is how Government functions with a Cabinet system.

I am happy, Sir, that the appropriate Minister, not necessarily the Leader of the House - he is really answering in the absence of the other Minister - will see that appropriate traffic signs are placed at the appropriate points in the part of Christ Church which has been tacked on to St. Michael for Local Government purposes.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, before you put the question, I want to explain to the hon. member who has just sat down what he was explaining to the hon. Minister of Trade and Labour with regard to paying taxes for small chattel houses.

Now, Sir, the hon. member does know that every house whatever may be the size was assessed; that is the Law; but rating is another matter. For his benefit, to confirm what the Minister has said, I am now going to read Section 145 of the Local Government Bill which says:-

"No person shall be liable to pay rates in respect of the following hereditaments -

(c) any chattel house the rateable value of which does not exceed one hundred and twenty-five dollars."

Mr. TALMA: Mr. Chairman, on a point of personal explanation. That does not refute my contention that thousands of chattel houses at the rateable value of $40 and $45 were assessed, and people were set in consternation; and it is left to be seen whether they will be taxed.

Hon. M. E. COX: The hon. member said that every small house whether it is in the back or front or wherever it is situated had to pay taxes. If he had said that every house had been assessed, it would make all the difference; but he said they all had to pay taxes, and that is why I was drawing to the attention of the House that he was misleading the House whether by design or accident. The Act points out clearly in Section 145 exactly what I said just now.

Mr. CORBIN: Mr. Chairman, I will not be long. I would like to say a few words on these chattel houses. I was a member of the Vestry .....

Mr. CHAIRMAN: I have allowed the Minister to reply to the reference made by the hon. senior member for Christ Church as regards chattel houses as I thought it was about fair that he should reply in as much as the point was raised, but you are speaking now on the principle of Head XXXII.

Mr. CORBIN: I was only giving an explanation.

Mr. CHAIRMAN: I do not think I can allow an explanation from you now on chattel houses.

The question that Head XXXII – Highways and Transport – stand part was put and resolved in the affirmative without division.

CIVIL AVIATION

Head XXXIII – Civil Aviation – was called.

Hon. Dr. H. G. H. CUMMINS: This, Sir, is really a revote of both items 31 and 32. These funds were voted on the 4th March, 1959, and during the short space of time between 4th March and 31st March, these items could not be purchased. The sums of $6,700 and $3,745 respectively lapsed; so this is simply a revote.

I beg to move that Head XXXIII - Civil Aviation - stand part.

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

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

5.35 p.m.

Hon. Dr. H. G. H. CUMMINS: I beg to move that this Resolution for the sum of $36,195 do now pass.

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

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

SUPPLEMENTARY ESTIMATE, 1959-60 No. 6

ACQUISITION OF NEWCASTLE SPRINGS

Hon. R. G. MAPP: Mr. Chairman, as hon. members will see from the Addendum, the Legislature is being asked to vote this amount of $12,000 in order to acquire the Newcastle Springs. When the Government took over the assets and liabilities of the Bridgetown Waterworks Company in 1895, the Government also assumed the obligation of paying an annual sum of $720 for the use of the water from Newcastle Springs by the terms of an agreement. Since that date, we have been paying them annually this sum of $720. The Trustees of the Will of the Late Mr. J. A. Haynes are now willing to surrender the right to receive this annual amount in perpetuity on payment of a lump sum of $12,000. I think we should surrender this right and pay them the lump sum so as to acquire the springs outright. They worked it out at the capital it would take to bring in this amount which we are paying them as an interest. We have brought down this amount of $12,000 which is acceptable to the owners and Trustees.

I beg to move that this Resolution do now pass.

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

Mr. TUDOR: Mr. Chairman, if I oppose the passing of this Resolution, it will not be because I do not want the people of Barbados to have access to the water, or to have water in freer and more abundant supply; but I oppose it on the grounds of principle because it seems to me to be that way.

The Addendum of this Resolution reads as follows:-

"When the assets and liabilities of the Bridgetown Waterworks Company were acquired by the Government in 1895, the Government also assumed the obligation of paying an annual sum of $720 for the use of the water from Newcastle Springs by the terms of an agreement dated the 28th December, 1959, between the Company and Mr. J. A. Haynes. The Trustees of the Will of the late Mr. J. A. Haynes are now willing to surrender the right to receive this annual sum in perpetuity on payment of a lump sum of $12,000. This Resolution therefore seeks the provision of this sum by the Legislature."

Mr. Chairman, if the Government of Barbados had this agreement with these people since 1859 - which is exactly 100 years ago - and if each year since then until now the Government of Barbados has paid the Trustees of this Will $720, it seems to me that $72,000 has already

been paid out of the Public Treasury to these people. Now, that is a lot of money by any standards for any agreement of this sort; and here it is: these people are asking the Barbados Government, and apparently the Barbados Government has agreed, to finish up the agreement and take over the springs for an extra $12,000. I cannot see any justice in that.

My own feeling is that the water belongs to the people of Barbados. It is not like oil. If it were oil it would make a lot of difference. Water has to be used by the whole community, and it is not necessarily the property of an individual family. If this Government, including previous ones, has been honouring that agreement for 100 years and has paid to the trustees of that estate $720 annually since then, it is an extravagant and preposterous demand that the Government of Barbados should now be asked to give them $12,000 to take over the water completely.

My point of view is - and I know my colleagues feel in like manner - that the people of Barbados have paid these people enough; and that a token sum paid for the taking over of the springs would be quite in order, but nothing so great as $12,000. As a matter of fact, my colleague has just reminded me - and I did not look at it from this point of view - that the Government over there has sought and received powers from this House for the compulsory acquisition of land. Why not acquire this water spring for the people of this island under this Act?

I could well understand it if the Government had said that it wishes to buy the whole property for $12,000, because, it may well be that land prices would merit that price being paid; and you will also be paying for land under which there is water. Think of the idea of your having paid this family over $70,000 for the last hundred years for doing nothing; only for sitting down on water which the people of Barbados has to drink; and you are now saying that you will end it up by giving them another $12,000. I cannot see it is justice or right: I think it is a little blackmail which the Government allows itself to be put in.

Government could have resisted the proposals; they should not jump to the conclusion that they could give away $12,000 merely for the people of this country to get water to drink. Let me repeat that the water resources of this island belong to the people, just as the facilities of air and sunlight which are there to be enjoyed. I should not be possible for you to allow a family or trustees of a family to hold this community up to ransom and then venture off with a gratuity of $12.000.

Buy the land if necessary from them and, if the price and wares do not suit each other, take it to the Courts and get that adjudged; but do not pay them out because it is not worth it.

5.45 p.m.

It would be really interesting to hear the reasons why the Government have dealt with the matter in this way, instead of dealing with it in any other possible way; I would also like to know if they think this amount is a reasonable amount that the people of this island should be asked to pay.

Mr. TALMA: Mr. Chairman, in support of the remarks of my colleague, I would like to say that we all regard water as an essential commodity; we all admit that the owner of land owns not only the surface, but the subsoil and any minerals which are under the soil and even the space up to the sky. We all appreciate that; but our contention is that the owner of this parcel of land has been paid for it over and over again.

If you assume that the owner has been getting $720.00 for 100 years then the amount he has been paid is $72,000. You will see from the Resolution that the Government acquired this right from the Bridgetown Waterworks Co., which apparently was a private concern; the Government acquired this right from 1895 until today and paid $46,080 in rent. You want an income to the extent of $720.00 so that the capital amount at the rate of 6% would be $12,000. In other words, the Trustees have agreed to the payment of $12,000.00 which would be a capital sum amounting to $720.00 a year at 6%. That is good financing and accounting from the point of view of the trustees of Mr. J. A. Haynes' Estate; that is good legal advice and good business acumen generally.

