

THE House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1961 - 66

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(OFFICIAL REPORT) SECOND SESSION OF 1961-66 HOUSE OF ASSEMBLY

Tuesday, 9th March, 1965.

Pursuant to the adjournment, the House of Assembly met at 2,30 p.m. o'clock today.

PRESENT

His Honour J. E. T. BRANCKER, Q.C., (Speaker); Hon. W. A. CRAWFORD, (Minister of Development, Trade, Labour and Social Security); Mr. K. N. R. HUSBANDS; Mr. E. St. A. HOLDER, J.P.; Mr. J. W. CORBIN; Mr. S. E. SEALEY; Hon. G. G. FERGUSON, (Minister of Agriculture and Fisheries); Mr. W. R. COWARD; Mr. R. St.C. WEEKES, J.P.; Mr. W. R. LOWE; Mr. C. V. BATSON, (Chairman of Committees); and Mr. J. B. YEARWOOD.

Prayers were read.

MINUTES

Mr. SPEAKER:

I have the honour to inform the House that the Minutes of the meetings of 9th and 16th February, 1965, have been circulated, and unless there is any objection, they shall be confirmed.

There being no objection, I declare the Minutes of each of those two meetings duly to be confirmed,

I have the honour to inform the House that I have received from the Accountant General his Accounts and Statement for the month of August, 1964,

GOVERNMENT NOTICES

Hon. W. A. CRAWFORD:

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

Resolution to place the sum of \$189,918 at the disposal of the Government to supplement the Estimates 1964-65, Part I Current as shown in the Supplementary Estimate 1964-65 No. 63 which forms the Schedule to the Resolution,

Resolution to place the sum of \$1,635 at the disposal of the Government to supplement the Estimates 1964-65, Part I Current as shown in the Supplementary Estimate 1964-65, No. 64 which forms the Schedule to the Resolution.

Resolution to approve the publication in the Official Gazette declaring the abandonment of the acquisition of the property known as the Trafalgar Hotel.

COMMITTEE OF SUPPLY

Hon. W. A. CRAWFORD:

Mr. Speaker, I beg to give notice of my intention to move the House into Committee

of Supply at its next meeting to deal with the money Resolutions of which notice was given today.

I also beg to give notice of my intention to move the suspension of Standing Orders Nos. 5, 14, 16, 18, 40 and 45 for the remainder of today's sitting,

QUESTIONS

Mr. CARMICHAEL:

Mr. Speaker, I beg to give notice of the following Questions-

Mr. E. L. CARMICHAEL Question No. 35

To enquire of the appropriate Minister:-

1. Is the Minister aware that workers, about sixteen in number, employed at Bullens Agricultural Station in the parish of St. James, are due back pay amounting approximately to seven hundred and fifty dollars from 1st January, 1964 to 31st January, 1965 and have not yet received same?

2.

3. Is the Minister aware that some of these workers have been laid off without receiving the amount due to them?

4.

5. Will the Minister take steps to ensure that the said workers receive the amounts due to them at the earliest possible moment?

6.

Question No. 36

To Enquire of the appropriate Minister:-

1. Is the Minister aware that there is no proper system of disposal of urine and waste from the piggery at Bullens Agricultural Station in the parish of St.James?

2.

3. Is the Minister aware that owing to the lack of such a system a nuisance is being caused to the residents of the district surrounding Bullens Agricultural Station?

4.

5. Will the Minister take immediate steps to have the present situation remedied and a proper system put into effect as soon as possible?

6.

Question No. 37.

To enquire of the appropriate Minister:-

1. Is the Minister aware that persons in the parish of St. James who are qualified for Old Age Pension experience difficulty in having their claims put before the Old Age Pensions Committee?

2.

3. Will the Minister direct that this be investigated immediately, particularly with respect to the place and time

4.

now, If I should advise my son to take a case, I would say that It is a sort of hobby and Justice must be done even for those who cannot afford to pay for it. You are asking for money for the payment of Jurors because the Assizes have been extended for a longer period than had been anticipated, and the vote is inadequate to meet the payment of Marshals for the remainder of the financial year and supplementary provision of \$75 is therefore necessary. I want to say here and now that unless you get a fire-side lawyer, you are not going to get anybody going into any Court and standing up and conducting any case for any \$200, The Bar Association may not have been telling you this, but this is what they have been saying. 3.15 p.m.

If we feel that we must follow the traditions of Great Britain and have persons who are accused defended, if they are unable to defend themselves, then you must pay the barristers properly or not at all. The same way you come here with this Resolution to make provision for paying the jurors for the extension of their time, and also to provide money for the payment of the Marshals up to the end of the financial year, you must also take into consideration what is happening, I think most of you must have noticed in yesterday's journal that an accused had to be defended by certain lawyers. I am sure the hon. and learned member for St. James will support me on a matter of this sort.

