

THE House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1961 - 66

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SECOND SESSION OF 1961-66

HOUSE OF ASSEMBLY

Thursday, 25th November, 1965.

The House of Assembly met at 2.15 p.m. o'clock today.

PRESENT

His Honour J. E. T. BRANCKER, Q.C., (Speaker); Mr. F. L. WALCOTT, O.B.E.; Hon. C. E. TALMA. (Minister of Health, Housing, Local Government and Community Development); Hon. J. C. TUDOR, M.A., (Minister of Education); Mr. J. W. CORBIN; Hon. G. G. FERGUSON, (Minister of Agriculture and Fisheries); Mr. R. St.C. WEEKES, J.P.; Mr. W. R. LOWE; Mr. L. A. LYNCH, J.P.; Mr. G. V. BATSON, (Chairman of Committees); Hon. N. W. BOXILL, (Minister of Communications :
and Works); Mr. J. B. YEARWOOD and Hon. A. DaC. EDWARDS, (Minister of Trade and Labour).

Prayers were read. Mr. MILLER entered the Chamber and took his seat.

Mr. SPEAKER:

After I adjourned this House on Tuesday last by virtue of the appropriate Standing Order that there being no quorum then present, it was represented to me by the Hon. Minister of Education that the public interest required that the House should meet at an earlier date than that to which it has been already adjourned. In consequence of that, I issued instructions to the Clerk at the Table formally to summon a meeting of this House today. This is the meeting duly summoned; it is a Special Meeting, and no business other than that instantly on the Agenda may be proceeded with today.

PAPERS LAID

Hon. J. C. TUDOR:

Mr., Speaker, on behalf of the Hon. and Learned Premier and Minister of Finance, I am commanded to lay the following-

Report of Prisons for the year 1962.

Statement showing Net Customs and Excise Receipts for seven months ended 31st October, 1965,

Hon. A. DaC. EDWARDS:

Mr. Speaker, I am commanded to lay the following -

The Natural Gas Corporation Fourteenth Annual Report and Statement of Accounts for the period 1st April, 1964 to 31st March, 1965.

Report of the Shops Committee appointed by the Government in February, 1963.

Hon. N. W. BOXILL:

Mr. Speaker, I am commanded to lay the following-

Statement showing the sums advanced to the Postmaster General for the payment of Money Orders, the

amounts repaid to the Accountant General and the amounts due by the various Post Offices to the 31st August, 1965,

GOVERNMENT NOTICES

Hon. J. C. TUDOR:

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

A Resolution to place the sum of \$74,301 at the disposal of the Government to supplement the Estimates 1965-66, Part I - Current as shown in the Supplementary Estimate, 1965-66 No. 30 which forms the Schedule to the Resolution.

COMMITTEE OF SUPPLY

Hon. J. C. TUDOR:

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 was just given.

Mr, SPEAKER:

I am afraid that notice was already given in respect of that at the last meeting of the House.

GOVERNMENT NOTICES

Hon. J. C. TUDOR:

Mr. Speaker, on behalf of the same Hon. and Learned member I beg to give notice of the following-

A Resolution to approve the lease to the Barbados Light Aeroplane Club by the Minister charged with the responsibility for Lands of a parcel of land situate at Seawell Airport on the terms and conditions as are set out in the Schedule to the Resolution.

A Bill to amend the Racing Service Business (Registration of Premises) Act, 1964.\"

A Bill to amend the Offences against The Person Act, 1868.

A Bill to amend The Larceny Act, 1868.

Hon. A. DaC. EDWARDS:

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

A Resolution to sanction the Order entitled \"TheShops Order, 1965\"

Mr. MOTTLEY and Mr. SMITH entered the Chamber and took their seats.

COMMITTEE OF SUPPLY

Mr. SPEAKER:

The first Order of the Day stands in the name of the Hon. Leader of the House to move the House into Committee of Supply to consider a grant of sums of money for the service of the Island.

Hon. J. C. TUDOR:

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

Hon. C. E. TALMA:

I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. SPEAKER left the Chair, and the House went into Committee of Supply, Mr. BATSON in the Chair.

SUPPLEMENTARY ESTIMATE, 1965-66 No, 27 A Resolution for the sum of \$2,500 was called.

Hon. J. C. TUDOR:

Mr. Chairman, this sum is required to supplement Head 17 - Premier - Home Affairs - Item 32 (New) Commission of Enquiry.