If the Government were to reflect, without taking out any secrets, until as recently as 1954 when I was a Minister, this Labour Government acquired land at Sweet Vale in the parish of St. George; it was one and a half acres or two acres because a new underground lake had been discovered.

In that case the Government did not enter into any agreement with the owner of the land in order to sink wells there; the Government actually acquired that land by way of negotiations. In like manner it may be that Mr. Haynes' Executors may be able to treat with the Government for the sale of the land and arrive at a reasonable price for it, not necessarily $12,000.00, but an economic price which is in accordance with the present day value of land. If $12,000.00 is the price of the land when that is done, that is all well and good; but to say that we must pay that amount and if it is capitalised you will get $720.00 a year - whose battles are you fighting now? I thought that you were fighting the small man's battles; but you are now fighting the big man's battles. You are now giving $12,000 which can be invested and bring in $720.00 a year. This is a question of bamboozling the Government which is not thinking of the figures.

This Government actually purchased land at Sweet Vale when a new underground lake was discovered; the Government negotiated for the purchase of the land; they did not agree with the old country woman to pay her and her family the sum of $720.00 a year in perpetuity for another 1,000 years, so that she and 20 generations after her may be able to get $720 from that source. We did not think of capitalising the amount; we did not approach the owner of this land and say: "We will pay $1,000 every year." We did not pay $20,000 so that you could capitalise that amount from which you will get about $12,000.00; in this instance, you are saying that Mr. Haynes' Trustees should not be placed in any position worse than that in which they are at present; they must be placed in a position where they will receive $720.00 each year and the rate of interest should be procured. I am not being personal, but do you want to put Mr. Haynes' estate in the position in which it was years ago?

If we pass this Resolution as it is, it certainly would not be in conformity with the Government's policy. You can see that this is a change of policy; you have a change of Premier; the Premier in 1954 is not the Premier today. I take it that the present Premier is following the policy of the Government; the policy of the Premier in 1954 was to acquire that land at Sweet Vale and pay the old lady the price for it. You did not pay for the water rights under the land; you paid for the land as if it were ordinary agricultural land.

5.55 p.m.

On this occasion, having paid to Mr. Haynes' trustees since 1895 $720 each year, you want to make sure that in passing this Resolution for $12,000 you are going to pay an amount which will capitalise their income. In other words, you are paying them a price which, when invested, will bear an income of $720 so that their position will never be any worse than it was when you were giving them $720 a year as they get at present. The Haynes' Estate will be protected, but the interest of the poor coloured woman at Sweet Vale was not protected; yet, a Labour Party is in power, and is comprised of people like us!

Hon. R. G. MAPP: Mr. Chairman, I wonder if hon. members think that they are more anxious than we are

to save as much expenditure as we can. Do they think that we want to pay out this money at all? It is a legal matter. If their legal advisers tell them differently from our legal advisers, must we go by their legal advisers?

Mr. TALMA: On a point of personal explanation. The policy of the Government has been to acquire land at market price. But the policy here is different, because it is to put the Haynes' Estate in no worse position than they are in now.

Hon. R. G. MAPP: If the hon. member would listen to me now, he would save himself these unnecessary interruptions. Sir, this is the position as it has been put to us. I hope that the hon. senior member for St. Lucy will listen because, in 1859, this Government did not have an agreement with these people. It was the Bridgetown Waterworks Company = a privately owned concern - which made an agreement with the owners of Newcastle Springs.

By a Conveyance dated 28th December, 1859 made between Joseph Alleyne Haynes of the one part and the Bridgetown Waterworks Company of the other part in consideration of £170, 3s. 9d. paid to Mr. Haynes and of a perpetual annuity or sum of £150 per annum agreed to be secured to Mr. Haynes, his heirs and assigns by the Company, its successors and assigns, Mr. Haynes granted to the Company, its successors and assigns four acres three roods and eighteen perches of land, part of Newcastle Plantation, together with the streams of water running through the same subject to the same perpetual annuity of £150 payable to Mr. Haynes, his heirs and assigns forever.

By a Deed of Covenant dated the same 28th December, 1859 and made between the Company of the one part and Mr. Haynes of the other part, after reciting the aforementioned Conveyance, the Company covenanted for itself its successors and assigns with Mr. Haynes, his heirs, executors, administrators and assigns the said annuity of £150.

The Waterworks Act, 1859 sets out the machinery for the acquisition by Government of the undertaking, works, plant and property of the Bridgetown Waterworks Company subject to certain obligations. The perpetual annuity payable in respect of Newcastle Springs is one of these obligations. If the water fell short of the amount specified in the covenant, the amount of £150 was reducable; that is, so long as the water was up to the amount specified in the covenant, this amount of money would be paid in perpetuity.

To show how anxious we are to put over his point of view, I would like to recite the following facts for his benefit and that of hon. members on the other side. In 1954 the then Executive Committee, Mr. Chairman, considered an application from the Trustees of the estate. It appears that in 1951 the Government paid to Codrington College, for the privilege of drawing water from the springs situated at the College, an increase from $240 to $960 per annum. In 1954 these people at Newcastle Springs approached Government saying that we had given a greater amount to Codrington College based on present day valuation, and asked that they be given a similar increase; but the Government, far from agreeing to any increase, considered stopping the payments altogether.

The hon. member on my right, the Hon. Minister of Trade, Industry and Labour who was then Minister of Communications, considered - not only felt - that the application should not be entertained, but that we had paid out enough money and wondered whether it should not be terminated altogether. Legal opinion in reply to the then Minister was that, under the circumstances, we were obliged to continue the payments; that is what the Crown Law Officers said.

Well, Sir, we have paid out $47,000 according to the hon. member since 1897 when it came into our hands; and, in order not to go on paying another $40,000, we are deciding to capitalise it at present day interest rates. It is not that we do not want to terminate this, but we are legally bound. We would like to say that we have paid a sufficiently big sum and stop at that; but, if we are advised by our legal people that we are bound by Law to continue these payments or capitalise at this amount and at present day rates which would come to the same $720 per annum, what can we do? I can assure hon. members that while we agree with their sentiments, yet if we found ourselves in the grave tomorrow, the same people who are fighting for the Government would tell us that we are on the wrong side.

Mr. CORBIN: Mr. Chairman, I have sat and listened to both sides of the House, and from what I have heard, I will say that if we have made an agreement with the owner of the springs, we are obliged to pay him the money. If we have made an agreement and it comes to the point where we have to pay, we will do that and not go all around the world on this. If it is possible by any means to purchase the parcel of land, compulsorily or otherwise, we will do that.

6.05 p.m.

Mr. BARROW: Mr. Chairman, I really do not understand what has entered into the heads of members of this Government to bring down a Resolution of this kind to the House. I want to draw certain things to the attention of members of the Legislature, and also to members of the general public, because I do not think that they on the other side fully appreciate the position in so far as the Waterworks is concerned.

The first thing which I want to say is that we on this side of the House do not believe that a man should be divested of his property without adequate compensation. The principle of expropriation of property belonging to citizens was never one which was fostered or discussed by members on this side. What I find remarkably significant today is that not one member of the Conservative Opposition is present at this debate. That is rather significant, as far as we are concerned, because I think if they were present, they themselves would not have the temerity to come in here and suggest that this is a justifiable expenditure on the part of the Public Treasury of this island.

The owners of this estate are a family connected with the former junior member for the parish of St. Andrew, Mr. J. A. Haynes, who is a prominent member of the Conservative Party; and that is why I say that it is significant that not one of his Party colleagues is present to encourage the Government to invest or divest the public funds in this wanton and unjustified manner.

