THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1962

HOUSE OF ASSEMBLY

Tuesday, 6th February, 1962.

Pursuant to the adjournment, the House of Assembly met at 12 o'clock noon today.

PRESENT

His Honour Mr. J. E. T. BRANCKER, Q.C., *(Speaker)*; Mr. L. E SMITH, J.P.; Mr. F. E. MILLER; Mr. J. W. CORBIN; Hon. G. G. FERGUSSON, *(Minister of Communications, Works, Housing and Tourism)*; Mr. R. St.C. WEEKES, J.P.; Mr. W. R. LOWE; Mr. L. A. LYNCH, J.P.; Mr. G. V. BATSON, *(Chairman of Committees)*.

Prayers were read.

MINUTES

Mr. SPEAKER: I have the honour to inform the House that the Minutes of the meeting of this Chamber held on 30th January 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, the Minutes of the meeting held on 30th January, 1962 are hereby confirmed.

I have the honour to inform the House that I have received from the Accountant General of this Island his Financial Report for the month ended 31st October, 1961.

PAPERS LAID

Hon. C. E. TALMA: Mr. Speaker, on behalf of the Hon. Minister of Development, Trade, Industry and Labour, I am commanded to lay the following:-

The Customs Duties (Vehicles imported for the Royal Society for the Prevention of Cruelty to Animals) Order, 1962.

The Customs Duties (Cardboard boxes and other containers of paper etc.) Order, 1962.

The Customs Duties (Raw Materials for use in the manufacture of Lead-acid Accumulators - Batteries) Order, 1962.

Annual Report and Statement of Accounts of the Barbados Development Board, for the year ended the 31st March, 1961.

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

The Motor Vehicles and Road Traffic (Amendment) (No.2) Regulations, 1961.

GOVERNMENT NOTICES

Hon. C. E. TALMA: Mr. Speaker, on behalf of the Hon. Premier, I beg to give notice of the following:-

Resolution to place the sum of $19,688 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1961-62, Part I - Current as shown in the supplementary Estimate 1961-62 No. 41 which forms the schedule to the Resolution.

Resolution to approve of the compulsory acquisition by the Governor-in-Executive Committee under the provisions of the Land Acquisition Act, 1949, of the lands described in the schedule hereto situate at Gall Hill in the parish of Christ Church in the Island of Barbados for the following public purpose, that is to say, for the extension of the playing fields at the Foundation Schools.

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

Resolution to approve the Regulations entitled "The Motor Vehicles and Road Traffic (Amendment) (No. 2) Regulations, 1961" made by the Director of Highways and Transport on the seventh day of July, 1961, under the provisions of section 7 of the Motor Vehicles and Road Traffic Act, 1937 as amended by section 41 of the Department of Highways and Transport Act, 1945 and approved and sanctioned by His Excellency the Governor on the twentieth day of July, 1961.

Resolution to approve the lease by the Executive Committee to the St. John Ambulance Brigade of a building situated at Constitution, St. Michael, near the Children's Goodwill League for use as a headquarters for the St. John's Ambulance Brigade.

COMMITTEE OF SUPPLY

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

QUESTIONS

Mr. BATSON: Mr. Speaker, to enquire of the Appropriate Minister:-

Will Government take steps at its earliest opportunity to have the Debates of this Chamber broadcast for the information and convenience of the general public?

Mr. SPEAKER: Order No. 1 stands in the name of the Hon. Leader of the House, the hon. senior member for St. Philip to move the House into Committee of Supply to con-

sider the grant of sums of money for the service of the Island.

Hon. C. E. TALMA: Mr. Speaker, I am asking leave to deal with Order No. 1 which stands in the name of the Hon. Leader of the House.

Mr. SPEAKER: The hon. senior member for Christ Church is seeking leave to deal with the Order standing in the name of the Hon. Leader of the House. If there be no objection, such leave shall be granted. Is there any objection to leave being granted to the hon. member? I hear no objection raised. The hon. senior member for Christ Church may proceed.

12.15 p.m.

COMMITTEE OF SUPPLY

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

Hon. A. DaC. EDWARDS: 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. BATSON in the Chair.

SUPPLEMENTARY ESTIMATE, 1961-62 NO. 40
PAYMENTS FOR COMPENSATION

Hon. G. G. FERGUSSON: Mr. Chairman, this Resolution is for the sum of $524 to be granted from the Public Treasury and placed at the disposal of the Governor-in-Executive Committee to supplement the Estimates, 1961-62 Part I — Current as shown in the Supplementary Estimate, 1961-62 No. 40 which forms the Schedule to this Resolution, and that the Legislative Council be invited to concur herein, and if concurred in,

RESOLVED that His Excellency the Governor be asked to assent and take necessary steps to give effect to this Resolution.

The Addendum sets out that the sum of $524 is required to meet *ex-gratia* payments in settlement of two claims for compensation. One claim is in respect of damages done to a motor car on Garrison Road, St. Michael, by a branch which fell from a tree growing on lands of the Governor-in-Executive Committee. The other is in respect of injuries received by a pedestrian whilst walking along the public road on Wellington Street. The injuries were caused by a defective stop-cock box.

I beg to move that this Resolution do now pass.

Hon. A DaC. EDWARDS: I beg to second that.

Mr. SMITH: Mr. Chairman, before you put the question, I would like the Hon. Minister of Communications and all the other Ministers when they are bringing down Resolutions of this sort to make the Addendum more explanatory. The Addendum to this Resolution reads as follows:-

"The sum of $524 is required to meet *ex-gratia* payments in settlement of two claims for compensation. One claim is in respect of damages done to a motor car on Garrison Road, St. Michael, by a branch which fell from a tree growing on lands of the Governor-in-Executive Committee. The other is in respect of injuries received by a pedestrian whilst walking along the public road on Wellington Street. The injuries were caused by a defective stop-cock box."

Now, Sir, no intelligent business person would sign a cheque to pay out claims without knowing who are the claimants. Surely who is responsible for this Addendum should have set out the names of the claimants. You cannot expect us to say "yes" to a Resolution of this sort which is to pay money out of the Treasury without knowing to whom it is to be paid.

I hope the Hon. Minister has this information in the files. Let us know who are the people to draw these claims: otherwise it would not be fair to us to be signing cheques to people whom we do not know.

Hon. G. G. FERGUSSON: The information which I have in my files on this matter is that on one occasion in May, 1961, an Austin car, G.663, owned by Miss Joan Eastmond while being driven across the Garrison Road near the Jockeys' Quarters, was struck by a branch from a tree which fell and broke the windscreen and the instruments' panel of the car. On advice from the legal authorities, they recommended that this lady be compensated and paid for damages to the car. The actual expenses were: Garage, $96.12; Stamp Duty, $2.50; Deed of Release, $1.00; making a total of $99.62.

With reference to the other claimant, a lady by name of Miss E. S. Estwick while walking along Wellington Street on Sunday the 5th March, 1961 at 1.30 p.m. stepped into an open hydrant, referred to as a stop-cock box, and fell and damaged her right arm. She was unable to work for six weeks. She was employed as a cashier and loss of six weeks' earnings amounted to $120.00, Doctor Fees $2.00, Medical Report $10.00, Medicine $1.08, General Damages $240.00, Legal Expenses $50.40, making a grand total of $423.48.

These two amounts totalled $523.10.

Mr. SMITH: Mr. Chairman, I thank the Hon. Minister for the information. That is how I would like the business of the House to be carried out.

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

On motion of Hon. C. E. TALMA, seconded by Hon. A. DaC. EDWARDS, Mr. CHAIRMAN reported to Mr. SPEAKER the passing of one Resolution in Committee.

Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. C. E. TALMA, seconded by Hon. A. DaC. EDWARDS in each case, the Resolution was read a first and second time and agreed to.

12.25 p.m.

PENSIONS AMENDMENT BILL

Mr. SPEAKER: The next Order of the Day stands in the name of the Hon. Premier:- To move the second reading of a Bill further to amend the Pensions Act, 1947. I observe that the Hon. Premier is not now in his place.

Hon. W. A. CRAWFORD: Mr. Speaker, with your permission, I am asking leave to take charge of this Order in the absence of the Hon. Premier.

Mr. SPEAKER: The hon. member is asking leave to take charge of this Order in the absence of the Hon. Premier. If there is no objection, leave will be granted the hon. member. *(After a pause.)* There being no objection, leave is granted. The Hon. Deputy Premier may proceed.

Hon. W. A. CRAWFORD: Mr. Speaker, this Bill is a very simple one. It is a Bill entitled an Act further to amend the Pensions Act, 1947. It is set out in the "Objects and Reasons" that this Bill seeks to give effect to a proposal which has become necessary where a country or territory ceases to be, following independence, part of Her Majesty's dominions or under Her Majesty's protection, but has elected to remain within the Commonwealth. This provision has been found necessary merely in order to preserve the pension rights of those officers who have been transferred or who may in the future be transferred to or from the Service of the Government of any such country or territory.

This Bill has become necessary in respect of service of this kind in the Government of Somaliland Republic. It has been also suggested that, in order to avoid ambiguity, the words "Somaliland Protectorate" should, in relation to service before the 28th June, 1960, be substituted for the word "Somaliland" in the Regulations and Clause 3 of this Bill seeks to give effect thereto. That is all there is to the

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

Hon. C. E. TALMA: I beg to second that.

Mr. WALCOTT: Mr. Speaker, there is no general objection to this Bill because it is one of those consequential amendments which the Legislature has to make in process of time when we get independence. I foresee that a similar amendment will have to be made in the very near future so as to take care of the situation with regard to Jamaica and also the situation with regard to Trinidad, because I think it is only today that in the British Parliament notice will be given of a measure to dissolve the West Indian Federation. It is therefore a fact that, for the members who are Barbadians and people who have served in this Federation and who went to Trinidad, there will be a question of their pension rights and what will happen if Jamaica and Trinidad each become an independent nation. I think, however, that it would be wise of me to draw to the attention of the Hon. Deputy Premier, who is holding the papers of the Hon. Premier, that at this stage it should be drawn to the attention of the Government that the present Pension Act of 1947 needs a complete overhaul in order to meet the present-day requirements.

It may as well be noted that they should pay attention to this measure. Under this present Pension Act of 1947 I think that the House and the public should know what is the position in relation to the Widows and Orphans aspect of the matter. You have an Act where the contribution is 4% and the majority of people have 4% taken out of their salary for Widows and Orphans. I want to say that there is no point in anybody arbitrarily arriving at 4% and you take 4% out of a person's salary without having any known facts as to the situation. The Civil Service as a whole is ignorant as to how the Pension Act is administered and to what extent the Widows and Orphans Fund as a Fund relates to the real needs of Civil Servants. For example, there is no point in saying that you are taking out 4% of the salary of a person who is earning $1,000 or $800 a month without any known relation to anything that he is likely to receive. What is the incidence of payment under the Widows and Orphans Fund so that we will know that you are withdrawing from public funds something which you will not utilise? You will utilise $1 million when you should only utilise about $300 or $400.