It is rather undignified, Mr. Chairman, for a young man to say to the Chief Justice or presiding Judge that he declines, with the greatest respect, from doing something he has been requested to do, That is not the general policy, but this man has got a family to feed, and he cannot go on with the small fee you are offering to Counsel to do these cases, I notice that certain barristers have been selected for doing certain cases, and as Chairman of the Public Accounts Committee, I am going to demand what one set of lawyers is being paid and what the others are being paid, I am not going to sit down and let anybody feel that he can ride rough shod over certain persons for political reasons, and I say that with a full sense of responsibility. While we will vote for thus Resolution, I am sure that the remarks I have made cannot fall on deaf ears, because the Ministers know what I am saying is true. Primarily there are the conditions under which jurors must live. For two and three weeks and on week-ends a juror has to be away from home You take a man to the Y.M.C.A. where there is rice and stew and stew and rice, If I were a juror, I would say to the judge that I am listed, but I am not really interested, because the conditions under which you have me sitting here are not satisfactory to make a man comfortable for the administration of justice, You take carpenters, masons and men like shopkeepers, and people in certain circumstances to serve as jurors. It is a duty they owe to your country, and they must perform it It is not that I am objecting, but while a man owes that duty to the State, it is the State's duty to make him as comfortable as it can for the administration of justice,

Mr. Chairman, if you lock a judge in a room where he can get no air or a glass of water, he is not going to listen to the evidence, and therefore people could not get a fair trial. As I said, the hon. senior member for St.James knows much more than I do, and I hope he has the courage to put this case which I know he can do better than I can, I am going to support this Resolution, but I wanted to make my position clear and let the Minister know what people feel about it.

Mr. COWARD:

Mr. Chairman, under Head 5, Item 14, I would like to say that I think in fairness to all concerned, the time has come when a drastic change should be made in the jury system of this island. I agree that law and order must be maintained, and that all persons concerned in the dispensing of justice should be above board. I do know, Sir, that there are responsible persons in this island who seldom sit on a jury. It is not because these people do not want to give their service to the country, but it is because of the composition of the jury list, I am aware, Mr. Chairman, that nothing should be said about the administration of justice, but I feel that this Resolution is before us today as a

result of the delay in the Assizes, which I must say is through the very poor judgment of some of the people who sit as jurors. I hope that Just as the Grand Jury was abolished, the time will come when the Petty Jury will also be abolished.

Mr. CARMICHAEL:

Mr. Chairman, I may not have the gift of oratory as the Hon. Leader of the Opposition, but, like him, I think I can put my case so clearly as to be understood. The administration of justice, I would say, is something sacred especially in a growing society, and if one is not careful, it will break down. As the Hon. Leader of the Opposition has said, we are no longer living in the Seventeenth or Eighteenth Century, and although there may be points or traditions of that age which we must uphold, we must live in accordance with modern standards.

A few years ago, it was said that barristers traditionally regarded it as an honour to be asked to defend a murder case. Maybe those were the days when the barristers were among the most wealthy, and whether or not they got a brief, it did not matter to them. They were prepared to sit down for four or five years because they had the money at their command, but they wanted an opportunity. Barristers today still have that feeling, but at the same time they must live, and it is not a question that because a barrister accepts \$20 or \$30, he goes into a case and treats it as though he is buying something for little. His reputation is at stake and he puts the same spirit into it in spite of the small fee he is given. To ask him today therefore because he has certain traditions to live up to, to go into court and stretch his neck out, often at times having to be careful in the defence of his clients not to be charged for contempt, and to ask him - because of that spirit of willingness to uphold the dignity of the Bar - to go in and work for a meagre fee, is an abuse of a tradition or privilege, and it is shameful today when a Chief Justice asks for a barrister to be sent to a case for him to be gently or politely told "no". If the administration of justice is to continue, it may be wise for this matter to be given serious consideration,

With regard to the question of jurors, there is one thing I would like to say. Anything which deals with the administration of justice should be taken very seriously,

3.25 p.m

There has been a complaint from jurors as regards the difficulty in getting their fees or compensation soon after You can imagine a juror who is a labourer having to work for a week and then receives no fees. When a juror comes into court he must be dressed and must have on a jacket, Not long ago a juror came into court without a coat and he was reminded that he must have on a coat. This goes to show that a man who is asked to serve as a juror must make preparations to come to court. When he is not helped in doing that, it is not fair,

I would ask the Hon. Minister to give instructions that the shortest delay should be made in compensating jurors for their service.

There is another point which the Hon. Minister must go into. Nowadays if a man is asked to serve as a juror and his salary is fixed and his employer allows him to serve, as it stands, he gets no fees as such, but it should not be that he should take money out of his pocket to accommodate himself when he is serving. Not long ago, a gentleman from St.Peter who travels by car was asked to serve as a juror. I am not saying that because you are a juror you must go and hire somebody's car; but if a man is accustomed to travelling by his car and he is asked to serve as a juror, must be put himself out and travel by bus? If that juror has to leave his home and come to town he must spend more than fifty cents in travelling. He must also take lunch in town. When there is a case like that, that juror should get compensation. Where a juror does not get fees as such, a reasonable amount should be set down for him.

You should not ask him to take money out of his pocket to provide himself with lunch and gasoline. It is important and I would say that these are things which are known.

In the past, in 1947, when the Provost Marshal Act of 1904 was amended under section 70, a Marshal normally is paid 3 shillings a day for attendances at court. Now, these Marshals attend the Supreme Court and work there, and sometimes at the eleventh hour they are called upon to go all over the country to serve people with summonses. You will find, very often, the same Marshal who is attending the Supreme Court has to sleep overnight with the jurors when a jury is empanelled. No provision is made for that. I am suggesting that this matter be gone into with a view of paying Marshals for such overtime.

In 1947 these Marshals were paid three shillings a day, but a number of years had passed since then and the cost of living has gone up; therefore you cannot expect those Marshals to feel satisfied. It is not fair; they should be given an increase.