Now, the hon. senior member for Christ Church has pointed out that it is not the policy of this or any other Government, Conservative or otherwise, to compensate the people living in Roebuck Street, St. John, who lived very close to Bowmanston Pumping Station, the people from the Glen who are immediate to the south east of Bowmanston Pumping Station, for the water which is pumped in great volume from beneath the soil of their land. Neither do the Lascelles family who own the Belle Plantation get any remuneration for the water which is recovered from under the land from which the Belle Pumping Station draws its supply.

In 1713, you had what I think is about the third Act of the Statute Book known as the Three Houses Spring Act. Here the principle is set forth that it shall be lawful for all or any of the adjacent inhabitants, through whose land the rivulet known as Three Houses Spring in the parish of St. Philip runneth, to make such a reasonable dam and detain and draw off the water thereof into his or their channel, ditch, or pond, or other necessary use, as he or they shall think most proper for his or their occasion: provided that no such dam, drain or channel, be so taken as thereby to dry the river below them, but that there shall be always a stream kept running down the said river or channel, to a pond situate at the end of the said river's course, com-

monly called Brown's Pond; which pond shall be always kept full by the Commissioners of Highways of the said parish for the public use; provided the owner or proprietor of the said pond do not debar any person from watering thereat, but that at all times it may and shall be free for any of the said parishioners to water their stock thereat.

Hon. members of this House will find this Act after the Forcible and Clandestine Entries Act of 1667; and it can be found on page 2 of the Laws of Barbados, Volume 1. There it is made a summary offence if anyone wilfully or maliciously hinder, let, prejudice, stop or obstruct the said stream or rivulet in its course so that the inhabitants of the parish of St. Philip living in the vicinity of the spring would not be able to draw water off for their domestic purposes.

In Section 5 of the same Three Housing Spring Act this is what they say as regards the owner of the land.

"The owner or possessor for the time being of the plantation formerly the property of John Brathwaite, deceased, through which the said rivulet runs first, shall and may make such a reasonable dam, and detain and draw off the said water into his channel, ditch, or pond, or for any other necessary use, after the same manner, and under the same provisoes, limitations and conditions as are in this Act before mentioned and expressed, for the space of seventy-two hours, instead of forty-eight hours, which is allowed to other persons in this Act, and not otherwise."

In other words, here is the Three Houses Spring Act. There was no question of giving an annuity to the estate of Mr. John Brathwaite who, I believe, was at one time a member of this House.

Mr. CHAIRMAN: I am at a loss to understand with what the hon. member is dealing.

Mr. BARROW: I know you are at a loss, but it does not mean that it is irrelevant.

Mr. CHAIRMAN: I have been trying to find out the connection between the Three Houses Spring Act and this Resolution for the acquisition of the Newcastle Springs. I said I was at a loss because I did not see the connection between the two. I am going to ask the hon. member to leave out dealing with the Three Houses Spring Act which to my mind is irrelevant and stick to the Resolution dealing with the Newcastle Springs.

I am not preventing you from making a comparison, but you are bringing in something which is foreign to the matter with which we are dealing. I think it is something new in so far as this Resolution is concerned.

Mr. BARROW: Yes, Sir; it is as new as 1713 but everybody today is forced to take judicial notice of it. I will show you the principle on which the Government of Barbados is proceeding, and I will show you that the significant Act relating to water supply is not to give people any large sum of money for water supply. There is no question of compensation being given to the Trustees of the estate of Mr. John Brathwaite, who had been the owner of land, for the use by the parishioners of St. Philip of the Three Houses Spring.

Let us come to the Waterworks Act which is the authority under which this Resolution must come to this House. The Waterworks Act was passed in 1895. Before that, the Waterworks was a private limited liability company; it was not owned by the Government of Barbados. It was taken over in the year 1895 and all of the proprietary rights and matters of that kind were vested in the Government of this island by the Waterworks Act of 1895.

6.15 p.m.

The Waterworks Act 1895 in Section 9 says this:-

"All lands, streams, springs or water required for the purposes of this Act may be acquired by the Department under the provisions of the Compulsory Powers (Land) Act, 1888 ...."

The Compulsory Powers (Land) Act, 1888 has become the Land Acquisition Act of 1949, which brings us back to the point made by the hon. senior member for Christ Church. Compulsory acquisition is not any new-fangled Socialist principle or anything like that. We had a Compulsory Powers (Land) Act since 1888, and that has been so in every British West Indian colony.

Section 9 of the Waterworks Act, 1895 goes on like this:-

"and for the purposes of this Act the word "lands" in that Act shall be deemed to include not only the things mentioned in section two thereof but also streams, springs, or waters being or flowing in, on, under, or over any land."

In the light of Section 9 of the Waterworks Act, 1895, how could anyone with any sense of honesty come into the Legislature in 1959 - 100 years after these people have exacted a toll of $72,000.00 for the use of water- and ask for this $12,000.00? The Government did not compensate the people in the Bowmanston stream for the water they get up there; they bought the land at Bowmanston. We have no pumping station at Newcastle; we have not even got a little hut in which you have a watchman looking after it as you had at Hanson Plantation. What do we want to pay them this $12,000.00 for? The Resolution does not even say that we are buying the four acres of land; and we do not need four acres of land in order to get to the Newcastle Spring for the purpose of erecting works. The most you would need would be half an acre of land.

As to this land for which the Government wants to pay $12,000, are we going to be the purchasers of the land or not? The Resolution does not say so. Four acres of agricultural land may or may not be sold for $3,000 an acre. What the Government and the Waterworks Department must be concerned about is the spring at Newcastle; and for that purpose Section 9 (1) of the Waterworks Act, 1895 gives the Government full power to acquire any spring or stream for the purpose of the Department.

The Hon. Minister of Communications and Works has gone to great pains to suggest that, since 1859, a private company with whom these plantation owners were probably connected - and it would be easy to find that out because all you need do is to find out who were the shareholders; and you can pay one of the shareholders a certain sum of money and it would be free of income tax. Because the private company agreed to pay the owners of Newcastle Plantation a rent of $720.00 a year, and we have no pumping station in that area, are they saying that the Government, having paid out the sum of $46,080 in rent, should follow suit in taking over the Waterworks and continuing to pay that $720.00 a year? That was done, but it does not mean that, at this stage, we are prepared to accept that as a principle on which the Government should operate in its dealings with land owners in this country. If that were so, one would have to read very carefully the provisions of the Waterworks Act of 1895. I would go so far as to say that, since Section 9 of the Waterworks Act sets out the manner in which the land should be acquired, it should be acquired in that way and in no other way; that is to say, by compulsory Order under the Land Acquisition Act of 1949.

I do not see that the water resources of this island are vested in any one particular individual; the water resources must be vested, like the mineral rights, in the Crown because the Crown has been so treating with other people in the country. Even with the people in St. Philip, the people in St. George, the people in St. Peter around Warleigh and Haymans and the people of Golden Ridge, that has been the case. When Bowmanston was erected, the sum of $12,000 was not paid for that land up there, and you can see Bowmanston from any point of the compass travelling throughout the length and breadth of this island.

The money which we are asked to vote today must therefore be money for the purchase of the land. You cannot be paying $720.00 or $12,000 for the use of the water; that water may be coming from, let us say, Colleton and Clifton Hall and only expressing itself in the vicinity of Newcastle Plantation which is the outlet of the underground stream. People may want to erect windmills and the Newcastle people must be paid until the end of time! That is not a proper principle to which we should subscribe.

We do not believe in expropriation and, on the other hand, we do not agree to the exploitation of the Government or anybody else. The Waterworks Department should purchase so much land and no more as will be immediately necessary for them to have access to the Spring itself, that is, the right of way to the actual site of the spring; but to suggest that we are going to pay the sum of $12,000 in liquidation of an annuity of $720.00 is saying that we intend to pay $720.00 until the end of time; and that for some reason or other the people who own Newcastle estate decided that they need $12,000 now. That is exactly the same thing as the hon. senior member for Christ Church has pointed out; it is the same thing because if you capitalise $720.00 at 6%, that is $12,000. That is the situation.
6.25 p.m.