For the reason which I have given, I think that an analysis should be made of this Scheme in order that the people who are concerned should know about it. If you are going to retain this 4% being compulsorily taken, you should be able to examine that in order to determine whether the benefits you are getting are adequate for present-day needs. For that reason, I think it is time that a proper analysis should be made of this Act. Moreover, I think that the Pension Act should be so amended that this haphazard way of dealing with pensions should be abolished. If a man retires from a post and the post from which he retires earned $200 or $300 a month, how are we dealing with pensioners when their pensionable emoluments are fixed on a certain amount which was prevailing at a certain time; although you change the salary of the post, the pension on which the last person went out remains the same. I think that the time has come when a complete reorientation of that state of affairs should take place. A pensioner should be able to draw his pension in relation to any changes which have taken place in the post from which he retired and that would be the pension of the pensioner until he dies. Whenever you make an adjustment of wages there should be consequential adjustments to the pension instead of somebody having a Resolution passed asking you to look into the matter of the dear old pensioners and see how they are getting on. If you arrive at a calculation, that should be varied whenever a post is changed. If a person, for instance, holds the post of Chief Justice and he retires at a certain salary, I do not see why two Chief Justices should draw two different pensions when the post itself carries certain emoluments. I think it is calculated that people who normally retire at 65 years have 12 years or so to reside on this side of the planet, and for that reason you do not have them with you for all time.
12.35 p.m.
It is not an expenditure which you are going to have with you forever, but I think the Hon. Minister should pay some attention to this matter. I do not want to include any other pensions in this matter, but I would say, Mr. Speaker, that it would not be inopportune if the Hon. Minister who is now dealing with this would care — under this he cannot make a statement — to go into this matter. We know it is not a pension, but it is the same attitude which you would give to a pension which is before the Minister, and I hope very soon that he would be able to make a statement not in relation to a pension but to an allowance which has already been awarded to workers, and I would like to know how soon he would be able to let us know if an amendment could be made to the Displaced Allowance Bill through which money is given as a lump-sum or for a stated period.

Mr. Speaker, I am sure that the matter is of such urgent nature that the Minister, as there is no other Government Business on today, should be able to state how soon the Government proposes to bring down the amending legislation to the Displaced Allowance Bill which I am told has been before him for some time now, but we understand that since the recent election all of the Ministers seem to be inundated with their constituents, and the Minister of Labour in particular seems to be inundated with everybody who is in search of employment. I hope, therefore, that the Minister will bear these things in mind. The Pensions Act needs a complete overhaul, and it is time that we should look at it; now that we are looking at this amendment, I hope the Minister will be able to say what are the Government's views on these things.

Mr. SPEAKER: We must be chary of straying too far from the Somali Republic in this debate.

Mr. WALCOTT: I would like to say that this is the Pensions Act of 1947 and I am saying that if you are amending this the Minister should be aware that there are other amendments in relation to the 1947 Amendment.

Mr. SPEAKER: Does any other hon. member want to speak before the Hon. Mover replies?

Hon. G. G. FERGUSSON: Mr. Speaker, I am in complete agreement with the hon. senior member for St. Peter. Years ago when pensioners received a very small pension and the cost of living went up exceedingly high, they found it inadequate to live on; and as the hon. senior member for St. Peter has described, in the case of two men of the same office with ten years' difference between their respective times of retirement, one would find himself receiving a pension of actually twice as much as the other. I am quite in agreement with him that something should be done for those who received pension years ago in comparison with the present-day pensioners, and even if they should be increased, the ones of previous retirement should go up in accordance with them.

Mr. GODDARD: Mr. Speaker, now that we are dealing with this amendment to the Pensions Act.....

Mr. SPEAKER: The hon. member will not be long on this matter.....

Mr. GODDARD: I shall not be long, Sir; you know I am generally brief.

Mr. SPEAKER: There is no limitation as to time, but the hon. member should try not to stray too far from the Somali Republic.

Mr. GODDARD: As a result of what the hon. senior member for St. Peter and the Hon. Minister of Labour have said with regard to pensions, particularly where there are two or three or even more pensioners of similar office drawing different pensions, that is a very big question indeed. My sympathy goes out particularly to those policemen, ex-Sergeants, who have retired some ten or fifteen years ago on what we consider today very inadequate pensions for the good services which they rendered to the public in the past. Whenever pensions were reviewed in this Chamber, our Party always fought for an increased percentage to be given to those pensioners who had retired, say, ten or fifteen years ago. If they are brought up today, never-

theless it would involve a very large sum of money from the Treasury. That could not be undertaken until a review of the finances of the Island had first been made; but the disparity is so great that it needs to be looked into.

Mr. Speaker, I know of ex-Police Sergeants and Sergeant-Majors who are living today and drawing merely $40 or $50 a month as pension, whereas a similar officer if he retires today would get $100 or $120, which is a great difference indeed. To bring them to today's standard would involve the Government in finding large sums of money, but the equation should be brought up to more realistic present day cost of living standards.

Hon. W. A. CRAWFORD: Mr. Speaker, I do not propose to go outside the Commonwealth in replying to the matters raised in this discussion.

Mr. SPEAKER: Except, of course, the hon. member may go to the Somali Republic.

Hon. W. A. CRAWFORD: When I said that, what I meant was that the Somali Republic is the only place outside the Commonwealth included in this Bill, and the hon. senior member for St. Peter did raise one or two issues which may have been regarded as quite outside the scope of this measure. I crave Your Honour's indulgence in one respect merely to say to him that in respect of the Displaced Workers' Allowances proposals that matter has already received my attention and is now before the Government, and will most likely be before this House in another week or two.

With regard to the general remarks proposing a basic review of pensions generally, this is a matter which I am sure hon. members will agree cannot adequately be discussed at a time like this.

Mr. SPEAKER: The hon. member is quite right according to the Standing Orders of this House.

Hon. W. A. CRAWFORD: I appreciate Your Honour's endorsement. What I do want to say, though, is this: I would suggest to the hon. senior member for St. Peter that the particular aspects of the existing pensions legislation in addition to the matter referred to with regard to the Widows and Orphans pensions may more appropriately be taken up by the Civil Service Association in due course with the Government. The Civil Servants have their representative bodies to deal with these matters — the Whitley Council and what not — and I am sure the Government will give a sympathetic ear to any proposals for reconsideration of any aspects of the Pensions Bill which can be supported either with object or with reason. Apart from that, the only other point raised by the hon. senior member for St. Peter was with reference to the retirement pensions of Barbadian Civil Servants either in Trinidad or Jamaica if and when those two countries acquire their Independence.
12.45 p.m.

Well, now, this is exactly what the Bill seeks to rectify. The provisions of the Bill would apply to service in a similar capacity under the Government of this Island or any other country or territory in the Commonwealth. Its provisions even go further and include service in the East African High Commission, the East African Railways and Harbours Administration or the East African Posts and Telecommunications Administration. Additionally, it includes service which is pensionable under the Overseas Superannuation Scheme or any other Act relating to the superannuation of teachers in the United Kingdom and under a local authority in the United Kingdom. Therefore, the hon. senior member for St. Peter need have no apprehension over the pension rights of civil servants from this country who were at some time engaged in the Public Service of Jamaica or that of Trinidad. Their rights would be protected in the legislation now before us.

The only other useful information which I can add is that in so far as I know, the pension rights of Barbadians and for that matter other West Indians employed in the Federal Civil Service would also be protected. My information is that there would be a conference in London some time next month to consider the question of disengagement of service on the part of public servants now employed in the West Indian Government Service. I am merely passing this on simply because the hon. member can receive the assurance that even in the case of Federal Civil Servants their pension rights would be adequately safeguarded.

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

Hon. W. A. CRAWFORD: I beg to move that Your Honour do now leave the Chair and the House go into Committee on this Bill.

Hon. A. DaC. EDWARDS: I beg to second that.

Mr. SPEAKER: The question is that I do now leave the Chair and the House go into Committee on this Bill.

Hon. members in favour will please say "Aye" and those against will please say "No". (A VOICE: No.) (ANOTHER VOICE: Divide.) A division has been called for.

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

AYES: Mr. BATSON, Hon'bles W. A. CRAWFORD, A. DaC. EDWARDS, C. E. TALMA, G. G. FERGUSSON, Messrs. CORBIN, WEEKES, LOWE, YEARWOOD, BOXILL, WALCOTT, HUSBANDS, COWARD, HOLDER, SMITH, MILLER, SEALY, MOTTLEY, LYNCH and GODDARD — 20.

NOES: Nil.

Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. BATSON in the Chair.

Clause 1 was called and passed.

Clause 2 was called.

Hon. W. A. CRAWFORD: I beg to move that Clause 2 stand part.

Hon. A. DaC. EDWARDS: I beg to second that.

Mr. WALCOTT: Sir, I would like to thank the Minister for the information which he gave me, but I take this opportunity to draw to his attention that in so far as the amendments to this Bill, and the amendments to any Bill whatsoever, any matter can be drawn to the attention of the Government, dealing with the particular Act to be amended as a whole. The Pension Act, 1947, is now before us to have amendments to that Act. We do not amend an Act by a Section; we amend the whole Act; therefore, I have the right to draw any aspect of that Act to the attention of the Government though that particular amendment is not before us.

I would like to make it quite clear that there is nothing wrong to draw to the attention of the Government something concerning that Act although I am not introducing the amendment. I am making it quite clear that any member can draw to the attention of the Government any aspect of the Act with which we are dealing and there are aspects of the Act which should be considered other than the amendments which have been brought in.

I would like to say to the Hon. Minister in charge that it is not for me to ask the Civil Service Association to draw to this Chamber or the Minister any aspect which this Bill has not brought to light and I am quite within my rights to draw to the Minister any aspect of it which I think should be amended.

Hon. W. A. CRAWFORD: Mr. Chairman, I rise on a point of order. The hon. member is quite mistaken. I am not suggesting that he should go to the Civil Service Association, nor do I wish to deny his right to come into the Chamber and speak on any aspect of the Bill. All I said was that this Bill covered what the member asked about and presumably if any condition needed rectification from their point of view that they would have approached the Government through the appropriate channels. This does not deny the hon. member or any other hon. member the right to draw to the attention of the Government any aspect of public administration which he thinks needs redress.