The Government has decided that a Commission of Enquiry should be appointed under the Commissions of Enquiry Act, 1908, to conduct an enquiry into the administration and conditions of service of the Barbados Police Force and make recommendations relating thereto. Hon. members will also see the personnel of the Commission. They are Mr. Adrian Date, Chairman, Mr. Edward Cassell, and Lt. Col. O. F. C. Walcott, O.B.E., E.D.; members.

The amount of \$2,500 is therefore required to meet the payment of fees to the Commissioners,

subsistence allowance, hotel accommodation, and return air passages to Grenada for the Chairman, and other incidental expenditure.

I beg to move that this Resolution do now pass.

Hon. C. E. TALMA:

I beg to second that. 2.40 p.m.

Mr. WALCOTT:

Mr. Chairman, I would like to know more as to the reasons for this Commission of Enquiry. I have read that the terms of reference are to enquire into the administration and conditions of service of the Barbados Police Force and to make recommendations.

The reason why I am asking this question is because I think the Hon. Minister should say if representations have been made to the Government by the Police Force to have an enquiry into the conditions of service, and if the conditions of service relate to a question of salaries and conditions of employment, and if it is the Government's view as regards the question of administration that the administration of the Police Force is in need of an enquiry.

The reason why I say that is in a small Island like this, a Commission of Enquiry into the Police Force is an important enquiry. I say that because I think the Government should take steps now to clarify the position. At the present moment in this Island, it is being wrongly and widely stated that the intention of the leader of the Government, the Hon. Premier, is to create a Police State in Barbados. His colleagues, who are lawyers of this country, have been bruited that about in this country and they are saying that after Independence there would be no more elections. Members of all sides of the House, when it suits them in criticising the Police Force in one form or the other, join in saying that and they do not set any example to the public.

I would like to say that I am one who believes in law and order and there are some people who tend to disrupt the administration of law and order, I do not know what are their reasons, but I am not a believer in that. I feel that the Police Force is a disciplined force and should be well treated. The conditions of service of the force should be excellent; the conditions of service should be excellent; the conditions of employment should be excellent and the administration should be efficient.

Mr. Chairman, I do not subscribe to the view which has been mooted some years ago that the Minister should be in charge of it. I have written a paper on it. I do not agree that the Chief Justice should be Minister of Justice. I do not subscribe to the view that you are going to have

Independence and self-government and Ministers of the Government are not going to be totally answerable for every aspect of the administration. To be answerable* does not mean to interfere. I do not subscribe to the view that when you are answerable you have to interfere, nor do I subscribe to the view that the administration of justice should be nonpolitical in the sense that the Government of the day should have anything to do with the Justice Department. The administration of justice in its day to day form is the responsibility of the administrators; so too are appointments and things of that nature apart from the Public Service Commission which must be the responsibility of those who run the country. This takes place in the United Kingdom, the United States and all civilised communities, and there is nothing wrong with it taking place here.

However, what I am very much concerned about are the glib statements which are being bruited about and I thought that the Hon. Minister would have made that clear; and if the Government is setting up a Commission of Enquiry to go into the administration and conditions of the Police Force, then it is stupidity to talk about going to create a Police State. If I were the Premier, any person who did not agree with him and suggested that he was creating a Police State, I would send them to prison for that. It is childish of politicians getting on platforms and suggesting that the Hon. Premier can put people in prison and create a Police State. They are talking as if we are all little children in somebody's backyard. In the first place, it is an inferiority complex, and in the second place, it is a feeling of running down people.

I am very glad that the Hon. Premier has taken his seat because, as I have said, if I were the Hon. Premier, I would put a man in prison for saying that I am going to create a Police State.

I think this House should be told why we are having a Commission of Enquiry into the Police Force because the public would know if there is dissatisfaction among members of the Police Force. As hon. members know, members of the Police Force cannot join a Trade Union because if they were members of my Union, I would be able to advise them and tell them how to go about things. Therefore, I do not believe in a Commission of Enquiry as a member of a Trade Union as such. That is the very last resort: but I do feel that you should know from the Government why they have decided that a Commission of Enquiry should be appointed to enquire into the Barbados Police Force. The Government must have reasons for having made that decision, and I think the reasons for coming to that decision should be made known now that the Government is seeking approval for the setting up of the Commission.