There is provision under the Act for the Provost Marshal to employ a special Marshal, An ordinary Deputy Marshal can only be employed by the Establishment; but where there is a breakdown because a Marshal is sick, the Provost Marshal is given power to get someone to act as Marshal and he is called a Special Marshal; and according to the Act, since 1947, that Marshal will only be paid five shillings a day.

Here is where it is serious. Can five shillings today be considered an adequate amount for the type of person you want to be a Special Marshal? Whereas in 1947 you may have been able to get a person suitable to be a Special Marshal at a fee of five shillings a day, you cannot get a fit and proper person today to work a day, possibly a night or two, for five shillings a day, I understand that recommendations are made as regards that, but I would like to say further that when recommendations are made to certain Ministries and nothing is done, the people say that it is the fault of the Cabinet, I know that recommendations are made from certain departments to the particular Ministry, and the Minister knows absolutely nothing about that, and when there is a breakdown the people say that the Cabinet knew about that,

I think it is my duty to bring to the attention of the Hon. Minister these matters, and I am asking him to make a note especially as regards the employment of a Special Marshal at the amount of five shillings a day, I feel that fee should be changed so that it might be easy for the Provost Marshal in an emergency to get someone to carry on, I also hope that he will look into the question of the jurors. I will further mention that even in the case of a Coroner's Jury, when there is a sudden death, the Police Sargeant at the particular Station finds it difficult to get a few men to sit on the Coroner's Jury and I am asking the Hon. Minister to also make a note of that,

Mr. WALCOTT:

Mr. Chairman, I am not a person who is an fait with the Courts because I keep far from them. It is only recently that I have been attending the Supreme Court, One day I was subpoenaed to attend one of these sittings and I was given some emolument like ten cents for bus fare. Well, Sir, may be there arc two fare stages from where I live to the Court. I understand that the Crown does not even pay motor car travelling allowance though I was summoned immediately. I want to know what is the legal position as regards these things,

Now this is a question as regards the Judiciary. I want to draw to the attention of the Hon. Minister that sometime ago we amended the Act in relation to the Provost Marshal, and as the Hon. senior member for St. James said, I think some of those things in the Act are little archaic, I was asked to serve on a Coroner's Jury sometime ago and was paid something like sixty cents. 3.35 p.m,

I understand that you have abolished the post of Provost Marshal, and you now have the post of Marshal, I understand that that post has not been properly settled in relation to the duties which the Officer has to perform, I understand that there is always some difficulty in relation to the Legal Department when non-legal people are performing duties. There is a certain clannishness about non-legal people on the part of legal people. With all due respect to

the hon. senior member for St. James, I understand that there is a habit with legal people when non-legal people are doing work which legal people do - it is a question of reducing this work as if a non-legal man is a man who is starting from addition. It is regarded as if it is all right for a non-legal man to say that two and two make five, whereas a legal man would say that two and two make four. We must allow people to know that when non-legal people are doing jobs, they must be rightly regarded as people who know their jobs. Sometimes the legal people believe that there is some needle, which they had at birth, which vaccinated them, and made them legal persons. With regard to the post of Chief Marshal, I think that there is an idea that the nomenclature attached to the post is different from what the post is. I understand that the duties of the Chief Marshal are completely different from handing out a summons to somebody. This post has more responsibility than that. I understand that this post has not been given the true weight which should be given to it in the re-organization, because the person who is holding it is a non-legal person,

I feel that some attempt should be made to re-adjust this post or to give it the weight and emoluments which it deserves. Sometimes the incumbent of this post is a person who is quiet and does not make any row. I understand that the amount of work which has been taken off this post is not a great deal because I understand that the Official Assignee is not the most important side of this job. The bulk of the work still remains as it was before. However, Sir, persons who know more of these matters than I, would know these things, I support the Hon. Leader of the Opposition and the hon. senior member for St. James in their remarks that the work should be readjusted in the light of reality,

Mr. HUSBANDS:

Mr. Chairman, I really did not intend to join in the debate, but I will still rise to my feet in order to make my position quite clear. For along time now every one in Barbados knows that those who have been asked to serve as Jurors have been undergoing some cause of complaint regarding the rooming which is provided for such functions. I suppose that that state of affairs will go on for many a year. However, Sir, I think that the time has come when people who are knowledgeable as to the history of the Jury system should make themselves very clear. The Jury System originated with people a long, long time ago. The idea behind it was that a man should be tried by his peers, and what is also behind it is that there is quite a privilege for one to be able to sit in with his fellows and try his fellow. That is the background of the entire jury system, I should like to say that it is not a job, but it is something which one is performing as a privilege. I think that members of the long robe should talk factually on the background of this matter; otherwise the community will be misled.

Sir, as I know my history, I have to be honest and I will tell my constituents that to serve on the jury is

a historic privilege which has been vested in people. For a long time in England, this jury system forced itself to the front, and indeed that is an old established fact. Now that the body from which jurors are drawn is such a wide and extended one - you have to be 21 years of age in order to be a juror and it is no longer a question of any monetary qualification. The people of the working classes can enjoy this privilege and everybody, except those who have not got eyes to see, knows that many a working man finds himself financially embarrassed as a result of having to exercise his privilege as a commoner in the exercise of justice. While this is something to be proud of, something which comes down from the autocrats... (ASIDES.)