Mr. WALCOTT: Sir, I am glad to learn that we are in complete agreement on that point because I did not want it to be felt that the Civil Service Association should be the medium through which hon. members of this House must look for information in a matter like this. As regards this matter of the Pension Act which we are amending and reviewing, I think it would be the right for the Government to consider all aspects of it for future amendments. The suggestion is that you do not have to amend those parts of it

which I suggested just now, but I am taking the opportunity to draw to the attention of the Government that this Act should be looked at in its entirety in order to make consequential amendments.

Again, Sir, I must thank the Hon. Minister for the information which he has given us and also say that there is complete agreement that the Civil Service Association can also make suggestions. However, without doing the Civil Service Association an injustice, I would say that it is a known fact that the Civil Service Association is not as militant a body as it should be and for that reason when there are substantial matters to be dealt with, and we can draw them to the attention of the Government, we should do so.
12.55 p.m.
In some parts of the United States of America that has been adopted. I think it would be a more scientific approach to the Pension Act, if at any time, you think in terms of the Pension Act, that it applies to the present emoluments and salary, and when the post changes the pensionable emoluments change and the Government will not have to pass Resolutions from time to time. On the last occasion we tried to equate something for pensioners and considered what we should give to a pensioner who retired in 1922 and is still alive. The pension which he should be given should be given in relation to the post which is now in existence or it should be given in relation to a comparative basis. That is how the Government should look at a scheme like this; it should be in relation to what is at present in operation. It is for the Government to make that change so that it will not become worn out.

Mr. HUSBANDS: Mr. Chairman, the hon. member who has just sat down referred to certain difficulties in connection with this Bill. I should like to say that there are Government servants today who have elected to have pensions and gratuities under the Act of 1925 and one gets a bit confused. I had a situation recently where a retired servant had elected to have his pension under the 1925 Act and under the Pension Act of 1947 this man still got his emoluments as he had elected to receive under an Act which does not now exist. That is the snag which has to be corrected because these servants have elected to draw their pensions under the 1925 Act and you cannot go back and tell a a man what he must do when he has already made his arrangements.

Mr. WALCOTT: Mr. Chairman, there is no snag in the suggestion which I have made. Even if a man made his choice under the 1925 Act, there is a difference between the 1925 Act and the Act of 1947. The 1947 Act deals with the payment of a gratuity and a reduced pension whereas the 1925 Act does not deal with any gratuity at all. Are we going to elect to give a higher pension and no gratuity or a gratuity and no reduced pension? That is nothing to do with the suggestion which I have made. The suggestion which I have made is that where a person retires at a certain salary and the salary of the post changes, the pension should be put on a comparative basis. Those who are alive and have elected to work under the 1925 Act can be counted on the toes of one foot. The 1947 Act is more liberal than the 1925 Act. Human beings usually try to get as much as they can in their lifetime. The 1925 Act meant that in perpetuity you are going to get this pension, but my suggestion to the Government has nothing to do with the calculation and the method of computing. My suggestion is that whatever be the emoluments of the post which you have, you relate it as a post, but when you calculate the pension you calculate it in the terms of what the present Act is. Suppose a man elected in 1925 to go into a post for so many dollars per annum; if the post had been that amount, the pension he would have received in 1925 would be related to the amount of money for which he was working. The question is: to what are you going to relate pensions? None of these authorities in the island has any scientific basis for adjusting pensions if the matter extends lower down. We say that we will give our pensioners so much more because there is no proper method of computing it. You should relate the pension to the post whence the man has retired at a certain salary. In Barbados, like all other parts of the world, as soon as you introduce something, you find that somebody says that there is a snag. I want to say that there is absolutely no snag in this matter; it is a question of what are we going to pay pensioners as long as they are alive.

Mr. HUSBANDS: Mr. Chairman, I sincerely feel that there should be some change in this matter, but very recently I experienced a case where a man had elected - at least that is the impression I got - to receive his pension under the 1925 Act and when we examined the pension we were astounded at the computation. I did not hear what the hon. member said initially, but there is a difficulty. If any agreement has been made by anybody, that is something which has already been done. I am not saying that we should not change the present conditions as they relate to retired servants; but if the hon. member had my experience he would have been able to appreciate the fact that there is some difficulty which is now experienced as far as the average person understanding how some people have made this agreement in 1925, and now there is the 1947 Act. I am not trying to condone the operations of any department, but I do know that difficulties are being experienced in one or two cases. It is true that there are one or two people who are in the same category and there are others who have not yet resigned.

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

Clause 3 was called and passed.

Hon. W. A. CRAWFORD: Mr. Chairman, I beg to move that you do now report the passing of this Bill in Committee.

Hon. C. E. TALMA: I beg to second that.

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

The CHAIRMAN reported and Mr. SPEAKER resumed the Chair and reported accordingly.

1.05 p.m.

Hon. W. A. CRAWFORD: Mr. Speaker, I beg to move that this Bill be now read a third time.

Hon. C. E. TALMA: I beg to second that.

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

Hon. W. A. CRAWFORD: Mr. Speaker, I beg to move that this Bill do now pass.

Hon. A. DaC. EDWARDS: I beg to second that.

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

Mr. SPEAKER: And there remains on the Order Paper of today no other Government Business.

SUSPENSION OF SITTING

Hon. W. A. CRAWFORD: Mr. Speaker, I beg to move that this House do now adjourn until this day week, Tuesday, 13th February, 1962, at 3 o clock in the afternoon.

Hon. C. E. TALMA: I beg to second that.

Mr. MOTTLEY: I beg to second that, but in seconding that motion.....

Mr. SPEAKER: The hon. senior member for Christ Church caught my eye first, and he happens to be the Minister seconding the motion for adjournment.

Mr. MOTTLEY: Speaking on the adjournment, Sir, I would like to take this opportunity to say that I had hoped that the Minister of Social Services would have been able to give us some statement as to the questions I raised re the Medical Officer at the Hospital who I understand it is alleged was overdrawing salary, and also about the Pathologist at the Hospital. I feel, Sir, when Ministers make promises, they should certainly carry them out.

Mr. SPEAKER: If the hon. member is just drawing that to the Minister's attention.....

Mr. MOTTLEY: I am drawing the matter to the Minister's attention, and as we are adjourning after an hour's sitting, the Minister should be able to make some statement as he made a solemn promise to us last week that he would make a statement.

Mr. WALCOTT: Speaking on the adjournment, I would like to get this matter cleared up by Your Honour, because there have been so many rulings in here about the Standing Orders. By law in the House of Assembly certain things are in the Act and others are in the Standing Orders. I do not know if there are matters under Private Members' Business to be dealt with before Private Members' Time arrives, whether Your Honour is going to permit an adjournment to take place. When no further consultation is made on these matters, it makes the whole idea of Standing Orders a farce, and I do not understand this farcical situation in which you ask the House to meet at 12 o'clock and put times in. I want to know what law there is that says if you finish Government Business at 12.30 you cannot proceed to do Private Members' Business at that time.

I want to make it quite clear that if it comes down to that, we would not be able to meet at any other time than mid-day, because the House can adjourn to meet at 9 o'clock tonight or 2 o'clock tomorrow morning. There is a matter standing in my name.....

Hon. W. A. CRAWFORD: On a point of order, the hon. member need not assume that we assume that there is a law which says that because Government Business has been completed the House must adjourn. The position is that when we made the motion because we had finished our business, the time for Private Members' Business had not yet been reached; but it is for any private member if he wants to have Private Members' Business gone into to oppose the motion for the adjournment and ask for leave to go on directly to Private Members' Business. We have absolutely no objection at all to doing Private Members' Business in the allotted time, and since the hon. member has signified his desire so to do, I am prepared to ask for leave.....

Mr. SPEAKER: May I make a suggestion first to the hon. member? The hon. member who has a matter under Private Members' Business is seeking that a motion be made amending the substantive motion of the hon. senior member for St. Philip that this House do now adjourn until 2.30 o'clock this afternoon, so that other hon. members who are desirous may proceed with Private Members' Business this afternoon.

Mr. WALCOTT: Mr. Speaker, I do not know what was the Government's intention this afternoon. I do not know if they had an urgent afternoon appointment and so wanted to adjourn, but I wanted to get the position regularised as to when we would get around to Private Members' Business. If the hon. member is not persisting with his motion that the House do now adjourn until today week, I would submit that the Sitting be suspended until 2.30 p.m. today.

Mr. SPEAKER: Is that the motion of the hon. senior member for St. Peter?

Mr. WALCOTT: Yes, Sir.

Mr. SMITH: Mr. Speaker, I rise to second the motion, but there is another snag. The members who are not in favour might not turn up though they may agree to the Suspension. Anyhow, I respectfully beg to second the motion.

Mr. SPEAKER: There is an amendment to the motion of the Hon. Leader of the House that this Sitting be suspended until 2.30 o'clock this afternoon.

Mr. WALCOTT: Mr. Speaker, if you would permit me, if the other side agrees to the Suspension, it would be easier than adjourning, because an adjournment carries all the formality.

Mr. SPEAKER: I understood the hon. member to say "suspension" and that is what I am putting to the House. The amendment of the hon. senior member for St. Peter is that this Sitting be now suspended until 2.30 o'clock this afternoon.

1.15 p.m.

Hon. A. DaC. EDWARDS: Sir, the hon. senior member for the City, speaking on the adjournment, asked if the reply concerning the leave of a particular doctor at the General Hospital was ready and was wondering whether I had the reply to give now.

Mr. SPEAKER: I take it that the Hon. Minister is promising a statement on the matter.

Hon. A. DaC. EDWARDS: I was wondering whether it was possible to give the statement later today or if the hon. member would be willing for me to make that statement now.

Mr. SPEAKER: If this meeting is carried on, the hon. member may ask leave to lay the statement on resumption of Government Business.

Mr. MOTTLEY: Sir, let me say that I am not particular about the Minister laying any statement. I want the Minister to get up and make a statement at the appropriate time and in the proper order.

Mr. SPEAKER: The Minister is fully cognisant of what the member is drawing his attention to.

The question that the sitting of the House be now suspended until 2.30 o'clock p.m. was put and resolved in the affirmative without division.

1.20 p.m.

On re-assembling

Mr. SPEAKER: Question Time. I have been advised that no answers to questions are yet ready.

PRIVATE MEMBERS' BUSINESS
THE TRADE UNION (AMENDMENT) BILL

Mr. SPEAKER: We now will proceed to Private Members' Business. The first Order stands in the name of the hon. senior member for St. Peter: To resume debate on the second reading of a Bill to amend the Trade Union Act, 1939.

When Private Members' Business was adjourned at our last meeting, the hon. senior member for St. Andrew was speaking.