I believe that is extremely important. Only two weeks ago I was hearing of this propaganda and this type of insidious propaganda can go a long way. A friend of mine told me that the first man whom the Premier is going to put in prison is myself. He further said that he is not going to put you in Glendairy Prison, but in prison in the house which you are building. That is done to make people feel that this role of Independence which we are pursuing is inimical to the people's interests and that you are going to lose your freedom and rights. 2.50 p.m.

I consider it is incumbent on the Government to clear that statement which is not only being bruited about the country but which is beginning to seep into the minds of people in an insidious manner. Some people are beginning to believe that this is so because it has been repeated so often and nobody has denied it. Now that a Commission of Enquiry is going to be appointed, I feel that it is incumbent on the Government to make its position unmistakably clear as to why a Commission of Enquiry is to be appointed; otherwise this too can be misinterpreted and bandied about in a manner which is not befitting this country. We cannot have a country unless we have an efficient and well-disciplined Police Force. There are people who have respect for the Police Force only when somebody breaks into some-

body else's home, rapes some lady or damages property, but under normal circumstances every officer in the Police Force is not given the credit which should be given to him for doing conscientious work. I hold no brief for anybody; I hold a brief for commonsense and law and order, and I may say that the day when we do not uphold law and order to the hilt, the rabble and the worst elements in the community which are always there will go to the furthest end. I feel it is essential for the Government to state quite clearly the reason for its decision to set up a Commission of Enquiry into the Police Force. This is of such importance that we should be told what has led them to that decision.

Hon. E. W. BARROW:

Mr. Chairman, the hon. member who has just sat down, the hon. senior member for St. Peter, could have gone a lot further, I know that he does not like to be personal and it may be necessary for me to be personal, because there are people in this country who are being viciously personal in their attempts to denigrate the Government. I should like to make my position quite clear. With the exception perhaps of the hon. Junior member for St. Thomas, when it comes to the question of discipline, I think I have spent more time in a disciplined organization than any other member of this House, and under the most extreme conditions. I did not start like a well-digger at the top; I started at the bottom like everybody else, but I also had occasion under difficult conditions to try and control large masses of people from different backgrounds and with different ambitions. Members of this House will know that not only have

I served about eight years in the Cadet Force, but as a member of the Regiment before the War and seven years in the Royal Air Force both as a Leading Aircraftsman and Sergeant, and eventually as an officer for some period of time -- which would be about half of my career. It is very easy when you are in an organization to find fault with the people who have been put in control of a particular station or institution. You blame them for the food, for the early hours that you have to work and for everything else. These are not the normal conditions for people to live in indefinitely. Our Police Force in Barbados is not like the British Police Force; they are not civilians in uniform working under Local Government Authorities, thank God for that. I thank God that the Police Force is not under the control of the Local Govern

Authorities as is the case in England, It works out all well in England, but I hate to think of what would happen if the Police Force in this Island were under the control of the Local Government Authorities Just like the Sanitary Authorities. I make that statement without any apology whatsoever. In the United Kingdom you have Watch Committees, and it does not mean that the Watch Committees sit up on old Year\'s Night waiting for the New Year to come in. The Watch Committees are responsible citizens who are related to the Joint Police Administration which may exist between one country and another. The City of London has its own Police Administration. There is no such organization in England like Scotland Yard Supervising all the Police services throughout the country because the Police Service has become a local matter. Scotland Yard, is, however, under the control of the Home Secretary. If the Specialist services of Scotland Yard are handling a matter, they are handling it at the request of the Chief of Police of a particular country\'s Police Force. There are some Countries which find it convenient to have a Joint Watch Committee running the Police Force of those countries: it may be two or three of them together.

As Minister in charge of Home Affairs, the Police also come under my jurisdiction, in so far as their conditions of service and matters of that kind are concerned. I have no authority to tell a policeman to go and arrest somebody or to go into anybody\'s house. All of that is clearly laid down in the Constitution of the Police Act and in the constitution of the island. The independence of the Police Force is ensured by the Police Service Commission which makes the appointment of Officers over the rank of Inspector. Other appointing bodies make recommendations up to and including the rank of Inspector. I speak now purely from memory. The only member of the Police Force whose appointment is referred to me is the Commissioner of Police, Promotions have been made from Superintendent to Assistant Com-

missioner, from Inspector to Superintendent, and so on, and the first thing I know about these promotions is when I notice that a particular officer is wearing the badge of a higher rank Those appointments are not referred to me; I am merely told as a matter of courtesy that this is the list of people who have been promoted.