Mr. CHAIRMAN:

Hon. members on the left are preventing me from hearing properly the hon. member who is speaking.

Mr. HUSBANDS:

I thank you, Sir. I was saying that while it is true that serving as a juror is a privilege and it must not be regarded as a job for which remuneration can be obtained, yet we have to face the naked fact that today, with the extension of the franchise, when so many people have the privilege of sitting in as jurors, there are times when such people suffer financial embarrassment. That is a fact and the next thing is, what do we intend to

do about it? Are we satisfied year after year to be able to say: \"We know that there are those who have this grouse, we know that there are those who suffer this financial embarrassment\" and we do nothing about it? Let us face the facts. A cane-cutter, say, in the parish of St. Peter, has been asked to serve as a jurymen This is during the crop season and this is when he is able to do his best financially. 3.45 p.m.

His earnings are much higher at this time, and yet it is a privilege of his to sit on a jury. He has to obey the summons, and unless there is good cause given to the Registrar, that man has to serve and he loses the best part, maybe, of crop wages. It is a financial loss to him undoubtedly, and we have got to try to be equitable some- where. I do not believe I can share the sentiments expressed by the hon. senior member for St. James in picking out any lone case. There was a man who drove his car to work, and when he sits as a juror, he should not be asked to pay bus fare. There are too many cases, and you must strike some workable average. Some Committee can be appointed to go into this matter and find out what is equitable for a juror at the Supreme Court, and what is equitable for a juror who attends a Coroner's Court, Many of us know, Mr, Chairman, that these fees have been fixed for years and years and have never been changed, but in the light of the second half of the 20th Century with the value of money not what it was 50 years ago, undoubtedly there is a reasonable cause for changing these rates. As a matter of fact, there is more than a reasonable cause, and I think that some Committee should be asked to go into this matter knowing that it affects all strata of the population of this island to see if something equitable can be worked out; but do not fall into the error of believing that this is a job. It is a historic privilege, and while we face that, we must also face conditions as they are in this second half of the 20th Century.

Hon. W. A. CRAWFORD:

Mr. Chairman, I have listened very carefully to most of the strictures levied not against the jury system itself, but against the conditions under which jurors are employed in the island, and in a number of cases, Sir, the matters referred to actually do not come under the control of the Government, but

under the control of the Head of the Judiciary, Matters referred to, for instance, by the hon. senior member for Bridgetown with specific reference to the monies paid to barristers who are engaged more or less in foma pauperis to defend persons at the Bar who for one reason or another cannot afford to employ their own lawyers, come under the control of the Chief Justice, We passed a certain amount of money in the Estimates for the purpose; I think the sum is \$700, and the Honourable Chief Justice allocates these funds in the circumstances according to his discretion, and it is not regarded as adequate compensation in each case. In the majority of cases you brief a young barrister, probably the youngest at the Bar and offer him an opportunity to win his spurs by tackling the case in question, so to speak, presenting himself to the public as qualified and capable to be engaged in similar cases in future,

Now the exact amount given by the Judge to a barrister employed in these circumstances is determined by the Judge himself and not by the Minister of Home Affairs, and I am sure that the Chief Justice at any time will dispense those funds in a manner in accordance with the strictest impartiality as befits his position.

With regard, Sir, to the actual conditions under which jurors serve, this I can say is a matter for the Government to determine. The old fees used to be \$1,56 a day, then it was increased to \$3, and this is not again to be regarded as adequate compensation for the time involved in the actual trial of a case, or in accordance with the status of the juror. Certain of the jury regarded it as a community service, and the fee involved is supposed to cover part of the expenses; but as community standards and wages rise, naturally from time to time there must be a revision of the conditions under which jurors serve and the remuneration given for such service. The remarks made by hon, members today, I can assure them, will be reported to the appropriate authorities, and they can rest assured that the

Government will give sympathetic and appropriate consideration to the complaints made in cases where it appears there is need to be some adequate revision,

The question that Head 5 - Judiciary -stand part was put and resolved in the affirmative without division.

Head 10 - Accountant General - was called.

Hon. W. A. CRAWFORD:

Mr. Chairman, I beg to move that Head 10 - Judiciary - stand part.

Hon. A. DaC. EDWARDS:

I beg to second that,

Mr. YEARWOOD:

Mr. Chairman, the note to Item 20 says that supplementary provision of \$1,900 is required to meet increased expenditure on statutory refunds under the Widows and Orphans Pensions Act, 1928, and the Widows and Children Pensions Act, 1963, for the financial year.

I should like to bring to the attention of the Minister in charge that there are some persons who are entitled to a refund who really have signed the wrong form and have placed themselves under the 1928 Act. They have made representation to the appropriate authorities asking to be brought under the 1963

Act, I would like the Minister to clarify whether or not those who have made representation have been brought under the Act, 3.55 p.m.

Due to an oversight I know that some of them happened to belong to the seven dollars to nine dollars a month group. They would like to come under this Scheme, Through no fault of the Government they signed another form, and have really gone under the same Act which they should have got out of

Hon.. W. A. CRAWFORD:

Mr. Chairman, I must say that the question proposed by the hon. junior member for St.John amounts more or less to generalisation. This is a case dealing with a specific question and, I do not know, unless the hon. member can give me the names. It depends on whether or not John Jones or Samuel Griffith or Peter Evelyn has been allowed to submit his claim under the new Pensions Act, What the hon. member has to do is get the names of the employees to whom he is referring and then I myself or the Personnel Officer would enquire as to the appropriate advantage in reference to them, I certainly cannot give a blanket answer into that question,

The question that Head 10 stand part was put and resolved in the affirmative without division.