Mr. CORBIN: Mr. Speaker, when the House adjourned on the last occasion, I was speaking about peaceful picketing. I said in my remarks that peaceful picketing was necessary and I will give my reasons why it is necessary. Peaceful picketing simply means "Come, let us reason together" and the Good Book says that. There are higher heights and deeper depths. I remember some years ago that I was working with a contractor. I was the third man in his group, there being that contractor and his assistant above me. All the other men were under our control. Those men cried day after day and their voices were not heard. After hearing the cries of those men for some time, I said to myself that I will forsake my job and share the hardships of these men in order to represent them. I banded those men together and formed a delegation to meet the high authorities. I had them lined up and then searched them in order to find whether they had any firearms or sharp-edged weapons. I had them under my command just as a captain on the battlefield has his men. I had to band them together because their voices could not be heard through the contractors. I will tell hon. members the reason why the voice of a poor labouring man cannot be heard through the contractors, or the overseers who are over him. It is always because the contractors get the big slice of the cake and they will not voice the grievances of the poor men under them because they would expose themselves; so they always keep them in the dark so that their voices will not be heard. As soon as peaceful picketing comes into operation then a new light will be shown and that is the reason why the employing class would not want peaceful picketing. When the authorities came I had my men under control in the parish of St. Andrew in a village called Lakes near my home. They asked me: "why is it that your men are not working? What is the grievance?" I said that we had reached the top of the hill and our motor had run out of lubrication; therefore,

we could go no further. He said: "Define the words." I then said that we have the mind to work but we have no energy. He asked me what was the cause of that. I said that it was because from His Excellency the Governor right down to the lowest paid Civil Servant had received an increase of salary and backpay and these poor rockblasters who were carrying the burden of the day had received no increase or backpay. He asked me if I would allow my men to go back to work pending an increase of pay. I said, "Not until some agreement was signed by the higher authorities."
2.35 p.m.
The next day my men came to my home. I received a telephone message and then I received a letter from the Colonial Secretary and from the Department of Highways and Transport that my rockblasters would receive an increase of pay and a gratuity or back pay. I said that the men could go back to work and see what the alternative would be. They received an increase and back pay and the boys went back to work and they were working with a contented spirit. Apart from peaceful picketing we would not have received any benefit at all. When the hon. senior member for St. Peter brought this amendment before this House on the last occasion, it was turned down by the last Government. I am saying that anybody who does not allow peaceful picketing is lukewarm; people who do not like peaceful picketing are lukewarm people or a lukewarm Government. When a man is lukewarm he will have to be spewed out. There is no better way to achieve your right than by having peaceful picketing. There may be men who are working as casual workers and you may have overseers in the field or in the biggest place or in the industries. The higher authorities do not know how the little man is suffering because an overseer may be the barrier to the small man who cannot obtain his right. When such hardships come upon the poor people, they have the right to band themselves together and the higher authorities should allow their cries to be heard.

Peaceful picketing is a right thing to have. Anyone who says that peaceful picketing is not right, is a devil and he is of no use. I will tell you what has caused so many riots and so much disturbance throughout the world; it is when men cannot demand their rights. When men can band themselves together and go to the higher heights and seek their rights, I say that they must have them on the whole. When justice cannot be meted out to people, that causes trouble; but when justice can be meted out to poor people they will be relieved. When justice cannot be secured it is left for mercy to be shown.

Sometimes servants are afraid to approach the authorities because they are afraid of losing their jobs; but I sacrifice myself in order to help those who are suffering. I act like Moses of old; he would rather suffer affliction with the people of God than enjoy the pleasures of this world for a season. As I say, I sacrifice myself and by so doing, wherever "Homie Corbin's" voice is heard, the rockblasters pay tribute to my name for the good I have done for them. The work I have done in the former days has caused me to receive the honour I have from my people. I say that proper representation and peaceful picketing are good. You do not want to go in for the use of guns or sticks or anything of the sort, but you just want people peacefully to express themselves before the higher authorities and the benefits which are due to them will be good. For the reasons which I have given, I must vote for this Bill wholeheartedly; I say that peaceful picketing is good for the people of Barbados. Mr. Speaker, I thank you for your patient hearing.

Mr. GODDARD: Mr. Speaker, after hearing the last speaker, one would imagine that we are just amending the Trade Union Act so as to introduce peaceful picketing for the first time; but that was done in 1948 and nobody is proposing that today. This Bill is an amendment to an Act which has been on the Statute Book since 1948; that is what we are discussing today. Nobody will oppose peaceful picketing because it is a part of the right of the Trade Union or the right of the workers, if they are so aggrieved that they feel it necessary, to picket the store of an employer or firm so as to encourage other workers not to work or to dissuade them from working. That is the right of the workers and everybody agrees to that. As the hon. senior member for St. Peter has said, it is also the right of workers in England if they are so minded and if the Trade Union gives its sanction, to go to an employer's home or a worker's home for that matter, and also to picket in the same manner as at the business. That is where our Party disagrees with this amendment. It is not only today, but in 1948 that the Leader of my Party pointed out to the Government at the time that although we agreed with peaceful picketing, we do not agree that it should be carried to the extent of picketing being done at a man's private home.

We know that we were told it was peaceful picketing, but in any circumstances labour disputes can develop into anything else but being peaceful. We would even go so far as to say that if a person's place of residence is also his place of business, we would accept an amendment to that extent; but to carry the matter beyond that and permit peaceful picketing to take place at a man's home is absolutely unnecessary; furthermore, it might cause trouble not only to the person to whom you wish to draw very forcibly the question of the conditions of work, the payment of wages and so on, but it might even cause trouble to his neighbours. You know that conditions in Barbados are quite different from what they are in a big country. Imagine your picketing a person's home in one of our tenantries! What privacy would that man and his family have?
2.45 p.m.
You may say that picketing does not mean peeping into a man's house; but if you are picketing around there, you cannot avoid actually knowing or seeing what is going on in the house, backyard and everything else. That is the only ground on which we have always opposed this and we will oppose again today carrying it to the extent of picketing a man's residence, and I will repeat, when that residence is apart from his place of business. A man may be the Director of ten or fifteen businesses and he could become involved in a labour dispute at any one of those companies. I do not see that the present Union so constituted would wish to use this amendment for that purpose, but let us think of the future.

Mr. Speaker, we have seen the Government change when they thought they were here forever though we told them it was not so. Governments change and personnel can change; but if the Union feels that because it is on the Statute Book of every other country it is good enough to have it on the Statute Book of Barbados, I do not agree with that. I am not a Trade Unionist; I am a legislator, and I am thinking today of what is best for the majority of people whether it be the worker, employer or anyone else, even my neighbour. I do know that the Government has given this its blessing in the past, and today I have no doubt that this amendment will pass. I do not see as a result of that that anyone should have any fear for the immediate future, but it is wrong to put something on the Statute Book which we in our Party feel could involve great distress - I would not say "bloodshed" because I am not one who thinks so far - to a community and to people who live in a residential area apart from their place of business. A picket line could be established in front of one employer's home. That employer could be the most hard-hearted, thick-skinned individual who could not care less whether there were 1,000 pickets in front of his home; but what about his neighbour? There could be some sensitive neigbours on the other side who could be more injured than the employer.

Mr. Speaker, it is purely academic that the Union or the General Secretary of the Union is pressing for this amendment today. He feels it is on the Statute Book in other countries; so it should be on ours. As I said, the Leader of our Party opposed this in 1948. We have never voted for it although it had been brought to this House and discussed at great length on more than one occasion; so we are of the same stand today, and to us it is a matter of principle. For that reason, Mr. Speaker, we oppose the amendment, but I wish to make it quite clear that we would even accept an amendment where the residence is the same as the business, but not where the residence is set apart from the business. I understand that when this was first introduced in England it involved businesses of any nature where the employer took home work, and for that matter it was extended to mean his place of business or his home. That is not so today. I wish to make it quite clear that this is the ground on which we will oppose this amendment.

Mr. MOTTLEY: Mr. Speaker, I do not think it is necessary for me to say much on this, because my friend, the hon. senior member for St. Peter, the Secretary General of the Union, knows exactly where I stand on this matter, and where I stood since 1948. I do not suppose you will hear any utterances from me that any Party discipline prevented me from voting for it. I just did not vote for it, and I told the electorate I would not vote for it, and I did not come in here under any false pretenses. Nothing has changed my mind. The Secretary of the Trade Union has always told me that he knew where I stood in the matter; but I suppose what surprised him at one time was that those who castigated and criticised me have certainly turned table and voted the way I voted at one time.

Now, Sir, I am voting the same way. The hon. junior member for Christ Church has actually made it clear to this House what our position will be. This is not voting against picketing. I am a much older man than the Secretary of the Union, and when he came into politics I had begun to shed my eye teeth, so to speak, in a big country where Trade Unions ranked very high in the opinion of the masses, and I realised that the one and strongest weapon that the working man can have is that of strike and picketing. Anybody travelling in the United States or in a big country would see picketing day after day. I have often heard on the floor of this House that so-and-so is the usage, custom and practice in England, but that those same things would not suit Barbados. You have heard socialists saying that, and I heard it from this side of the Table when we were on the other side, and when the present Trade Unionist persisted as he is doing in bringing forward this amendment. The Government at that time voted against it. I voted the way I voted in 1948, but the Government in 1948 abused me for voting the way I did. I am not opposed or never will be opposed to peaceful picketing, and the hon. junior member for Christ Church has said that if peaceful picketing in this amendment meant where a man is carrying on his business and his home was there, you could picket there, we would say "yes". I will repeat that. If peaceful picketing meant where a man was carrying on a business and lived on the premises, I would say "yes". It goes both ways. I do not think the hon. member has any quarrel with me because I have made my position clear. It would be with those who have never made their position clear. I will support peaceful picketing, but not peaceful picketing at the private residence of business of people, and by that I mean not merely the directors but maybe the shareholders. The hon. member may come right down to me and say that I stand here as a Director of a trading company in Bridgetown; so I am not going to bring the case of Mr. X or Mr. B; I bring my own case.

2.55 p.m.

The hon. member might come right down to me and say: "There you stand as a Director of a Trading Company in Bridgetown." I say: "yes, I am." I supported them when this matter came up. I said that they could picket all up and down the Civil Trading Company. Let them picket in front of that store and say that the Directors of that company do not pay proper wages; they have dismissed somebody, and all like that. I agree with all of that. But then in the same breath, I say: "What are the benefits to be derived if I live at Wildey House which has a gap from here nearly to the Garrison and you are going to endanger people's lives by saying that there is a dispute at the Rum Refinery?

Now that you are passing this amendment, it would be legally right to peacefully picket a man's residence but I am saying that you may endanger those people's lives who are carrying out a lawful act.