I enjoin the Minister to read Section 9 of the Waterworks Act and acquire only the land immediately surrounding the spring and an access road to the spring itself. That will be enough for the purpose of this; and tell them to take back the other 3 1/2 acres of land.

The other thing I am worried about is this: I would like to know what portion of this land is being used for agricultural purposes, and if so, if they intend to let the owners of Newcastle go on using the four acres or whatever portion is being used for agriculture for this purpose in future after we pay them $12,000. Secondly, if the land is not being used for agricultural purposes, or in other words, if most of the four acres is rab land, why should we pay $12,000 for it? There is no rab land in the parish of St. John which has been selling for more than $700 and $800, especially land on a slope and on a cliff, and land of that description which has very little commercial value for building development.

Recently, Newcastle House has been sold. - and here again, Sir, I am speaking under correction. I am not quite certain because I have not seen the conveyance- but I know that Newcastle House was sold within the last twelve or fifteen months with some of the surrounding land. Are we really paying this money to the estate of J. A. Haynes or are we now giving back to the purchaser of Newcastle House - I do not want to call the gentleman's name because I have never had any quarrel with him - an amount of money which would almost pay off for the purchase of one of the most magnificent houses in the whole island of Barbados? Those are things which I feel need investigation.

I therefore suggest to the Hon. Minister of Communications, Works and Housing, in the light of the obvious interpretation of the Waterworks Act, 1895, in the light of the precedent of the Three Houses Spring Act, 1713, which did not cost us a cent, and in the light of the failure of the Government to compensate persons who lived in the vicinity of pumping stations from beneath the substrata of whose soil our water is being drawn off all the time to the detriment of their own irrigation schemes, that further consideration of this Resolution be postponed.

Mr. CRAWFORD: Mr. Chairman, I will second the motion for postponement for the reasons already outlined on this side of the House and also for additional reasons.

Barbados is in a very excellent position with regard to its water supply. We have the best natural water resources in the entire area; there is no island in the entire Caribbean which has been blessed to the extent that we are in the supply of water. Hon, members will recall that last year, when there was a severe drought in the area and none of the islands from Jamaica back down to St. Kitts got any rainfall, while we in this country were still permitting owners of houses and properties to water their gardens with public water, in Jamaica they were importing water by tanker from Miami.

Nobody appreciates more than we do the fact that our supplies are so abundant; there is nothing like it in Trinidad or in all the other islands; therefore we must do everything we can to conserve it and pass on intact the supply which we found ourselves to other generations. If the Government therefore desires to acquire the water rights at present owned by any individual, in principle we endorse the idea; and in so far as the matter is concerned, I also go further and say that such owners of land from which we obtain any portion of our water supply should be properly compensated for any deprivation of possession of property they now enjoy.

In this case, Mr. Chairman, the Government claims that it wants to compensate private owners for the acquisition of property on which the Newcastle Springs are situated, and the terms for compensation would involve payment of the sum of $12,000 for this acquisition. Well, now, we are forced on this side of the Table to compare the amount of money which the Government proposes to pay for acquiring Newcastle Springs with the amount paid about five years ago for acquiring some land at Sweet Bottom in St. George on which is sited what is known as the Sweet Vale Springs. In this case you are paying $12,000 for the right to use Newcastle Springs, and you paid less than $2,000 for the Sweet Bottom land on which the Sweet Vale spring is cited.

Every school boy in the island knows that the supply of water to be obtained from the Sweet Vale area is infinitely more abundant than the supply to be obtained from Newcastle Springs. If I recall correctly, the Sweet Vale Springs is supposed to have one of the biggest water supplies in the entire island, and the sources of water there are said to be almost incalculable; therefore, provided the Government can satisfy the objections previously raised by members on this side of the Table, and provided they are willing to re-open the Sweet Vale question and compensate the old lady at Sweet Bottom on whose land the Spring is situated on the same basis, we are willing to support this Resolution.
6.35 p.m.

We are not going to allow them to exploit and rob a poor defenceless person in St. George in the manner as they did. Because this old lady had nobody to stand up for her rights and she was ignorant of the value of the land she owned, she signed away her rights to the Government for only $2,000. Now, in this case, we are going to pay $12,000 for the Newcastle Springs which are of less value.

I want it to be carefully understood that none of us is suggesting that the Newcastle Springs should be appropriated without compensation. None of us is suggesting that you should take away this land from the Haynes' estate; although I can well imagine, under different circumstances, that suggestion coming from that side of the House; because I seem to recall that somebody over there once suggested that the entire land area of this colony should be expropriated and divided equally to all members of the population.

We can, in the light of what has been demonstrated here today, refer to the exploitative action of the Government in 1954 when it acquired the land of a poor defenceless woman in St. George for little or for nothing; and, on the basis of that precedent, they still come in today to pay $12,000 for the Newcastle Springs. If precedent is worth anything, they would not do that. If they had bought the Newcastle Springs first for $2,000, then you could say that they had utilised that precedent for buying the old lady's land for $2,000. But she was an old defenceless Barbadian peasant woman while this was a mighty Bar-

badian family; so the precedent which you used when you bought her land and her water rights you ignored completely when you are dealing with this mighty Barbadian family.

In this Resolution we have not been told anything at all about acquiring land; we are only acquiring the Newcastle Springs. One has therefore to assume that you have the right of use of the area which possesses the springs: but even the right-of-way to the spring, apparently, you have no legal right to. But the Government made it clear without a shadow of doubt, in the St. George's case, that they were acquiring all the land; they acquired two acres of land from this defenceless woman along with the water rights. That, probably, is the biggest deposit of water in the entire island and that was bought for less than $2,000.

We are not going to agree to the payment of this $12,000 to the owners of Newcastle Spring unless the owner of Sweet Vale is compensated on the same equitable basis. We are not saying that the Newcastle Springs are worth $12,000 or not. We do not know what they are worth. We do not know whether the owners of this Spring have fixed this price arbitrarily or whether they arrived at it by arbitration or not. All we are saying is to compensate both on the same equitable basis.

We are not expropriating anybody's land without compensation, but we are saying that, in arriving at the amount for compensation, the same yardstick used for one should be used for the other. We are not allowing you to dig your hands deep down in the Treasury to pay for one merely because it is owned by a mighty, well connected and powerful family and then pay to the other little or nothing because she is defenceless and perhaps could not pay for legal aid to discover what were her rights. It is the same Government which paid $2,000 for the Sweet Vale rights, and with that precedent before it, now proposes to pay $12,000 for the Newcastle Springs. There may be some explanation, Mr. Chairman. If there is, we are willing to listen to it.
6.45 p.m.

Mr. TALMA: Mr. Chairman, I shall deal with the technical points to this Resolution now. I would like all hon. members to refer to the Addendum word by word. It reads as follows:

"When the assets and liabilities of the Bridgetown Waterworks Company were acquired by the Government in 1895, the Government also assumed the obligation of paying an annual sum of $720.00 for the use of the water from Newcastle Springs by the terms of an agreement dated the 28th December, 1859, between the Company and Mr. J. A. Haynes' ....."

It says "by the terms of an agreement" not a lease; it was an agreement dated 28th December, 1859. This agreement was made between the Company and Mr. J. A. Haynes. I take it that it was the late Mr. J. A. Haynes; we are not referring to the recent junior member for St. Andrew who was in this House up to just a few years ago. I take it that the former member of this House was an infant in 1859! *(Laughter)* The Addendum goes on to say this:-

"The Trustees of the Will of the late Mr. J. A. Haynes are now willing to surrender the right to receive this annual sum in perpetuity on payment of a lump sum of $12,000. This Resolution therefore seeks the provision of this sum by the Legislature."