HEAD 13 - CUSTOMS Head 13 - Customs - was called.

Hon. W. A. CRAWFORD:

I beg to move that Head 13 stand part,

Hon. A. DaC. EDWARDS:

I beg to second that,

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

HEAD 38 - MINISTRY OF SOCIAL SERVICE Head 38 - Ministry of Social Services - was called.

Hon. W. A. CRAWFORD:

I beg to move that Head 38 stand pan,

Hon. A. DaC. EDWARDS:

I beg to second that. The question was put and resolved in the affirmative without division.

Hon. W. A. CRAWFORD:

Mr. Chairman, I beg to move that this Resolution for the sum of \$5,640 do now pass.

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

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

SUPPLEMENTARY ESTIMATES 1964-65 No. 63 HEAD 33 - CIVIL AVIATION

Head 33 -Civil Aviation - was called.

Hon. W. A. CRAWFORD:

I beg to move that Head 33 stand pan,

Hon. A. DaC. EDWARDS- I beg to second that,

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

HEAD 36 - MINISTRY OF EDUCATION (6) INDUSTRIAL SCHOOLS

Head 36 - Ministry of Education (6) Industrial Schools - was called.

Hon. W. A. CRAWFORD:

I beg to move that Head 36 stand part.

Hon. A. DaC. EDWARDS:

I beg to second that.

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

HEAD 39 - MEDICAL (3) MENTAL HOSPITAL Head 39 - Medical (3) Mental Hospital _ was called.

Hon. W. A. CRAWFORD:

I beg to move that Head 39 (3), stand part.

Hon. A. DaC. EDWARDS:

I beg to second that.

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

HEAD 39 - MEDICAL (5) DISTRICT HOSPITAL SERVICES

Head 39 - Medical (5) District Hospital Services - was called.

Hon. W. A. CRAWFORD:

I beg to move that Head 39 (5), stand part.

Hon. A. DaC. EDWARDS:

I beg to second that,

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

HEAD 47 - SUBSIDIES AND GRANTS Head 47 - Subsidies and Grants - was called.

Hon. W. A. CRAWFORD:

I beg to move that Head 47 stand part.

Hon. A. DaC. EDWARDS; I beg to second that,

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

1 - ANNEXED ESTIMATES - POST OFFICE / - Annexed Estimates - Post Office - was called.

Hon. W. A. CRAWFORD:

I beg to move that Annexed Estimates - Post Office stand part,

Hon. A. DaC. EDWARDS:

I beg to second that.

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

Hon. W. A. CRAWFORD:

Mr. Chairman, I beg to move that this Resolution for the sum of \$189,918 do now pass,

Hon. A. DaC. EDWARDS:

I beg to second that.

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

SUPPLEMENTARY ESTIMATE, 1964-65 No. 64 EX-GRATIA GRATUITIES

Hon. W. A. CRAWFORD; Mr. Chairman, I beg to move that this Resolution for the sum of \$1,635 do now pass.

Hon. A. DaC. EDWARDS:

I beg to second that.

Mr. MOTTLEY:

Mr. Chairman, this Resolution is for the purpose of paying ex gratia gratuities to two people, Mr. C. Small and Mr. J. Coward.

I hope that none of us in this Chamber would ever oppose ex-gratia payments in a manner like this, especially when such people have given service to the Government Department wherever it was possible for them to work after the retiring age as in the case of Mr. Coward, These people have only put in nine years of service and because of that could not benefit from a pension; but I think that they are > entitled to this.

I think the Hon. Minister in charge should give us some more information because so many of these people have been making representation to hon. members of this Chamber that we could keep the Government on their toes for the balance of the year for answers. Would the Hon. Minister in charge tell us how many such cases there are to be considered and what is the general policy of the Government in dealing with matters of this sort, or if this is to be the general policy of the Government? 4.05 p.m.

Hon. W. A. CRAWFORD:

Mr. Chairman, all I can say is that....

Mr. MOTTLEY:

On a point of order. I know that the hon. member is quite a busy man, but what I wanted to know is this On Tuesday after Tuesday members of the Opposition have been asking about this matter because representation has been made to us. I am asking if this is the policy of the Government, (Hon. W. A. CRAWFORD This what?) Mr. Chairman, the Addendum to this Resolution states \"Mr. Small gave satisfactory service during the period 1950-1963 but did not qualify for a pension or gratuity on his retirement.\" When I asked if this is the policy of the Government, every hon. member around this Table can justify it, and I challenge anybody to get up in here and do otherwise unless he wants to be classified among those whose words cannot be very well taken, I challenge anybody to say that he has not been approached by persons who have had similar cases brought to his notice. That is the reason why I asked whether this is the policy of the Government, The Addendum to this Resolution goes on to say this \"It is considered that he should be rewarded for his service. The quantum proposed is the equivalent of one week's pay for every twelve complete weeks of service.\"