I have no doubt that hon. members over on the other side, because they have fought the election and have got the majority, must vote for this amendment: but, Sir, you must have no doubt that I, who am not in here on any false pretences, cannot vote for it. I repeat that although you are carrying out the law and you are not observing it in the breach, therefore, you are going to picket the home of a director which stands about a quarter a mile away from the public road, yet by your carrying out the law, you are going to possibly endanger persons lives.

What I fear about this matter is the peculiar conditions obtaining in Barbados. Peaceful picketing applies to disputes over agricultural labour. Your picketing up and down the road would be in accordance with the law; but when you come to picket the big house with the lot of trees in front of it, the Alsation dogs inside, the revolvers in that place, surely, you are going to put people at a disadvantage.

I say that peaceful picketing is the strongest weapon that the working man has at his disposal. You must try it when you can no longer negotiate with the employers through your representatives in the Union. I am one of the firm believers in a Trade Union. Do not make any mistake about it that any person who is not a Socialist does not believe in a Trade Union. Neither make the mistake that all Socialists believe in a Trade Union. Let us say that you are running a bus transport and the conductors and drivers have struck for more wages. I say it is quite all right for you to tell the workers to picket the bus stand and tell the people not to ride in your buses. But let us take the instance of a Director living in a house half mile away from the public road and whose wife is pregnant and you get somebody picketing that man's place at night and scaring her. Look at the danger! I know the hon. senior member for St. Peter is going to quote all the laws concerning peaceful picketing. As a matter of fact, I was discussing it with my son recently and he said to me that it is in the English Act today. But let us look at the difference of conditions in England from those in Barbados. A Director of a firm in London may live in Liverpool or Lancaster which is 200 miles or 300 miles away. A Director of a firm in Cardiff may live in London in a big apartment house upstairs. Let us say that you picket the place where that Director lives, it just does not make any difference. But let us apply it to conditions in Barbados. First of all, there are few industries which you have here but, of course, this does not merely apply to the big industries like the Telephone Company, the Rum Refinery and the Barbados Light and Power Company. As I see it, the small business places come under this: therefore, you can have peaceful picketing at the home of Mr. Leacock, a big business Director and at the home of the proprietor of the Fix-it-Right Garage. You can have peaceful picketing at the home of Mr. Victor Goddard who is the Director of a large Ice Factory and you can have peaceful picketing at the home of the Director of a small Ice Factory in Tudor Street. Therefore, you can go down at the home of this small Director in Brighton and peacefully picket it.

I commend the Trade Union leaders in this House of Assembly for their strength in pushing anything to help the cause of trade unionism; but I say that I have never yet got on a platform and said that I would vote for peaceful picketing at a private residence. I said that I would vote for it as it was before, but not at a private residence. Sir, there are a lot of people in here this afternoon who would possibly cast a vote for it against their conscience.

Mr. SPEAKER: Is the hon. member referring to other hon. members in this House?

Mr. MOTTLEY: I said: "a lot of people in here." It would not include hon. members of this House.

Mr. SPEAKER: I hope you are not suggesting that hon. members would vote against their conscience.

Mr. MOTTLEY: Some hon. members do a lot of things against their conscience.

Mr. SPEAKER: The hon. member would know.

Mr. MOTTLEY: That is the experience of quite a lot of us. As I have said, Sir, I commend the Trade Union leaders for the stand which they have taken. I would say, however, that even when the hon. senior member for St. Peter was in the Government Party, he did not press that peaceful picketing should apply to a private residence. I remember at the time when this matter was brought up my Party said "No" and we voted "No". What has aggravated the hon. member is that people who got in here on the premise that they would do all these things then made a right about turn and agreed with us. It will always happen. The longer you are in poli-

tics, the more responsibility you have; and the more you look at it from the point of view of what is good for Barbados, you will realise that peaceful picketing is a necessity in any community where a Trade Union exists but it is not the proper thing to peacefully picket a private residence in Barbados. Dr. Hugh Springer once said to me when talking about the Barbados Trade Union - and he was the first General Secretary of the Barbados Workers' Union - that he considered that the Barbados Trade Union was the best run Trade Union in these parts and that you had less trouble, less strikes and all like that in Barbados. Bear in mind: he said this long after the now General-Secretary had taken up office and he was paying him a compliment. He made it quite clear that this could only be so because the employing class was giving the necessary co-operation to the Union.
3.05 p.m.
I challenge today even the one man in this House who would know most about Trade Unionism to say that that is not so.

Mr. SPEAKER: The hon. member is referring to the hon. senior member for St. Peter.

Mr. MOTTLEY: Yes, the hon. senior member for St. Peter who is a Trade Union Leader. The hon. member would admit that when we first brought a Labour Commissioner to Barbados - I may say that in any change you will find a few people who are stubborn putting up objections, but the hon. senior member for St. Peter will admit that when it comes to the leading firms and leading employers in Bridgetown, they have shown great respect for negotiations with the leaders of the Trade Union. It is true that although in these days there are some workers who will go on wild-cat strikes and so on, yet nobody could say seriously that without having peaceful picketing at a person's home, the Trade Union has had a set back. I am not any avowed Socialist; but if the hon. member can bring home to me on the floor of this House that, as a result of the omission from the Laws of Barbados of not giving the right to workers of any class to carry out peaceful picketing at the residence of any employer, the Trade Union was hampered, I would come to this House and vote for the amendment because I would say that the employers are not living up to the changing times and conditions. If there are one or two employers who would not try to negotiate with the employees, I would be the first person to say that in the absence of legislation giving workers the right of peaceful picketing at employers' residences you are hampering the right of workers and I would vote for this amendment.

In England a lot of Trade Unionists voted against the Socialist Party; of course the Prime Minister of the West Indies contradicts that in places where people are very gullible to such a thing. However, do not let anybody think that all members of Trade Unions voted Labour because it is not so. A very high percentage of these people will vote Conservative because they know that what is good for the community is to keep labour satisfied, if we must go on in harmony. I voted against this measure in 1948. On the last occasion I told the hon. member that I would vote against it: but I did not know that I would have been singing less than a solo. Today we can only wait and see how hon. members will vote on this measure; if the hon. member can convince me of one single case in Barbados where he knows that negotiations have been hampered, that the workers of Barbados have been hampered as a result of not having peaceful picketing at the residences of employers, then I would vote for this amendment. As the position is now, I shall not betray the confidence of the persons who have sent me here. I hope that my colleagues are of the same opinion and will stick to our guns in saying: "Yes, let us have peaceful picketing, but not at the homes of persons who are involved in the dispute." When I use the words "involved in the dispute", a firm may have one Director with more influence than the others. I have seen businesses where the Managing Director has more influence than any of the other Directors.

I know it will be argued that what is proposed in this amendment is the law in England today. I have discussed this matter with my son who has said that it is the law in England and I have told him that every law that there is in England will not work in Barbados. However, we on this side of the Table, will stick to our guns and say that we will vote for peaceful picketing at the home where the business is carried on and if the person lives there. If you do not give people the right to picket the place where a business is carried on, you would be, in my opinion, depriving the Trade Unionists of their right. If my colleague on my left lived upstairs of their business - I refer now to Messrs. Goddard & Sons - I would say that happens to be their business and therefore peaceful picketing must be carried on there.

I agree with peaceful picketing being carried out at the business of the hon. senior member for St. Joseph if he lives on the premises where he carries on his transport business; but do not tell me that if the hon. member's transport business is here and his home is five or six miles away, you should allow peaceful picketing to go on there. I do not agree with that; that can be very nerve racking. I would agree that you should picket the hon. member's business, his transport, his buses and everything else, but there is just so much that any human being can endure. You can pass whatever law you may like. It is lawful to picket at Haggatts or Sherbourne or whatever the name is. I want to say that some people are very strong and zealous when it comes to the right of Trade Unionists but they may go into any place on any night and next thing you know is that a shot is fired off and a picket is wounded.
3.15 p.m.
You know as well as I do as an experienced criminal lawyer that it would be a most difficult thing, although it would be perfectly legal to go on a person's premises and picket, to get anybody convicted even though you found the gun in the house. They would soon have it greased or oiled to such an extent that you would not know when it was fired last.

I know the two Trade Unionists in this House see it in a different light; I refer to the hon. senior member for St. Peter and the hon. junior member for St. Thomas. I therefore feel, Sir, that there is no argument today to convince me, and I assure my colleagues that since 1937 - and I believe the hon. member has been General Secretary since 1947 and before that it was Dr. Hugh Springer - you have not been able to accomplish what you went after. I would like the member to mention one case where if we had peaceful picketing in the Statute Book he would have got better treatment for the workers. If you can prove that to me and my colleagues beyond the shadow of a doubt on the floor of this House this evening, we would throw in our lot and agree to peaceful picketing; otherwise my vote will be cast against it.

Mr. SPEAKER: Before the hon. member sits down, may I remind him that in due course he will be perfectly entitled to move an amendment to this Bill which is now before us, assuming it passes the second reading?

Mr. MOTTLEY: We are fully conscious of that; but I must thank Your Honour for reminding me of it.

Mr. SMITH: Mr. Speaker, before the hon. member replies, reading from the Objects and Reasons, it is stated that "this Bill seeks to bring the Trade Union Legislation of this Island in line with the provisions of the English Trades Dispute Act as regards peaceful picketing. The English Act allows peaceful picketing at or near the residence of a person directly concerned in a trade dispute whereas this form of picketing was excluded by our Trade Union Acts."

When the hon. member is replying, I would like to hear him explain, if this is correct, the interpretation of "at or near", because it appears to me that the hon. senior member is thinking that if one lives up a long gap, maybe a mile or half-a-mile long from the public highway, that these people can go up the gap and do peaceful picketing on the man's land. I would like him to explain that because he knows my stand on this and speaking under correction I voted for it last time. I do not have anything more to say about this now, but you must protect people from themselves. If a person lives up a long gap and knows that people will be coming to picket, he will get his gun and dogs in readiness for their arrival. One or two of these people may lose their lives; so we will have to try and protect these people from going

up these long gaps especially where there are a lot of trees, because one or two of them may be picked off too, and no one would pay the penalty as it would be very hard for a trained lawyer to prove which of seven or eight people living in the home used the gun. In seeing about their rights and trying to demand wages, they may lose their lives and their families receive no kind of compensation whatever, because it is the breadwinners that are involved. There may be a few who have nobody but themselves, but whenever anything happens it may be the breadwinner.

Mr. Speaker, I would like the hon. senior member for St. Peter to explain the expression "at or near", because something is liable to happen which the hon. member would not like. I am sure he would not like to hear that one of his best Trade Unionists lost his life and nobody knew who was the cause of it.

Mr. SPEAKER: It does not appear that any other hon. member is seeking to catch my eye. I will therefore intimate to the hon. senior member for St. Peter that he may make his speech in reply.