The first point is this: This whole matter arose out of the agreement which was signed in 1859 with the late Mr. J. A. Haynes. I heard a few hon. members, including the hon. junior member for St. Andrew, say that we are under an obligation. Well, let me tell the hon. member and others that this is just an agreement and not a lease; the rule in relation to perpetuity has been broken whereby the obligation is no longer valid. In other words, you cannot tie up property in Barbados for any thousand years; you can only tie it up for the life in being and twenty-one years after. This agreement is therefore null and void and unenforcable. If there is any owing, it is the Haynes' people owing the Government and not the Government owing them.

The agreement was made with a person who is now dead for more than twenty-one years, and you could only enter an agreement for the life of Mr. Haynes and twenty-one years after. As I have already said, it is Mr. Haynes' people who owe the Government. I am giving free advice; that is the first point.

What you have been doing in the past is that you have been renting to use the water from this Spring; now you are saying: "We are paying $720.00 a year or renting the right to use this water or access to the water but now we want to pay $12,000 to acquire the right to own the land." The Trustees of the estate of the late Mr. J. A. Haynes will get $12,000 from the Government, after having received $46,080 for a long number of years and after having received $72,000 in all from 1859. The Government is now in 1959 acquiring the right to use this water, to acquire what in law is called an easement; the Government is now acquiring the right to use the water, but not the land itself. After selling this right to the Government for $12,000, these people will sell the land to somebody else; but the Government has to make sure that after it has acquired the right to use this water, it will not be denied the right to use the land. The Government may be found trespassing on somebody else's land. The Trustees cannot sell the right to use the water to the Government and then sell the land to another party; the Government may hear in the future that the Trustees say that the Government is only acquiring the right to use the water and not the land.

Mr. Chairman, in the interest of the Government and in the interest of the country, I need not elaborate on what has happened at Sweet Vale, St. George, and which my colleague has clarified further. This is an empty purchase; it is a question of throwing away $12,000 in that you are just acquiring the right to use the water and you have no access to the actual water. In other words, you should acquire a reasonable area of land in which these things are situated; unless you do that, you are not following the regular practice; you are paying to the Trustees of the late Mr. J. A. Haynes' Estate this sum of $12,000 not for the land but for the use of the right to the water.

Hon. R. G. MAPP: Mr. Chairman, if I had been allowed to speak before the hon. member who has just sat down, he would not have said some of the things which he has said. I am quite willing to listen to the non-legal experts.
6.50 p.m.

I have listened to so many already, we do not know where we are; and they all seem to be tripping up each other! The hon. member who spoke last says that the land may go to somebody else. For the information of the hon. member I should like to say that we are not buying any more land. The land belongs to us but we are paying for the right to use the water because we are bound by a covenant.

If this Government was entering into an agreement of this sort, it would not do this foolishness. I think I have already told this Committee that. The hon. senior member for St. Philip mushrooms in here, disagrees with his colleagues although he does not disagree in principle, and says that we should pay somebody whose case does not compare with this the same thing and it would be all right.

Mr. CRAWFORD: Mr. Chairman, on a point of order. If the hon. member wants to say that the two cases are not comparable, he must explain in what manner they are not comparable.

Mr. TALMA: On a point of explanation,....

Hon. R. G. MAPP: If hon. members would let me explain ...

Mr. TALMA: Mr. Chairman, on a point of explanation. We have heard for the first time that Government owns the land. So, if Government owns the land, they own up to the sky and all the minerals under the land; that is the Law.

Hon. R. G. MAPP: Mr. Chairman, I will show you what geniuses hon. members are. In fact, they only discover they are geniuses when we discover it for them. The hon. senior member for St. Philip has been in this Chamber for 19 years or more, the Leader of the Opposition has been here for 20 years or more - I do not refer to the hon. senior member for St. Lucy who is comparatively new - and during the past 20 years those hon. members have come here and passed $720 to pay for certain water rights and privileges at Newcastle; but only today, now that we are going to pay off for these rights, they disagree. Do you know what it means? Since the Hon. Leader of the Opposition has been here, we have paid $14,400 for this water but he only knows now that we are breaking the Law. They say if we own the land why pay for the water rights?

The hon. junior member for St. John was here in 1951, went out and came back in, and year after year, he voted for this without questioning it. For 19 years the hon. senior member for St. Philip year after year agreed to pay for certain water rights and privileges at Newcastle; he never got up and asked why pay for these privileges if we owned the land.

Since 1895 we have paid $46,080 and, during the 20 years that the hon. member was here, we have paid $14,400. All we are saying now is to let us capitalise at $12,000 because, legally, we are advised that we are bound to pay. If the hon. senior member for St. Philip was here he would have heard me read out that.

The hon. junior member for St. John, another legal expert, says that we have power to compulsorily acquire the land and the water rights. If we go to compulsory acquisition, they will appoint their side and we will appoint our arbiters, and our arbiters are the same legal people who say that we have to pay this amount. They are the people who say that we are bound to pay this amount even if we compulsorily acquire the land; this is the amount that would capitalise it at present.

The hon. senior member for St. Philip asked if we are buying the land. He talked about the property at Sweet Vale and the poor old lady, but I understand that the old lady agreed to the terms for the property. As a matter of fact, it was a young, strong lady. (A VOICE: What is her name?) I cannot tell him all the facts, but I say that these are not comparable cases. How is it on all fours with this? That was a case of buying property for other purposes; and, in that case, the vendor agreed to the price put up by Government; there was no case of compulsory acquisition. Does the hon. member for St. Philip want us to reopen the case and pay more?

Mr. Chairman, the only argument I have heard is the legal argument put up by the hon. junior member for St. John. He says that we have power to compulsorily acquire the land and these rights, but he did not know that the land is already ours. There was some other point which he made, but the House year after year has been passing this amount for this same purpose for the last twenty years. Only now, in order to save Government money by paying this amount to capitalise and finish off the whole thing, we are told that we have a right to own everything up to the sky, when we have been advised by our legal experts that we are bound to pay.

Mr. Chairman, I have been uncertain of members from the Other Side. All the legal experts and Law members have spoken, and I have given the facts and said how we have been advised. I suppose it is the right of hon. members to reply, but those are the simple facts. We are bound to these terms. We would like to cease it tomorrow. We would like to say we have paid them what they deserve or what they are entitled to and that is what we owe them. If we are legally advised that we have to pay, what more can we do?

All I have been told is that we can compulsorily acquire it, but if we go to arbitration we have to be represented by the same people who represent us in the same case; so what sense would there be in acquiring it compulsorily? Faced with these stubborn facts, I cannot see how the hon. members can argue otherwise.

Mr. WALCOTT: Mr. Chairman, I did not enter this debate all along because it was being taken up on legal grounds, and I wanted to hear what those people who were knowledgeable on legal matters had to say. I am not a Lawyer. The Hon. Minister said that he was advised by the Crown Law Officers about the Government and an agreement.

I think that everybody will agree that so far as the terms of the agreement are concerned, the Government was bound by them, but that is one part of the matter. If I were negotiating this surrendering of the terms of the agreement - and this is not for the legal people - as soon as the trustees of the will of the late J. A. Haynes were willing to surrender the right to receive this annual sum in perpetuity on payment of a lump sum then I would say that the matter now becomes a matter for negotiation as to how much you should pay. That is not a legal matter; that is purely a matter for negotiation.

If, say, they wanted a lump sum equivalent to $12,000, there was nothing legally binding in that; the amount they could ask for could be $20,000 or $35,000. Since that is the case, you may say that the trustees were negotiating on the basis of not losing as a result of accepting the lump sum. They were saying that if they invest the lump sum they should receive not less than $720 annually which is the amount they now receive from the Government for the use of the Springs. You may say - and I am now speaking of the Government side of the negotiations - that in view of the fact that I have been paying out this money all over the years and I now am going to give you a lump sum, that you can go and utilise this $12,000 into an investment which can bring in more than 6 percent. So it is not a question of what $12,000 is equivalent to, but it is what you consider under the circumstances is a reasonable price to be paid.