What I mean is this: You take your backbenchers. Only two weeks ago a question was raised in here in relation to some road workers who had worked for the Government when there was a Central Road Board, I do not delude myself that I am the only person whom people come to see. Only today people came to see me and when they come to see me I tell them \"Go and see the hon. senior member for St. John; he is the man who has the say about this matter.\" If a man has put in a number of years' work, although he did not qualify for a gratuity or a pension, is it going to be the policy of the Government to give him that same consideration which you are now giving to these two persons? That is what I want to know; that is what the general public also want to know. Tomorrow the Press will publish that the amount of this gratuity has been passed for Mr. Christopher Small. I do not know who is Christopher Small, but somebody will come to me or any of my colleagues and ask about it. Somebody else, it might be said, has put in 15 years' service and he did not qualify for a pension, I

could ask about a man who has put in ten years' service; is he qualified for a pension? I am not criticising the Government at all; on the contrary, I am commending the Government for their consideration of this matter. Because there must be some reason why these people did not qualify for a pension or gratuity. I am asking the Hon. Minister if this is the policy of the Government where persons do not qualify for a pension or a gratuity, or what is the reason for these ex-gratia payments. If you have people who have worked for so many years and they do not qualify for a pension or gratuity, I am asking if this is the policy of the Government. There are other people who could say: \"I have only put in ten years' service and I have not got anything\". I want the Hon. Minister to make the position quite clear. We want to avoid any embarrassment in this matter. The Government's own backbenchers have been asking this question.

Hon. W. A. CRAWFORD:

Mr. Chairman, I want the hon. member to understand that, as to the question which he is asking, not even Solomon (MR. MOTTLEY Arrayed in all his glory?) and all of the geniuses in all of the ages could give a direct answer. The hon. member has asked about the gratuity which it is proposed to pay to Mr. Christopher Small and he went on to ask if this is going to be the policy of the Government.

Mr. MOTTLEY:

On a point of order. Mr. Chairman, I distinctly read out what is stated in the Addendum to this Resolution. The Addendum states that Small gave so many years of satisfactory service. I said that a person would be able to get a gratuity or pension as the case may be, from the Government, but you have set out in the Addendum to this Resolution that this man is not entitled to either a pension or gratuity, but you are giving him an ex gratia payment, I therefore, ask if that is going to be the policy of the Government and the Hon. Minister should not tell me that not even Solomon arrayed in all his glory could not answer that question. That is what I would get from a Parliamentarian who would want to circumvent a question like that.

Hon. W. A. CRAWFORD:

Mr. Chairman, all I am saying is that there are special reasons for this qualification under the Casual Employees Pension Act, In these two particular cases, these two workers had not put in the basic requirements by the age of 60 years; but you may get other people applying for ex-gratia payments because they were disqualified under the provision of the Act for other reasons. Therefore, Sir, I cannot give the hon. member a blanket reply to a question such as that which he has asked. Each case would have to be considered in the light of its own merits. In the case of these two persons - if there are other applicants whose cases are completely similar to the ones which we have before us now, then they will get ex gratia payments on the same basis. It may be that people are disqualified for other reasons, and when those cases come before us we will consider each of them on its own merits. If we find some justifiable reason for granting this ex-gratia payment then the persons concerned will get it. All I can say at this stage - in fact, I cannot say that similar treatment to that proposed in this Resolution will automatically be applied to every applicant who has applied for a pension under the Act.

Mr. MOTTLEY:

On a point of order. I have not asked the hon. member to say that. I have simply asked him what is the policy of the Government, and if applicants whose cases are of a similar nature will be considered by the Government. All I am asking is this; will people whose cases are of a similar nature be dealt with as we are dealing with these cases today?

Hon. W. A. CRAWFORD:

The answer to that question is all things being equal. 4.15 p.m.

Mr. WALCOTT:

Mr. Chairman, I would like to say on this that we have been in the House long enough not to raise the sort of question that the hon. senior member for Bridge-

town did. We have done this on many occasions. Ex-gratia payments are made where a person is not entitled, but you do this under certain circumstances. We have legalised Bills to give pensions to people who were not entitled ordinarily; so we are passing a Resolution now to give a lump sum as ex gratia

payment to a person who in normal circumstances would not be entitled to it. A person might work for a period from 1950 to 1963, but within that period he might be ill or some good cause might prevent him from qualifying, and therefore you come along and say that over this period he did not qualify but these are the reasons, and therefore you give him an ex gratia payment. This has therefore always been the policy of the State. From the time I have been in this Assembly - that is, 20 years ago - periodically we passed Resolutions to make ex gratia payments, even when the Pensions Act was not as it is now.

Ex-gratia payments are made to people who have worked over a certain period. There was a messenger at Queen's College who did nine years' service, and we came here and gave him an ex gratia payment for the nine years' service. The question therefore of ex gratia payments is governed, as the Hon. Leader of the House has rightly said, by the circumstances surrounding each case, because there is no guarantee of a person getting it. There are too many casual employees, and if you gave an ex gratia payment to everybody who did not qualify to have it, there would be no reason to have a Pensions Act. In those circumstances you would find people refusing to accept employment, and then they would ask for a pension for working for some period. Evidence would, however, prove whether a person worked at Bawdens, then at Joes River, probably went to goal part of the time, and then came back and asked for a pension. On the other hand, you might find a man who has been working continuously, and there is evidence to prove that he was ill for three years, and that disqualifies him, but he still gets an ex gratia payment. I would not say then that it is a question of policy; I would say that in cases where people can justify the Administration that they have a cause, they would get some consideration.