Mr. WALCOTT: Thank you, Mr. Speaker. The hon. senior member for the City and the hon. junior member for Christ Church have not surprised me in their attitude, because as both of them said, they voted against this. This is not surprising. If their political profession is that of Conservatism, all through the annals of Trade Union history the Conservatives have opposed the very Trade Union Act in itself. The Trade Union Act was put on the Statute Book out of struggle. The Conservatives in this island were in power for many years and the Trade Union Act never became law until there were disturbances; so when the hon. member talked about violence, it took violence to bring the Conservatives to their senses, because when things were peaceful and there was no violence, it was not done, and it took the disturbances of 1937 to bring it about and Barbados was one of the last places in the West Indies to pass the Trade Union Act. I would like hon. members to see that the people who have political professions have been the ones who waited until violence occurred to have the Trade Union Act put on the Statute Book.

Mr. GODDARD: On a point of order, the hon. member is presuming that the Conservatives of the day were responsible for the disturbances that went through the West Indies. It was the price of sugar that was responsible for the disturbances from Jamaica down to British Guiana, and not the Conservatives of the day. It was the Conservatives who were fighting the British Government for an increased price for their sugar so that they could pay better wages; so it was not the Conservatives in power who caused those disturbances.

3.25 p.m.

Mr. SPEAKER: I am afraid that that is not a point of order but I had to wait for the hon. member to develop it. I rule it out of order as a point of order.

Mr. WALCOTT: Sir, that is a very classic admission by the hon. junior member for Christ Church and he was supported by the Leader of his Party. We are dealing with an amendment to the Trade Union Act and, as I have said at the beginning, the political professions of the Conservative Party prior to the disturbances of 1937 were such that the Trade Union Act could not even be put on the Statute Book.

Sydney Webb, known as Lord Passfield, was at one time Secretary of State for the Colonies and it is on record that he pleaded with the then Barbados Government to pass the Trade Union Act and the then Barbados Government refused to pass it. That was when the Conservatives were in power. It was not until the disturbances took place that the Trade Union Act was put on the Statute Book. Prior to that it was anathema for men to come together and ask an employer for more wages; therefore, Barbados in 1937 was in the same position as Great Britain was in 1799. It, therefore, took over a century for the people in Barbados to realise where their views were. We find today the last vestige of that thinking still in this Chamber but it is gradually being eliminated.

Members of their thinking have had to pass the Trade Union Act itself; but if they had looked at the very first section of it, they would not have passed it. The law here is similar to that in the United Kingdom as regards what is a Trade Union under the Act. A Trade Union means under the Act "any combination whether temporary or permanent, the principal purposes of which are under its constitution the regulations of relations between workmen and masters or between workmen and workmen or between masters and masters, whether such combination would or would not, if this Act had not been enacted, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade."

If you had to pass a law which gave the people the right to impose a restrictive condition on trade, as the law in Barbados stands, they would not have passed that. If they had to pass a law saying that a man can walk out of another man's business without any restrictive conditions being imposed, they would not have passed that; but what do you find today? Anyone today under the law of the Trade Union Act can walk out of another man's business thus creating inconvenience to that business without any restrictive conditions being imposed upon him. People do not understand the full significance of the Trade Union Act because they do not realise that on the Statute Book peaceful picketing cannot be as serious as that and the reason is that there need not to be any dispute for a man to walk out of your business today, no matter what inconvenience it imposes on you. As a matter of fact, the workers have a right to impose restrictive measures on you according to the law.

The hon. senior member for the City in talking to us in this Legislature must understand that we are a little different from the man who lives in the long gap. He said that you have to think of that man with the pregnant wife. You must think of her, but you must not think of the poor pregnant woman whose husband the employer has pushed out of a job. The only remedy that poor man has to help his pregnant wife is to join with other people and fight for his rights. The employer pushes the husband of the poor pregnant woman at the door and he is outside there waiting without a job. What can she do? In talking to us, the hon. senior member must bear in mind that we are a little different in our thinking. We have to think of the poor pregnant woman.

Sir, it is needless for me to remind the hon. senior member for the City that this was an issue which was taken to the people of Barbados and fought for in the last campaign. The hon. member and his Party has come back in here in the minority: so he can see that we have a mandate from the people about this matter. He explained it and told the people that he was not in favour of it. We told the people that we were in favour of it. It was in the manifesto of the Party in power. It was talked about at the big meeting of that Party which was held in Fairchild Street. After some members of that Party explained what it meant, we, of the Barbados Trade Union, explained what it was; so the hon. member will see that we have had a mandate for bringing this in. Of course, we do not want to be like the old Government to just pass something because we have the numbers. We want to pass something after persuasion.

As regards this section which the hon. senior member for the City is speaking about, let me just tell him that their minds must be fully emancipated to 1962 and they must not think in terms of minds of 1862. When it comes to this idea of a private man's home, we must bear in mind that we live under different conditions. As I have said, this Act is not as restrictive as it is in the United Kingdom. The 1906 Trade Disputes Act makes it quite clear that it shall be lawful for one or more persons, acting on their own behalf or on the behalf of a Trade Union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or peacefully persuading any person to work or abstain from working.

Here in Barbados, according to the Act, you have to act on behalf of a Trade Union, not on behalf of yourself. In the United Kingdom, you do not have to act on behalf of a Trade

Union. Our Act is different. It is not as wide as the Act of the United Kingdom. The workers can act on their own behalf in the United Kingdom, that is to say, you can go down the road and say that a trade dispute is on and you are peacefully picketing. You can even go as far as joining pickets without your being a member of a Trade Union. In Barbados, you can only do that if the Trade Union had authorised you.

Mr. Speaker, in this House we have trained lawyers and Your Honour is a lawyer of considerable experience; therefore, I am sure when we go into Select Committee on this measure - all Private Members' Bills must go to Select Committee - any hon. member can raise legal objections to this Bill. I will only say, so far as what the two hon. members who spoke against the Bill said, no principle is involved. As Your Honour knows, a Trade Union is given the power to strike and peaceful picketing is the natural corollary to a strike. Without peaceful picketing a strike is ineffective and meaningless. The hon. senior member for the City is objecting to the question of peaceful picketing at or near a house and he asked me if I could give him an instance why this amendment is necessary. I will tell him that the Advocate strike ran for thirteen weeks because the Advocate Company was able to send to a man's home and bring him out to work, but the law restricted the Trade Union from taking such action. We could not picket near the man's home and say that he should not come out to work.
3.35 p.m.
Hon. members will know that there is nothing illegal in persuading persons or communicating information. (Mr. MOTTLEY: What did the hon. member say about the Advocate strike?) During the Advocate strike the Advocate sent to people's homes and brought them out to work, but we could not go to the people's homes and persuade them not to work because it was illegal to do so. The hon. member is only thinking in terms of the employer. Why should an employer's home be sacrosanct? An employer can retire to his home but by innuendo the hon. senior member for the City has dropped in something else. He has forgotten that this House of Assembly is not a Mass meeting. He says that instead of peaceful picketing you may get picked off. You are playing up to the susceptibilities of the man. Many people have been shot and they were not picketing; many people have paid the supreme price for their lives and there was no strike on; but it was a principle at stake and you had to fight for it. The Trade Union Movement is no exception to this rule; there has always been a perpetual struggle for these things and this is the last ditch of our struggle. There will be a classic example that even at this stage in Barbados it will be the last stage fight for the last vestige or remnant of Conservatism before we put this Bill on the Statute Book.

Let us realise that we are passing a law. The hon. senior member for the City has brought out what takes place when a dispute is on; he says that tempers flare up, and so on. Well, we know that. When the Act was passed in 1871 it had to be amended and as you go through the processes of amendment from 1885 until 1945 you will find that this Act had to be amended. It took 120 years in the United Kingdom before this Act was put where it is today. Now we are 56 years behind the United Kingdom, are we saying that this is something different?

Mr. Speaker, when we go to Select Committee, you can deal with the legal part of the matter for the benefit of the hon. member. As to peaceful picketing this is what is stated in this book:-

"It shall be lawful for one or more persons, acting on their own behalf or on the behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working."

You can only have peaceful picketing if a dispute exists. You are dealing with the law and you may be prosecuted if you do otherwise. There is a law about watching and besetting and there is also a law which deals with molestation. This amendment does not prevent these Acts from going through; you have to be in contemplation or furtherance of a trade dispute. I will quote from the Trade Union Law by Norman Citrine. (Mr. MOTTLEY: That will become a document of the House.) A Document of the House? This costs five guineas, man.

Mr. SPEAKER: When the hon. member says "man".....

Mr. WALCOTT: I mean the hon. member.

Mr. SPEAKER: That book is a classic; it is in the library of all of us.

Mr. WALCOTT: Mr. Speaker, I will quote from this book. This is what it says:-

"If the object of the picketing is to induce breaches of contract, other than contracts of employment in contemplation or furtherance of a trade dispute, it will be unlawful. For example, it is unlawful to induce the breach of contracts of sale, hire, or carriage of goods, or those contracts of service or hiring the breach of which is a criminal offence under Sections 4 and 5 of the 1875 Act and in the latter case the inducing is criminal."

The Trade Union Act was modelled on the 1875 Act. All through the British Commonwealth you will find that the definition for a Trade Union will be the same. It starts off by saying:

"Trade Union" means so and so, and so on. We do not start a new alphabet as soon as some children are born. Similarly the lawyers do not have new law. The passage goes on like this:-

"If the manner of the picketing ceases to be peaceful or becomes an obstruction or a nuisance, or endangers the public peace, the picketing will cease to be lawful....."

Because you have the right to picket, you cannot walk about the streets and create a breach of the peace; you cannot say: "Look! That man there! he is a thief!". Molestation cannot go on. The law gives a man the right to live in his house freely.

For the benefit of the hon. junior member for St. Joseph, this is what it says: Section 6 deals with legal trespass.

Mr. SPEAKER: For the benefit of hon. members, will the hon. member state the name, edition, the work, the publisher and the page of the book from which he is quoting?

Mr. WALCOTT: This is "Trade Union Law" Second Edition by Norman Arthur Citrine published by Stevens. (A MEMBER: What is the page?) Page 456. This is explaining the point of "at or near". The son of the hon. senior member for the City should have one of these books. I do not think he has anything more modern than this. I goes on to say this:-

"It should be noted that the words used in the section are "at or near", not "in"...
3.45 p.m.
Now these are the lawyers and I am quoting them for the benefit of the hon. junior member for St. Joseph. These words were originally contained in Section 7 of the 1875 Act, and with regard to them Lord O'Brien C.J. in Larkin v. Belfast Harbour Commissioners, said.....

The hon. senior member for the City runs true to form. After he has spoken he finds it very difficult to contain himself.