As I have said, I do not consider that there is anything legal in that; that is a question of negotiations. The legal claim is that you pay them $720 per annum in perpetuity. There is no point your saying that you paid out $45,000 over the number of years for the use of the springs.

I therefore look upon it as a matter of what you can do with $12,000. It is a question of what lump sum would be reasonable. You have to pay some person; whether the person is young or old, rich or poor, it does not matter.

SUSPENSION OF SITTING

Mr. SPEAKER: It now being 7 p.m. o'clock, this sitting now stands suspended until 7.45 p.m.

On resumption,

HOUSE RESUMES COMMITTEE OF SUPPLY

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

Mr. CHAIRMAN: At the suspension of the sitting, the hon. senior member for St. Peter was addressing the Chair.

Mr. WALCOTT: I was making the point that the lump sum of $12,000 does not in itself contain any intrinsic value to the equivalent of $720 a year; it only means that if $12,000 is invested at 6% it will yield $720 annually. If it is invested at a higher rate of interest it will yield a higher value than $720. As I have said, I am not dealing with any legal argument; I am dealing with it as a matter for negotiations.

The Minister in charge read something as regards the quantity of water remaining at the same level, but there is no guarantee to that. As long as the spring is there, you will get water from it; and when it ceases to be a spring, you will not get any water; therefore, it is not something like a building which you are buying and you can say that the building is there.

What I believe was the reason for the Government paying this annuity in the old days was because the Government of Barbados did not have as much money as it has today; therefore they reasoned: "why take money out of circulation to put aside in a fund to pay for it?" On the basis of ordinary arithmetic, you will see that if you had put aside some money into a fund, you would not have had to pay out of the Treasury $45,000 to this matter; you would have put aside a certain sum which would yield $720 to pay for it.

This Resolution is equivalent to the same thing. You can say that you will put this $12,000 into some investment which would yield 6 percent and pay for it. If the Minister said that he has been advised legally that he must pay $12,000 for it, that is the only point where I would be of a different view. I do not think your Crown Law Officers would say that you must pay $12,000 for it.

Hon. R. G. MAPP: I rise on a point of explanation. I did not say that. I said that we were advised that we would have to continue to pay the annual sum of $720 in perpetuity according to the terms of the agreement for the use of the springs. The point was whether we could discontinue paying the amount. The Crown Law Officer advised that it was legally binding on us to pay this rate of $720 per annum.

Mr. WALCOTT: So far, morally if not legally, if you agree to pay a man something annually, it is binding. You cannot get away from that. What I say is that as soon as the trustees intended to surrender the right to receive this annual sum for a lump sum, it became a question of negotiation as to what should be the quantum. The trustees could not tell you that they must of necessity get an amount equivalent to what they are getting in perpetuity, because they can only get this $720 in perpetuity if the Springs remain in perpetuity.

When people accept lump sum payments, sometimes the lump sum payments do not always give them as much as they were getting; but, may be, from the point of view of the trustees, being trustees, they want to protect the trust; and in order to protect the trust, they feel it would be better to put this money in a sort of investment, and that is why they are willing to surrender the right to receive the annual sum from you and thus relieve themselves from this headache.
7.50 p.m.

The Minister makes a quip about members passing this money for years; that is good when you are doing a little arithmetic. One Minister is not interested in the things with which the other Minister has to deal. Nobody could tell you off-hand about the items in the Estimates and say what they amount to.

You have been paying $720.00 a year for these springs at Newcastle, but when the matter of buying Sweet Vale came up, nobody remarked about that; because that would have to be a different type of flag. I must say that I was a member of the Government and many members do not know that that piece of land next to Mr. Inniss' place on Bay Street was the property of the Government. These are matters which call for research; some people take for granted that Government land is theirs; because their palings were on that land for so long, therefore the land belongs to them. The Government was not legally bound by this amount, but this amount has been arrived at, it may be, because the Trustees say that this is what they are going to expect.

I am glad to hear the hon. member speak about arbitration. I heard one of the Ministers say that, when the Union fails, they come in and what they do. I want to make people understand that arbitrators are not Government arbitrators; some arbitrators will hit the Government to the boundary as hard as anybody else. It just depends with whom you are dealing and who the arbitrators are; some people's view about arbitrators is like a man in the Trade Union. Arbitrators seem to be born on the Conservative side; if they give Labour something it is a question of how much are they going to give back to the employer.

I quite agree that this matter should be sent to arbitration, but the highest any arbitrator would come back with would be about $20,000. Arbitrators in Barbados are people who have money or people who love money; if I could avoid sending anything to arbitration I would do so; the lower an employer comes down, the lower things will be. I would send this matter to compulsory arbitration if I could not negotiate otherwise, because I would say this: if it is a piece of land down in the back, you cannot get anything much for it, but if you have the water experts coming in you may have to pay more for it.

I would like the Hon. Minister to say if this price is a price which was negotiated for or if it is one which was put to the Government, that you either pay this price or pay the annuity of $720.00.

Mr. CRAWFORD: The Hon. Minister who introduced this Resolution said that there is an Item in the Estimates under which we have been paying for the water rights and privileges at Newcastle in the sum of $720.00 a year. I have looked up the Estimates and under Item 20 "Springs" under the Head "Waterworks" we voted the sum of $1,738.00 to pay for certain rights and privileges of which $720.00 was for Nwecastle. The Minister in his airy, off-hand, irresponsible manner suggests that, because you are a member of this House, you should be in a position to recall every single Item in the Estimates and every Head and also to be fully conversant with the historical and legal background of these things.

Now, Sir, I venture to suggest that he himself knows of this matter merely because it comes under his protfolio; but if he did not have to deal with this matter, he would not know one single thing about this Newcastle situation for which we were paying $720.00 a year. What has happened is that the matter came up, he had to do some research on it and he became acquainted with its legal and historical background; otherwise he would know as much about it as some little boy at Dodds. If he knew about it, then he is guilty of criminal robbery when it came to compensating the owner of the land at Sweet Vale. If the Minister knew that we paid $720.00 a year for the Newcastle rights, then he should also know of the capital value of an annuity of $720.00 a year. In other words, since he knows everything about the 2,000 odd items in the Estimates, when it came to compensating this lady at Sweet Vale, St George, he should have said to his fellow colleagues in the Cabinet or in the Executive Committee as it was then: "At Newcastle we pay $720.00 a yaer merely for the water rights to the springs there."
8.00 p.m.

But he sat down and agreed to compensate this St. George lady on the basis of $2,000 for the entire water rights of her land, knowing as well as he did, that the capital value of the land for similar rights at Newcastle was $12,000. What do you call that, Mr. Chairman? Is that not aiding, abetting and robbery of this lady's rights?

Mr. CHAIRMAN: I think the hon. member for St. Philip is using rather strong language. Are you imputing these motives to members of the House?

Mr. CRAWFORD: Mr Chairman, what I am saying is that the hon. member has tried to impress the Committee that every single member in here is fully aware of the fact that we paid $720.00 a year for water rights at Newcastle Springs, but he did not know it when it came to buying the Sweet Vale rights; he was ignorant of it. The knowledge which he has now he did not have then, but if

he had it, well then what one could say is not Parliamentary. Because the lady was young as the Minister said, he thought he could rob her. I do not know if the Minister is legally or morally entitled to take advantage of people's inexperience.

The hon. member tells the Committee that he knows all these facts. It is common knowledge what we pay for Newcastle, and since he knows all that, Mr. Chairman, he permitted the woman to be robbed; he acquiesced to her being robbed; he is an accessory to the fact of her being robbed and he has no shame about it.