What I would like to warn the Government about is that it would be very dangerous to give the impression that everybody who is a public employee is entitled to an ex gratia payment notwithstanding. What we have to be clear about is whether we are satisfied that the circumstances in this Resolution are in order, I consider that the circumstances in this Resolution are in order, and I would be willing to support it, as I would support similar Resolutions that would give ex-gratia payments to people who are casual employees.

Mr. MOTTLEY:

Mr. Chairman, the hon. member probably did not hear me, or he would not have thought I was asking for a different answer from the Hon. Leader of the House. I do not waste time in this House, and any time I ask questions, there must be something behind them. It can be seen from reading the Addendum to the Resolution that one man did thirteen years' service and the other did eleven years' service, and I am asking if this will be the policy of the Government in similar circumstances which might arise. The Addendum to this Resolution is what is binding the Government, and if the Minister had given me the answer at the beginning that he gave at the end, I would have sat down. When the Minister says "all things being equal". all he means is if they come on a similar basis. That is all I wanted to know, because I could not expect the Government to say that every man who retired after working for 13 years would be entitled, when as the hon. senior member for St. Peter has said, he may have gone to prison, to America or to Cuba. I do not expect that. I do not belong to the hot-headed, reckless Parliamentarians who would attempt to come to the Legislature and do that for the sake of grabbing a few votes. I am satisfied with the answer which the hon. member has given.

The question that the Resolution for the sum of \$1,635 do now pass was put and resolved in the affirmative without division.

On the motion of Hon. W. A. CRAWFORD, seconded by Hon. G. G. FERGUSON, Mr. CHAIRMAN reported the

passing of three Resolutions in Committee of Supply, and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. W. A. CRAWFORD, seconded in each case by Hon. A. DaC. EDWARDS, the Resolutions were read a first and second time and agreed to.

THE BARBADOS AGRICULTURAL DEVELOPMENT CORPORATION ACT, 1965.

Hon. W. A. CRAWFORD; Mr. Deputy Speaker, I beg to move that Order No. 5 be the next Order of the Day.

Hon. G. G. FERGUSON:

I beg to second that.

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

Hon. W. A. CRAWFORD:

Mr. Deputy Speaker, the Hon. Leader of the Opposition at the last meeting of the House had requested that we do not proceed with Order No. 5 so as to give him more time to consider it, but we are not insisting that it be the next Order of the Day if the hon. member is still not ready to proceed. We are quite prepared to give him another week if he so desires, in which case we can go on to Order No. 6, 4.25 p.m.

It is left to the Hon. Leader of the Opposition to signify whether he is prepared to carry on with Order No. 5,

A pause,

Hon. W. A. CRAWFORD:

Mr. Deputy Speaker, I beg to move the postponement of Order No. 5.

Hon. A. DaC. EDWARDS:

I beg to second that, The question was put and resolved in the affirmative without division.

EXPIRING LAWS CONTINUANCE BILL, 1965

Mr. DEPUTY SPEAKER:

The next Order of the day stands in the name of the Hon. and Learned Premier Second reading of a Bill to continue various expiring laws,

Hon. W. A. CRAWFORD:

Mr. Deputy Speaker, I am asking leave to take charge of this Bill,

There being no objection, leave was granted the hon. member.

Hon. W. A. CRAWFORD:

Mr. Deputy Speaker, this is one of the additional pieces of legislation to which the Legislature is asked to deal with from time to time. It is merely a Bill to continue in force for another year a number of Acts of the Legislature which normally would expire on the 31st March, this year.

This Bill therefore seeks to continue in force for the further period of one year certain expiring laws which were limited to expire on the 31st March, 1965,

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

Hon. A. DaC. EDWARDS:

I beg to second that,

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

On motion of Hon. W. A. CRAWFORD, seconded by Hon. G. G. FERGUSON, Mr. DEPUTY SPEAKER left the Chair and the House went into Committee on the Bill, Mr. BATSON in the Chair.

Hon. A. DaC. EDWARDS:

I beg to move that Clause 2 stand part.

Hon. G. G. FERGUSON:

I beg to second that.

Mr. WALCOTT:

Sir, I would like to ask the Hon. Minister how many examinations have been made about this Act to find out if some of the Acts in the Schedule should come off the Statute Book or whether they go on year after year. We have examined this some years ago, and I know that we did look at some of them and found out that we were wasting time coming down with the continuance of Expiring Laws when some were fit to be abandoned, I would like to know if the same thing is taking place now because sometimes these things pass you, I want to know if they are all in the same category,

HON. W. A. CRAWFORD:

What we did was to pick up the 1964 Expiring Laws Continuance Act and check the Acts on it to ascertain whether or not any should have come off. From what I have seen in the Schedule, none, should come off. In the Schedule are The Vagrance Act, 1897, section 11; the Emigration Act, 1904. section 2(12); The Volunteer Act, 1909; The Barbados Fancy Molasses Production and Export Act, 1937, section 18; The Exports and Imports (Restriction) Act, 1939. Then there is the Aliens Restriction Act, 1939, which is a war measure, but has to be kept in force still, and then there are The Revenue in Aid Act, 1941; The Sugar Industry Agricultural Bank Act, 1943, section 17(2); The Volunteer (Amendment) Act, 1943; The Volunteer (Amendment) Act, 1946, sections 1 and 3 and The Anglican Church (Partial Suspension) Act, 1955,

The appropriate checks have been made by the appropriate authorities, and the conclusion is that all would have to be re-included for continuance this year.

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

The Schedule was called and passed. The Preamble was called and passed.