Mr. MOTTLEY: With the greatest respect.....

Mr. SPEAKER: The hon. senior member for St. Peter should not have sat, because there is no point of order.

Mr. MOTTLEY: This is a point of order now, Sir. You know I would not be so disorderly. With the greatest respect, I am paying the greatest attention. I was just thinking aloud over the definition of "at or near", because I can appreciate inside a house, but at the front door or near the entrance. I wonder what that meant and I was asking the schoolmaster.

Mr. WALCOTT: Mr. Speaker, the hon. junior member for St. Joseph wanted to know what "at or near" means. Fortunately in this book there is a specific reason for "at or near". This is what the book says:-

"It should be noted that the words used in the section are "at or near," not "in"."

I am going on to read what the legal people say it means. This is what they say:

"Watching and besetting plainly means an external operation - something not within a house or place, but without it. And the provision in the 7th Section that attending at or near a place for the purpose mentioned shall not be deemed "watching or besetting," is plainly a limitation on those words, and points to a locality in immediate proximity to a house or place, but not within it. And the words in section 2 of the 1906 Act are in like manner to be read....It was never intended to authorise as a matter of right an invasion into a man's house, or entry against the will of the owner into a place of business."

It goes further and says:-

"The section, therefore, does not confer any right to trespass upon private property, such as a workman's house, an employer's premises, vehicles or ships, or the property of other persons."

That is to say, if you got fired off a lorry you could not hop the man's lorry and say nobody else is getting up there. You cannot go on a man's premises. Whatever is the man's property is his property. I will go on to read:-

"While pickets may just stand on the public highway outside the precincts of such private property, they are not entitled either to enter or remain upon the property without the authority of the occupier."

Now, Mr. Speaker, the hon. senior member for the City knew that this was discussed; but the hon. member is an astute Parliamentarian and was trying to catch in the net the unaware and some of the new members today by knowing that the Act does not give this amendment "at or near" the right.....

Mr. MOTTLEY: On a point of order, that is not fair. I said what I said and I meant what I said. I never tried to catch anybody in a net, because after reading the manifesto of the Party in power, I think they would be the most dishonourable and disgraceful set of men who ever sat in the House of Assembly to vote against this amendment.

Mr. SPEAKER: That is the point of order.

Mr. MOTTLEY: Therefore I could not attempt to catch any new member in a net.

Mr. SPEAKER: Let the hon. senior member for St. Peter resume.

Mr. WALCOTT: Mr. Speaker, I want you to hear me. The reason why I said that is that the hon. member in making his speech said that if you start this peaceful picketing and allow these people to go at persons who live up long gaps, they could get picked off. How can you pick off a person in a highway? Do you think the hon. member would suggest that a man could fire a shot at somebody standing in the public highway? The hon. member knew that peaceful picketing never gave the pickets the right to enter upon private property, but it was always a question that they had the right to go at or near where the person resides, and I was going to make the point - and the hon. member must have anticipated me - that all the members of the Conservative Party in the House today fortunately are members who live in houses if not with long gaps, in houses where you cannot enter into their confines unless you intrude on their private property.

Mr. GODDARD: I am right on the highway.

Mr. WALCOTT: Nobody is going to tell me that "Merriwing" is on the highway unless you are going to enter by a helicopter, because if you started to climb from the Top Rock side you would be right up against the wall.

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

Mr. SPEAKER: Is the hon. member for Christ Church speaking only for himself or as a member of that Party?

Mr. GODDARD: On this occasion I am speaking for myself. My premises are right on the highway.

Mr. SPEAKER: Perhaps the hon. senior member for St. Peter does not know where the hon. junior member for Christ Church normally lives.

Mr. WALCOTT: I accept that, Mr. Speaker. I was thinking of the place that is written on his letterheads as his residence. With a person of the hon. member's affluence, it is possible that there may be more than one home, and for that reason I may be mistaken; but I know that the members of that Party are not persons who normally live on the highway. Their properties begin on the highway from the wall back in; so when you say they are on the highway, it is the walls that are on the highway. The property of the hon. senior member for the City is on the highway if you think in terms of the wall, but thinking in terms of getting to the hon. member's house or where he resides does not mean that persons do not have any right to go in Tudor Bridge, Roebuck Street or Belmont and stand on the highway and say that something is wrong in here and they are protesting. What is wrong with that? That is what is known as "at or near" a home.

The hon. junior member for Christ Church said that this is likely to be an annoyance to neighbours. Peaceful picketing could not be an annoyance. People take it as an annoyance if somebody asks for more money. We are not afraid of that; but you cannot regard it as a nuisance because the Act does not in any way give the right to any person to be a nuisance. You can advise the House, Mr. Speaker, that there are cases which went further than the Irish cases, because they give more leeway for peaceful picketing. This is what the book says:-

"Thus, in the Irish case of M'Cusker v. Smith, it was held unlawful for a picket to enter the hall of the plaintiff's hotel to persuade customers not to patronise him.

If the pickets enter or remain on private property without authority they will be liable as trespassers to eviction and to an action for damages in the normal way."

What more protection do you want? They cannot enter your private premises and they cannot enter your place; so tell me now what is wrong with any man or men going to persuade a workman not to go to work because a strike is on somewhere? Whose right are they taking away? They can only do it when a dispute is on. The hon. member asked me to cite instances and I mentioned the case of the *Advocate*. I would go further and say that all the employers in Barbados have at their disposal methods for persuading workers to come to work when a strike is on, because they can send a car to the workers' home to bring them to work. Ostensibly there is nothing wrong with that and therefore no charge can be brought against them.

3.55 p.m.

But how can the workers do it? Can you send a man to a worker's home to whisper something in his ear? I do not believe the hon. member is trying to protect the workers because the workers are not in any way in danger about that.

Mr. MOTTLEY: Mr. Speaker, I rise on a point or order. The hon. member must be clear. The hon. member must not come to the conclusion that we are not trying to protect

workers. He has quoted the *Advocate's* case. He said that the Directors of the *Advocate* sent a van to the home of workers to bring them out during the strike. I am saying that the Union had people picketing all around the *Advocate;* so they could have asked all the workers who came out to work not to come.

Mr. WALCOTT: Sir, the hon. member asked me to cite a case. I cited the case of the *Advocate* where the Directors sent things to the workers' homes to bring them out. I said that we could only picket the work-place but the owners sent things to the workers' homes while we could not. A trade unionist cannot picket at your home now as the law stands. (Mr. MOTTLEY: But they did) They did not. First of all, a picket has to wear a band around his arm here. In England, you do not have to wear a band on your arm as if you are a constable. Here a picket has to wear a band around his arm just to suit the susceptibilities of the people here.

Another thing is this. What is the use of walking about the streets without a placard? A placard is very effective. The hon. senior member for the City is talking about picketing a man's home as if you are depriving a citizen of his right. The point I am making is that the hon. member is more concerned with the employer's home than anything else. He said that he agrees that you should have a picket at the employer's workplace but let him be at peace at his home. No Trade Union pickets a man's home without saying so in advance. A trade unionist informs an employer that he is doing so long in advance. The Trade Union tells you that there is going to be a strike. Today, a Trade Union is not afraid to tell an employer that the workers are going on strike. When it comes to a Trade Union picketing an employer's home, hon. members must not take it that this amendment is something to peep into a man's private life and that you are going to get behind his palings to see what he is doing or what is in his home or to look to see, when his wife and children come out on mornings what they have or to look into their closest domestic affairs. Do not reduce it to that. This is not a provision for a Trade Unionist to look to see what the employer's wife or children are washing their faces in. We are not interested in that; we are interested to know that there is a dispute on and therefore because there is a dispute on, we should be able to go to the man's house or workplace and picket.

I agree with what the hon. senior member for the City said. We are not asking for this because it is done in England. We are looking at it from the effectiveness of its being in our law. I would cite another instance. We had a case of a dispute over cutting of canes at Newcastle in St. John as a result of which a man refused to pay the labourers. The canes were all down in Newcastle but the man lived in Massiah Street. For effecting picketing, it would have to be where the man lived because he does not live where the canes are. I have already cited cases of managers of plantations who do not live in the cane field. In the case of a manager of a plantation dismissing a worker wrongfully, surely it should be that we go where he lives and picket. Are you going to say that you just picket the cane piece? Within the context of Barbados, there are more people working in the canefields than anywhere else.

Mr. MOTTLEY: Sir, I rise on a point of order. We are offering an amendment to provide for such circumstances.

Mr. WALCOTT: A man does not work where the manager lives nor is it a case that you are working downstairs and he is living upstairs. As a matter of fact, a manager does not live in a factory. Another thing which you must bear in mind is that all strikes and disputes do not come over the question of your going back to work.

According to the Act, it shall be lawful for one or more persons appointed by the Trade Union, the firm or the individual employer directly concerned in contemplation of a trade dispute, to attend at or near a house or place where a person works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or peacefully persuading any person to work or abstain from working, but you cannot do so at or near his place of residence. The hon. senior member for the City must know that an employer means a manager too. A manager hires and fires. Let us take the case of a Director of the firm of Messrs. DaCosta and Company Limited and he is a Director of the River Plantation. He has a manager at the River Plantation. Do not tell me to go and look for Mr. Trevor Bowring when he has a manager who lives at the River. I am explaining to the hon. member that the Manager of the River is the employer of the men; so it is not a question of Mr. Trevor Bowring being the man who has employed them.

Sir, I have tried to answer the points which have been raised in my reply. I have cited instances to justify the amendment. This is not just academic, that is to say, that we are putting in something just because it is in the English Act. "At or near the house" is not intended to mean that you can go inside a man's house. That would create chaos. You would be looking for trouble, as one hon. member has said. How can you expect a Trade Union to send a trade unionist into another man's house unless he was looking for shots? Tempers are likely to be frayed and there is the possibility that such action may lead to some disorder. It must also be borne in mind that pickets are also controlled by the Police Department.

4.05 p.m.

You are not allowed by law to have any number of pickets you like. The Commissioner of Police has the right to authorise you to have the number of pickets which you need. You are not allowed to picket in such a manner that nobody can have access to or ingress into persons' places. You cannot put yourself into such a line that you make it impossible for people to pass, because people will have the right to exercise their freedom of walking on the highway. You cannot have things done in such a way that people cannot get into their houses. The law is extremely clear on these points. You cannot have a law which interferes with the rights of the citizens. You pass laws but when people take the law into their hands, are you suggesting....

Mr. SPEAKER: I am not suggesting anything.

Mr. WALCOTT: The hon. senior member for the City in a *sotto voce* remark....

Mr. SPEAKER: To which the hon. member paid no attention *(Laughter)*.