Mr. CHAIRMAN: I would suggest to the hon. senior member for St. Philip that he has made enough comparisons. Let us get back to the Resolution. Comparisons are very well in their way, but the whole tenor of your speech is now dealing with Sweet Vale. I am asking you now in as much as you have said enough to get back to the question of the springs at Newcastle.

Mr. CRAWFORD: Mr. Chairman, you will recall that the only point I made in connection with this matter was that I was not opposed in principle to paying the legal valuation for Newcastle; I made that perfectly clear. I said that I would not be a party to any expropriation without compensation. I also said that people were entitled to a proper valuation for their land; but the main point I am arguing has been that if we are being wise now as to the valuation of these water rights, because of the backlog of the present affair, let us admit that we made a mistake in the former affair.

My contention is that I am not voting for this Resolution at all, unless they are going to agree to give the Sweet Vale owner compensation on a similar basis. You cannot make fish of one and fowl of the other. The precedent to be used in this entire question of acquiring water rights is the Newcastle precedent. Wherever you are going to acquire water rights from individuals in this island, this is the precedent you should use.

We are paying them $60 a month to capitalise their annuity; therefore, we have this $12,000; therefore that or some basis near to it should be utilised in this case. You cannot compare $2,000 with $12,000; it is too far away, and to be reasonable and just, Mr. Chairman, even you will admit that, if way back in 1895 these rights were worth $720 a year, they are even worth more today. To pay $2,000 is sheer exploitation and robbery. It would not have happened to anybody else or somebody in a different stratum of life in the community. The lady has been taken advantage of, and the Minister who has all the facts pertaining to all the Heads in the Estimates, from the Governor back down to Miscellaneous, and still comes in here week after week and cannot give us a single piece of information about matters with which he is dealing all the time, should never have allowed his colleagues to take part in this shameless exploitation of a poor defenceless woman in St. George. I am sure, Mr. Chairman, that two wrongs do not make a right, and.....

Mr. CHAIRMAN: I have already cautioned the hon. member. You have made sufficient reference to the Sweet Vale affair. I am not going to allow you to make any further reference, and if you do, I will have to rule you out of order.

Mr. CRAWFORD: All I am trying to do in the most simple English is to explain one of the reasons why we on this side of the Table are not going to vote for the Resolution today; and I am entitled, Mr. Chairman, since we have made a motion before for postponement, to give the grounds on which we feel we will support the Resolution when it comes up again. If it passes now, it is passing over our objection on the score that we are not going to pay $12,000 for Newcastle rights when we only paid $2,000 for Sweet Vale rights.
8.10 p.m.

Hon. Dr. H. G. H. CUMMINS: I beg to move that the question be now put.

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

The question was put and resolved in the affirmative, the Committee dividing as follows:-

AYES: Hon. Dr. H. G. H. CUMMINS, Hon. M. E. COX, Hon. D. D. GARNER, Hon. R. G. MAPP, Hon. L. St. A. THORNE, Mr. HOLDER, Mr. SEARLES, Mr. T. W. MILLER, Mr. STRAUGHN, Mr. CORBIN and Mr. WALCOTT. - 11.

NOES: Mr. CRAWFORD, Mr. TALMA, Mr. TUDOR and Mr. BRANCKER. - 4.

The question that further consideration of the Resolution be postponed was put and resolved in the negative, the Committee dividing as follows:-

AYES: Mr. CRAWFORD, Mr. TALMA, Mr. TUDOR and Mr. BRANCKER. - 4.

NOES: Hon. Dr. H. G. H. CUMMINS, Hon. M. E. COX, Hon. D. D. GARNER, Hon. R. G. MAPP, Hon. L. St. A. THORNE, Mr. HOLDER, Mr. SEARLES, Mr. T. W. MILLER, Mr. STRAUGHN, Mr. CORBIN and Mr. WALCOTT - 11.

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

AYES: Hon. Dr. H. G. H. CUMMINS, Hon. M. E. COX, Hon. D. D. GARNER, Hon. R. G. MAPP, Hon. L. St. A. THORNE, Mr. HOLDER, Mr. SEARLES, Mr. T. W. MILLER, Mr. STRAUGHN, Mr. CORBIN and Mr. WALCOTT - 11.

NOES: Mr. CRAWFORD, Mr. TALMA, Mr. TUDOR and Mr. BRANCKER. - 4.

On motion of Hon. M. E. COX, seconded by Hon. D. D. GARNER, Mr. CHAIRMAN reported to Mr. SPEAKER the passing of four Resolutions in Committee.

Mr. SPEAKER resumed the Chair and reported accordingly.

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

LEAVE TO POSTPONE ORDERS 3, 4, and 5.

Hon. M. E. COX: Mr. Speaker, I am asking leave to postpone Orders 3, 4, and 5, and to take Order No. 6 as the next Order of the Day.

RESOLUTION TO APPROVE CIVIL ESTABLISHMENT (GENERAL) (AMENDMENT) No. 12 ORDER, 1959

Mr. SPEAKER: The next Order of the Day stands in the name of the Hon. Premier: To move the passing of the following Resolution: Resolution to approve the Civil Establishment (General) (Amendment) (No. 12) Order, 1959.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, this Resolution seeks to approve the Civil Establishment (General) (Amendment) (No. 12) Order. 1959. It is for something which I mentioned earlier today, that is, the creation of the post of Crown Solicitor. We have now a part-time Queen's Solicitor but, within recent years, the volume of work has so increased that it is now difficult for the part-time solicitor to do the work. We have a lot of work, so to speak, to do in connection with the Deep Water Harbour owing to the fact that we are seeking to buy certain properties in order to prepare access roads. Quick action is necessary at this stage.

Earlier today, we passed the Bill for the amalgamation of certain offices - Public Trustee, Official Assignee along with that of Crown Solicitor. I think hon. members are conversant with this measure. I beg to move that this Resolution do now pass.

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

Mr. BRANCKER: Mr. Speaker, I support this Resolution. It is for years now that I have been agitating that, since the post of Solicitor General became wholetime, it must follow as the night the day that the post of Queen's Solicitor should likewise be wholetime because exactly the same principle applies. In the past, there used to be occasions when the interest of the Government and the interest of private clients would conflict. I have seen it happen recently that there were two members of a certain firm of solicitors, one appearing for the Crown and the other appearing for a private client; one was appearing for the Crown because he was Her Majesty's Solicitor. That called for the highest professional integrity, and caused members of the public to feel unhappy and disconcerted that such a state of affairs should happen.
8.20 p.m.

One cannot understand why it takes the Government so long to see that the principle put to us for the same consideration applies in respect of the Office of the Queen's Solicitor. We are naturally supporting this Resolution. It does seem as if the salary as compared with what solicitors in this island work for now, I gather it is £1,600 per annum - (Mr. F. L. WALCOTT: Talk in dollars!) You do not talk in dollars when it comes to solicitors; you usually talk in guineas! *(Laughter)* From what one hears, it is quite likely that the Government will be able, for a comparatively small amount, to get a competent and by no means inexperienced man for the post.

This office is naturally an important one. The work has been increasing not merely with the Deep Water Harbour commitments, but in connection with the bonds of the people who are going to the United States of America and things of that sort. Apart from the principle to which I have referred, that of having the risk of the interest of the Government and that of the private individual conflicting, it is asking too much to ask one person to do the Government's work while, at the same time, paying strict attention to his private practice.

Although this is a belated step which the Government is taking, I commend them for at last seeing that it is an unavoidable necessity to create this post. I do not think that £1,600 per annum is enough to keep a good solicitor there, because he will be asked to come out of the Government Service and join a solicitor's office where he can easily start off with £ 3,000 a year. A Solicitor who was just looking at me laughed at the idea, but there are some firms at which £3,000 a year is regarded as comparatively small. Anyhow, we are glad to see that the Government is able to get an efficient man, a comparatively good man for this post.