We have a Government constitution in this island. By the way these people are getting on, you would think that we do not possess a Government and want to get some-body from St. Lucia or Dominica to organise our Government, This island is being run by a Government under a constitution which came into force in 1954. It is necessary for me to say these things. These things will not be related in the Press because I understand that in order for intelligent speeches made in this House of Assembly to be related in any of the public organisations of information in this island, the position has to be like this. 3.00 p.m.

You have to be in a special position, vis-a-vis a Director of that institution, whether it be a newspaper or a private radio station where you can march in and order them to publish your speeches. You will remember that when Cassius was speaking of Julius Caesar he said \"that tongue of his, that bade the Romans mark him, and write his speeches in their books \"

We have people in this Chamber on the other side with authority to march into these institutions -- call them news-paper offices or radio stations - and say \"I said so-and-so, you will have to publish that.\" And we have this anomaly in this country that the Government in power makes important announcements that never appear, things pertaining to the constitution and the constitutional position that we have repeated in here from time to time; so if you are not in that position of authority, you have one other recourse. You can do what one of the other Opposition Parties does and pay to have matters published. As a matter of fact, you will have a debate in here probably lasting six or seven hours on a very important matter, and if the Opposition does not score any points in that debate, you would see no reference to it in the Press in this Island; but you will see a half page delegated to some businessman who is merely going abroad to buy goods to unload on the unwitting public of Barbados. That is the standard of values which we have in this Island.

What I have to say is very important. There are certain corruptive and disruptive elements in this community -and they are not absent from the Councils of Government in so far as they are members of the Legislature - who are bent on pulling down this country in the eyes of the outside world in order to achieve their own political and economic objectives, , and therefore having given you the background of why I speak with authority on the question of relations, I will say that when large masses of men are brought together, you will always have problems, especially in an institution such as the Police Force, the Hospital. the Army or Navy, because we are not all made alike, and some people are not suited to the vocation in which they may find themselves, and may be directed to this particular vocation by force of circumstances or by force of law. In the case of the Barbados Police Force it is a voluntary organization, but economic circumstances may sometimes constrain people who have very active minds to find themselves under the rigorous discipline that such an organisation demands, and if you have an active mind, you are always rebellious against discipline; it is endemic of any organisation, as I said, such as the Army or any large institution such as a Hospital.

I should like to make it clear and I make no apology for it, that as far back as 1962 the Police Association asked for a Commission of Enquiry, There was some delay in their request being forwarded to me, but I also live in this country, and I happen to know there was a certain amount of un-rest; so I asked the members of the Police Association to come and speak to me and the Permanent Secretary of Home Affairs, and lay their complaint - which, I think, is constitutionally proper. When the simple act of acceding to their request by giving them an interview was challenged in cer-

tain quarters in this country. It was said that I had no right to speak to the Police Association. Now the Civil Service badgers the Government when they want salary increases, or when they want something done they get out in public and make rude noises, - The Anglican Church apparently is not innocent in this respect - and when they receive communication, they are not averse from calling in the Press before they reply to Government and doing what one of the newspapers describes as rapping the Government over something which they know the general public is ignorant about, and therefore in no proper position to judge. You have organisations which are responsible which can meet the Government, discuss things with the, and as Minister in Charge of Police, I was challenged that I should not discuss the grievances with the members of the Police Association, I am not going to say who challenged me. I think I know my constitutional position in this Island, and I said -- and His Excellency agreed with me - that it was quite proper, and the only thing to do was to meet the Police Association, and they submitted a memorandum in due course of time.

Some time in 1963, after I had considered and investigated all the points, I made certain suggestions, and told them in no uncertain terms why I did not consider that an enquiry into the Police Force was in the best interest either of the Police Force or of the Island of Barbados. I want to make this clear. A certain newspaper was agitating for an enquiry into the Police Force, but the Police Force as a matter of fact and as a matter of law is vested with the authority to preserve law and order in this country and internal security, and I am in charge of law, order and internal security in this country. The only thing I am not in charge of is some of the outlaws who are going about keep-ing people awake at night - the underworld, the unwashed and the unwanted, I do not believe that any organisation, whether it be of a military or quasi-military nature should have its dirty linen washed in public, and I make no apology for that statement, because it undermines discipline. Even in the Soviet Union you will find that they have Field Marshals, -- and I knew one or two of them personally, Marshal Shokolovski and Marshal Zhukov and several others further down the line when they had to appear at the Four Power Conferences in Berlin - so even in the Soviet Union you must have an hierarchy of discipline and an hierarchy of authority.