On motion of Hon. A. DaC. EDWARDS, seconded by Hon. C. G. FERGUSON, Mr. CHAIRMAN reported the passing of one Bill in Committee.

Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. A. DaC. EDWARDS, seconded by Hon. G. G. FERGUSON in each case, the Bill was read a third time and passed.

THE COPYRIGHT (AMENDMENT) BILL, 1965

Mr. DEPUTY SPEAKER:

The next Order of the day stands in the name of the Hon. and Learned Premier Second reading of a Bill to amend the Copyright Act, 1915.

Hon. W. A. CRAWFORD:

Mr. Deputy Speaker, I am asking for leave to take charge of this Bill in the absence of the Hon. Premier.

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

Hon. W. A. CRAWFORD:

Mr. Deputy Speaker, you will see from this Bill that it seeks to amend the Copyright Act of 1915 in order to provide for the delivery of copies of books published in the island to the library of the College of Arts and Science in Barbados. In other words, it seeks to grant to the College of Arts and Science in Barbados the same privileges as regards the preservation of books and publications which now accrue to the Public Library and to the University of the West Indies.

In the Copyright Act of 1915, amended by the Copyright Act of 1956, Clause 4 (1) reads as follows: -

"The Publisher of every book published in the Island shall, within one month after the publication deliver at his own expense -

(a) One copy of the book to the Public Librarian who shall give a written receipt for it, and

(b)

(c) one copy of the book to the Library of the Univer-

(d)

sity College of the West Indies:" 4.35 p.m.

We have in Barbados the College of Arts and Science, and it is considered that all possible assistance should be given to the development of the University of the West Indies. We want to accord the same legal rights which are mandatory to all the Public Libraries, to the University of the West Indies, although it is true to say that there are grants made to the University, It would be inconvenient because of distance and physical separation, with the University of the West Indies sited as it is in Jamaica, to supply the demands of our students at the Arts College in Barbados, What we are doing, Sir, is to ensure that the local College of Arts is getting supplied with copies of all publications and to supply them in the same manner as the University College in Jamaica and the Public Library here are supplied. It is true that some publishers do send copies of books now to the Arts College here, but this is a sort of grace and favour operation. It is not mandatory. In introducing this Amendment to the Copyright Act, the idea is to provide for the delivery of copies of books published in the island to the Library of the College of Arts and Science in Barbados in the same way as they are supplied to the University College in Jamaica. It is as simple as that, and I am quite sure that hon. members will give their endorsement to this proposal without any further delay. I beg to move that this Bill be now read a second time,

Hon. G. G. FERGUSON; I beg to second that.

Mr. LYNCH:

Mr. Deputy Speaker, I am in agreement with the Bill proposed and seconded, but while we are on this matter I would like to draw to the attention of the Hon. Minister the fact that a fair amount of.....

At this stage, Mr. DEPUTY SPEAKER left the Chair and Mr. SPEAKER resumed the Chair.

Mr. LYNCH:

Mr. Speaker, I was saying, Sir, that I would like to express myself as being very much in agreement with the Bill which has been proposed and seconded, but while we are on this subject I would like to draw to the attention of the Hon. Minister a matter which is causing a certain amount of heartburn among book sellers in the community.

Hon. W. A. CRAWFORD:

Mr. Speaker, on a point of Order, I would like to draw to the attention of the hon. member that this is a Bill and not a Resolution. In view of the fact that Your Honour has just resumed the Chair... (Mr. SPEAKER That I have just resumed the Chair?) I mean for this sitting. May I respectfully point out to the hon. member that any comment which he makes must be directed to the Bill itself?

Mr. LYNCH:

Mr. Speaker, it would appear as if the Hon. Leader of the House is about to anticipate what I am going to say,

Mr. SPEAKER:

Is the hon. member speaking on the principle of this Bill?

Mr. LYNCH:

Yes, Sir, As a matter of fact, I am the only member of this Assembly whom the Bill is likely to affect, The passing on to the College of Arts and Science in Barbados of any book which is written by anybody in the island, is one of those things which would affect me to some extent. What I was pointing out. Sir, is that in the acquisition of every book which might come within the purview of this House, several books are being ordered, other than those which are mentioned in the Bill, from people who pay no taxation at all in the colony. That is what I would like to draw to the attention of the Hon. Minister asking for any further latitude on this Bill.

Mr. SPEAKER:

If no other hon. member wants on this Bill, the Hon. Leader of the House may exercise his right of final reply. (AFTER A PAUSE).

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

Hon. A. DaC, EDWARDS; Mr. Speaker, I beg to move that you do now leave the Chair and the House go into Committee on this Bill.

Hon. G. G. FERGUSON:

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 on the Bill, Mr. BATSON in the Chair.

Clauses 1 and 2 were called and passed.

Hon. A. DaC. EDWARDS:

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

Hon. G. G. FERGUSON:

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.

On motions of Hon. A. DaC. EDWARDS, seconded by Hon. G. G. FERGUSON in each case, the Bill was read a third time and passed.

4.45 p.m.

ADJOURNMENT

Hon. W. A. CRAWFORD:

Mr. Speaker, the Government does not propose further to continue with the additional Items on the Order Paper,

I therefore beg to move that this House do now adjourn until Tuesday next, 16th March 1965, at 12 noon.

Hon. A. DaC. EDWARDS:

I beg to second that,

The question was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly. 4.50 p.m.