Now that they are proposing to combine the duties of the Public Trustee and Official Assigne, I am wondering whether they will not find in the near future that this officer has too much on him, just as the previous holders of the office who, beside the duties of Queen's Solicitor, had the duties of a private Solicitor to perform. In combining the duties of Crown Solicitor with those hitherto attached to the offices of Public Trustee and Official Assignee, I am wondering whether it will not be discovered that the duties are too onerous for one individual to perform. However, we give our support to the passing of this Resolution.

Mr. CRAWFORD: Mr. Speaker, the determining factor in these matters is , I submit, the question of cost to the country. As members of this House, we have to resolve these problems as they arise, but the question is whether it is financially advantageous to the country to take the step or not to take it.

In my opinion, it is more or less incumbent upon the Introducer of this Resolution to submit to the House some brief information with regard to the financial implications of this proposal. That is to say, if we are going to present Measures in Parliament in the proper manner, the House should have been told by the Introducer of the Resolution that we are paying the Official Assignee so much a year, the cost to the country of the Public Trustee is so much a year and the Queen's Solicitor in fees is costing the country so much a year, making a total cost of so many pounds a year. Then, Mr. Speaker, he should have gone on comparing the cost of having a whole-time officer to do the job with a part-time officer doing it. It is not fair for a Minister to come here and ask the House, in the absence of figures along the line of suggestions, to add to the Civil Establishment a permanent post when we are told all the time that the Government cannot pay the people who are employed the salaries which they should be paid because of financial difficulties.

I am of the opinion that in any other Parliament in the area, this method of approach would have been adopted in presenting this matter to the Legislature for the first time. We should have been given some details of the financial implications. It does not indicate a proper appreciation.....

Mr. SPEAKER: It is now 8.30 p.m. of the clock, the moment of interruption. If this matter is being opposed it will have to be stopped right here.

Mr. CRAWFORD: I am not opposing it.

Mr. SPEAKER: If it is the general feeling of the House that the matter is not being opposed, the Government may continue. *(Asides)* My question is to the House and not to any particular member. If any hon. member is opposing this matter, it must be dropped at once.

Mr. CRAWFORD: I want to speak on the matter.

Mr. SPEAKER: An unopposed matter is a matter which is not opposed. If it is to be opposed, it will have to be stopped at this stage. If a single member is opposing the matter it will have to be stopped at this stage.
8.30 p.m.

Mr. WALCOTT: When I speak I do not know if I will oppose.

Mr. SPEAKER: The hon. member knows well enough if he is opposing.

Mr. WALCOTT: Sometimes you are not in favour of something, but you are not opposed to it, because there are certain things which you must have clarified.

Mr. SPEAKER: If it is being opposed or resisted, it will have to stop.

Mr. WALCOTT: That is a different thing. I do not know if I am going to vote against it because of some information I have to elicit from the Introducer. If the Introducer satisfied me.....

Mr. SPEAKER: If the matter is likely to be opposed, I will have to stop it. I can only conclude from what the hon. senior member for St. Peter has said that the matter is likely to be opposed; and as long as it is likeely to be opposed, I will have to interrupt.

UNOPPOSED BUSINESS

Mr. SPEAKER: It being 8.30 p.m. at the time of interruption, Unopposed Business will now proceed.

Mr. STRAUGHN: Mr. Speaker, I think it is here that I should crave Your Honour's guidance on a matter of privilege. The incident I refer to occurred at last Tuesday's sitting of the House.

Mr. SPEAKER: A matter of privilege can be raised at any time, but the hon. member may proceed if he is sure that it is a matter of privilege. Will the hon. member say what is the matter of privilege about which he is interested?

Mr. STRAUGHN: Yes, Mr. Speaker. It so happened that I attempted to rise during the course of the debate

last Tuesday on a matter of privilege, but before I had spoken Your Honour said that I was out of order.

Mr. SPEAKER: I did say that. I think that was a point of order.

Mr. STRAUGHN: With all due deference to Your Honour, I do notice that a motion directly concerning privileges of the House shall take precedence over all other public business. I was just wondering how I would have been out of order if I had not spoken on a particular matter.

Mr. SPEAKER: If an hon. member rises and does not say what he is rising on, he is out of order. An hon. member announces that he is rising on a matter of privilege immediately he gets up, but he has to say so.

Mr. STRAUGHN: I take it then that Your Honour did not hear because I did rise on that point.

LEAVE OF ABSENCE

Mr. WALCOTT: Mr. Speaker, would you at this stage grant me the privilege of making an application for leave? I did not get the opportunity to make it earlier during the day.

Mr. SPEAKER: With the leave of the House the hon. member has that permission.

Mr. WALCOTT: Mr. Speaker, I am asking for three months' leave of absence as from next Tuesday from my duties as a member of this House.

Mr. SPEAKER: The hon. member is asking for three months' leave of absence from his duties as a member of this House as from next Tuesday, and unless there be any objection, leave will be granted.

There being no objection, leave was granted.

Hon. M. E. COX: Mr. Speaker, I would like to ask at this stage for seven weeks' leave of absence from this House as from next Tuesday.

Mr. SPEAKER: The Hon. Leader of the House is asking for seven weeks' leave of absence from this House as from next Tuesday, and unless there be any objection, leave will be granted.

There being no objection, leave was granted.

Hon. M. E. COX: Mr. Speaker, there is one small matter - a Resolution to amend the Customs Tariff Regulations - which I hardly think will be opposed by members.

Mr. SPEAKER: If the hon. member cares to describe it.

Hon. M. E. COX: It is Order No. 4 on the Order Paper.

CUSTOMS (AMENDMENT) REGULATIONS, 1959

Hon. M. E. COX: The Addendum, Mr. Speaker, reads as follows:-

"The Customs (Amendment) Regulations, 1959, have been laid in the Legislature. These Regulations provide that fees shall be payable into general revenue for supervision by customs officers of 'racking' operations at licensed warehouses, authorised by Section 78 of the Trade Act, 1910."

In other words, at present, when goods are bonded, they have to be paid for as they come to the island. The packages cannot be broken and items taken out on which duty can be paid separately; so duty has to be paid on the whole package. This seeks for customs officers to supervise what is known as 'racking'; that is, to break a particular parcel and allow duty to be paid on the amount which must be removed from the Bond House at the particular time. That is all it really means.

Mr. SPEAKER: Has this Resolution been circulated?

Hon. M. E. COX: I can assure Your Honour that it was printed and circulated.

Mr. SPEAKER: Has the hon. member got his copy?

Hon. M. E. COX: I have my original copy.

8.40 p.m.

Sir, I read part of the Addendum to this Resolution just now. I will read the other part now.

"Such operations, which consist of the sorting, separating, packing and repacking of goods for re-export, were in the past carried out on a very small scale, but their recent expansion has made it necessary to charge for the services of customs officers whose attendance is often required for long periods."

As I mentioned earlier, this would provide for parcels to be broken in the bond houses and opened up and duty paid on the items which you want to remove at the time. The rest of articles remain until you pay the remainder of the duty. Hitherto, you could not pay duty on any particular item in a parcel; you had to pay the duty on the parcel as it was landed in the island. Now, you can open it, take what you want at the moment, re-pack and re-wrap if these Regulations are passed.

Mr. SPEAKER: Just one moment; is this Resolution likely to be opposed?

(No answer)

Hon. M. E. COX: I beg to move that this Resolution do now pass.

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

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

THE ADJOURNMENT

The Order Paper having been fixed,

Hon. M. E. COX: Mr. Speaker, I beg to move that this House do now adjourn until Tuesday next, 25th June, 1959, at 12 o'clock (noon).

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

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

8.50 p.m.