Mr. WALCOTT: The only attention I would pay to the hon. member is to say that the fact that people will take the law into their own hands cannot be regarded as the objection to an amendment such as this, because we have simple laws. Because you have intemperate people who take the law into their own hands for some unknown reason, you have to do something with mankind. As I said at the beginning, I regard this expression as the last ditch of the hon. member's opposition to this matter. I think he should be willing to appreciate the fact that the entire community has voted in favour of this amendment. It has been put foursquare to the people of this island. If hon. members on that side wanted to test our right and sincerity to do this, I can say that we went to the people and they sent us back in these numbers. For that reason, I cannot do anything more than this; the hon. member went down as he started. This is no socialist legislation, but it is legislation in keeping with commonsense and with the times.

The question that this Bill be now read a second time was put and resolved in the affirmative.

A division was taken as follows:-

AYES: Mr. BATSON, Honourables C. E. TALMA; G. G. FERGUSSON; A. DaC. EDWARDS; Messrs CORBIN; WEEKES; LOWE; YEARWOOD; CARMICHAEL; BOXILL; WALCOTT; COWARD; HOLDER; SMITH and MILLER – 15.

NOES: Messrs. SEALY; LYNCH; GODDARD and MOTTLEY – 4."

Mr. SPEAKER: This is a Private Members' Bill and automatically it has to be referred to a Select Committee. I am therefore asking the following members to serve on this Committee:-

The hon. mover of the Bill, the hon. senior member for St. Peter (Mr. Walcott); the hon. seconder, the hon. junior member for St. Thomas (Mr. Boxill): the hon. junior mem-

ber for Christ Church, (Mr. Goddard); the hon. junior member for St. Joseph (Mr. Smith); the hon. senior member for St. James (Mr. Carmichael) and the hon. senior member for St. Philip, (Hon. W. A. Crawford).

Mr. WALCOTT: Mr. Speaker, I am asking that Your Honour be associated with this Committee.

Mr. SPEAKER: I am willing to accede to the request of the hon. member.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

Mr. SPEAKER: The next Order of the Day also stands in the name of the hon. senior member for St. Peter:- To move the third reading of a Bill to amend the Representation of the People Act, 1957. Hon. members will recall that this Bill was referred to a Select Committee and today, when this House first met, there was no report of any Select Committee presented.

RESOLUTION re LOANS TO SUGAR AND GENERAL WORKERS

Mr. SPEAKER: The next Order of the Day stands in the name of the hon. junior member for St. Joseph:- To move the passing of a Resolution re Loans to Sugar and General Workers. Is the hon. member ready to proceed with this Bill?

Mr. SMITH: Yes, Sir, Mr. Speaker, this Resolution reads as follows:-

"WHEREAS the sugar workers and general workers are required to provide one-quarter of the cost of any house in respect of which a loan may be granted;

AND WHEREAS many workers find it difficult to raise the required amount;

BE IT RESOLVED that the amount of one-quarter be reduced by 50% or in the alternative be waived, should an intending borrower provide surety in lieu of the amount that he is required to provide."
4.15 p.m.

Sir, there are many people who were trying for the longest time to raise the required amount to purchase a house, but owing to certain financial conditions they are not easily permitted to raise the amount in the time in which they would like to raise it. As you know, Sir, after the crop has ended, work slows up considerably especially if there is no rainfall; and when one tries to raise part of the amount and work is not forthcoming, one has to go back on that same money and try to live on it by spending it to keep body and soul alive. I am therefore asking that the qualification be waived, because I know that most of the employers would be only too willing to guarantee work to the particular worker and see that the money is repaid by stopping it out of his wages. The worker would be able to arrange to pay so much per week or per month when he is working, and so long as the employer agrees to do that, you could give the person the house right away and encourage him, because it is easier to pay for the house by instalments after having it than by continually waiting and trying to raise the amount. Some of them are still living at homes where there are too many people in the home, there are a lot of children too and there is no privacy, and the time has come now for us to help them, because they wanted help long ago.

Mr. Speaker, there are some people who can raise the amount very easily, but the ones who can do so already have their houses. It is the ones who cannot raise the amount who are still suffering; so I feel that the Government in power now should take it upon themselves to give this matter careful consideration and do all that is possible to help these workers.

Another point, Sir, is that these workers have to pay interest on the money. I do not think it is fair especially to the sugar workers to make them pay interest on the money, because it is not money which the Government has to borrow and pay interest on. This money comes from the workers themselves. Every year a certain amount of money has to be paid into the scheme for these houses, and I do not see why they should be charged interest on the money, because for as much as it may be a small amount, when one fails to pay up as he should, the amount plus the interest create a heavy burden on these people. The insurance, interest and other charges are a weight on these poor people because they have children at school and they have to pay whom we call the "Coolie" man for the clothes they take from him so as to send the children to school; and when the time comes around for school fees to be paid, they have to get up and try to do their best to make ends meet. We should do our best to help them as much as we possibly can by helping them to own a house on a very easy payment plan. It may be said that they do not have to pay school fees now, but I understand that will be at the Government-aided schools, and there are more children at the private schools than at the Government schools, and their parents are the ones who have to pay the Housing Authority; so we will have to see that they get their children's education free too, or help them to pay for these houses on a much easier plan.

Mr. Speaker, there was a time, I am told, when some people tried to mislead these workers and told them not to pay back this money because it was theirs. They did not worry to pay this money and when the time arrived that the Housing Authority had to press on them to make payments, the interest was so much along with the principal that it was more than too much for them to pay; they could only pay the interest and nothing else. We will have to try and stop that. They know they have to repay the money, but the charges are still too high. I hope the Government will try to do their best, though I have been told that a particular member of the present Government said in a rumshop — of course, I do not go by rumshop talk — that his Party is not going to pass anything that I bring to this House. There could be some truth in it, but my reply to that particular individual is that the electors of this country are a fraternity to themselves, and when you try to hold up one, you are holding up all; if you displease one, you displease all.

If I bring something like this, Mr. Speaker, which I am sure the workers will be only too glad to have to relieve them and the present Government turns it down, it is their business. I do not owe the Housing Authority nor would I have to appeal to the Government to make things easy for me to get somewhere to live; so they could easily turn it down. There are a lot of people outside only waiting and looking to see what will be the results of this particular Resolution, because during my campaign I made promises to these people, not in St. Joseph alone, but wherever I had an opportunity to speak at meetings. I told them that I was going to carry out the promises and here I am on my feet today trying to carry out the promises I made, because I have an obligation to them; and whether or not I received their support, I have to try and carry out these promises. The Resolution speaks for itself, and I will not take up the time of the House by going any further.

I beg to move that this Resolution do now pass.
4.25 p.m.

Mr. COWARD: Mr. Speaker, in seconding the motion, I strongly agree with the remarks made by the hon. junior member for St. Joseph. I know that there is quite a number of people who are willing to obtain their own homes but who are unable to do so as a result of their not being able to furnish one-quarter of the money. I am, therefore, appealing to hon. members to support this Resolution for the reduction to one-eighth part. I am appealing to hon. members to see that this is not simply for the parish of St. Joseph, but for the Island as a whole. I have great pleasure in seconding this Resolution.

Hon. C. E. TALMA: Mr. Speaker, before the question is put, I should like to explain certain points in order that the Government may not be misunderstood. As hon. members will know, the money which is provided for this fund is raised out of the Labour Welfare (Housing Loans) Fund which is one of the Reserve Funds in the Sugar Industry. There are three funds: The Capital Reserve Fund, the Rehabilitation and Price Stabilization Fund and the Labour Welfare

Fund. These three funds were instituted in an Act which dates back as 1947. The Capital Reserve Fund was specially granted by the Colonial Office in conjunction with local industry and it provides money for this particular purpose. Whenever the crop is of a low average there is the marginal fund which swells the fund to an amount over $13.20 from which the entire levy is allocated.

Mr. SPEAKER: It now being 4.30 o'clock p.m. and the hon. member having completed his sentence, the time for Private Members' Business is expired; therefore, this debate must come to a close.

On the Order Paper, there is no further Government Business; therefore it now devolves on the Acting Leader of the House to move the adjournment of the House to the appropriate day which Government proposes to meet again.

THE ADJOURNMENT
STATEMENT re DOCTOR AT HOSPITAL

Hon. A. DaC. EDWARDS: Mr. Speaker, before the motion for the adjournment, I should like to reply to a question asked by the hon. senior member for the City.

Mr. SPEAKER: Is the hon. member asking for leave to lay a statement on which there can be no discussion now?

Hon. A. DaC. EDWARDS: Yes, Sir. This Statement is in connection with study leave granted a particular doctor at the General Hospital. I refer to Dr. George B. Cummins.

Mr. SPEAKER: If the hon. member is acting Leader of the House pro tem, I would suggest, as there is no Government Business on the Order Paper, that he move the adjournment and just make the statement.

The Order Paper having been fixed,

Hon. C. E. TALMA: Sir, I beg to move that this House do now adjourn until Tuesday next, 13th February, 1962, at 12 o'clock noon.

Hon. A. DaC. EDWARDS: I beg to second that. While seconding the motion, I would like to ask leave to give a reply to a question asked by the hon. senior member for the City.

Mr. SPEAKER: While seconding the motion, just mention in a word or two something in connection with the Hospital Report — or any other thing for that matter — and it would be in order; otherwise, let the hon. member lay a Statement on the Table of the House on the matter if he has it ready or do so first thing at the next meeting of the House.

Hon. A. DaC. EDWARDS: Mr. Speaker, a Statement on this matter will be laid on the Table of the House at the next meeting, but I would like to point out now that in connection with that Statement, Dr. George B. Cummins applied to the Hospital Administration for leave to do a postgraduate course in Opthalmology and he was granted 64 days' vacation leave with full pay. That was in keeping with the regulations calculated at the rate of 3.75 days per month. According to the regulations, he was eligible for 64 days' vacation leave with pay.

He was also granted 116 days' leave at half pay and this seems to be a breach of the regulations in that according to Circular MP1458/3, No. 6/1951, from the Acting Chief Secretary to the Head of the Department dated 20th March, 1957, Clause 3, states —

Mr. SPEAKER: If the hon. member has the Statement, let him lay it. I cannot allow the hon. member to speak at length other than on the motion for the adjournment.

Hon. A. DaC. EDWARDS: Mr. Speaker, I was just trying to point out that the 116 days' leave at half pay was not in accordance with the regulations and a statement to that effect will be laid before the Legislature at the next meeting. There is also infelicity about the Widows' and Orphans' Fund which was paid to Dr. George B. Cummins. It was not deducted from his salary and there are no records in the minutes of the file of the General Hospital to this date to show that it has been paid.

The question that the House do now adjourn until Tuesday next, 13th February, 1962, at 12 o'clock noon, was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.