You cannot have any military or quasi-military organisation run on the basis of everyone running to

the newspapers and telling them that "the Corporal told me to do so-and-so this morning, and I do not think I should do it." You cannot run an organisation or a Government like that. You must have an hierarchy of authority all the way down the line, and there has got to be a certain amount of discipline. When a person Joins an organisation, he should know what the rules are, and they should not be changed without his prior knowledge and consent after he has got in; but when he joins and takes the oath and knows what the rules are, he should play according to these rules. This will get in the Press. We have too many Civil Servants and people in this Country in organisations drawing salaries from the taxpayers who have no sense of loyalty and no sense of discipline at all, and they want to approbate and reprobate. They approbate at the end of the month in so far as drawing a salary, but they reprobate the other twenty-nine days when they do not consider themselves subject to discipline. 3.10 p.m.

We cannot believe {information in this way, and therefore to ask for a Commission of Enquiry into the Police Force because you do not like a particular person and would like to have them exposed is not my idea of the proper administration of a Commission of Enquiry. Therefore, if there has not been a Commission of Enquiry, I am the person to blame.

Sir, I do not want to read out the whole list of matters which have been rectified between 1962 and 1965, but every single point was done in very long and exhaustive memorandum submitted by the Police Force. Each of these has been rectified by me. I should like to say that in an organization,

such as the Police Force, vested with the authority to maintain law and order, you cannot have lawlessness and have the same kind of public exhibitions that you can have in other sectors of the economy or in other departments of the community or other functions of the community. Every time somebody says: "I want a Commission of Enquiry." it does not mean that there is need for a Commission of Enquiry. Dr. Williams of Trinidad has learnt this to his sorrow because he set up a Commission of Enquiry into the Police Force of Trinidad and, at the end, there has been a certain amount of privilege, but nobody in the Force has any respect for anybody else and the general public has no respect for any of them inside the Force.

This is what I am trying to avoid. At least at two Conferences of the Party of which I have the honour to be Chairman, resolutions were unanimously passed -- I did not take any part in the debates - that there should be an enquiry into the Barbados Police Force. I do not think it is right at these Conferences to call an enquiry into the Police Force. I think it is competent for the Police Association to do so, but I do not think it is competent for a political party or any member of the House of Assembly to get up and throw out something about an enquiry into the Police Force. You can ask a specific question about matters which have occurred, It is within your competence to do so. The Home Secretary has from time to time questions to answer on any of the several Police Forces in the country, He has to answer questions about the abuse of authority and unlawful arrest. He has to answer questions about beating of civilians by

members of the Police Force, but these are on specific matters; nobody in the United Kingdom Parliament gets up out of the blue, nor does any-body at a Conference of the Labour Party, get up and say that as a result of what we discussed at this Conference, the member for Stoke-on-Trent demands an enquiry into the Police Force.

From time to time Royal Commissions enquire into the whole system of administration of Justice as set up in the United Kingdom to prevent the machinery of justice from creeping, and there was at least one of them in the fifties, but this is not a Commission of Enquiry. This is in order to anticipate any break-down in the forces of law and order because they are frequently faced with the problem of recruitment and matters of that kind, and the Government of the day has to see to it that the conditions of service are excellent and that there would be a loyal, competent and disciplined force at the disposal not only of the Government but also of the ordinary citizen of the community.

In 1962 a request was made that there should be a Commission of Enquiry into the Barbados Police Force. This request was made by the Central Committee of the Police Association. I do not intend to go into the details of their submissions because in agreeing, we have agreed to the establishment of a Commission of Enquiry under the Chairmanship of Mr. Adrian Date. It is not for me or this House to discuss the matters which constitute the terms of reference of the Commission of Enquiry as such, and I hope that hon. members on whom I waited for a considerable period of time to speak in the matter but who did not get up, would not get up now and turn this Chamber into a Commission of Enquiry itself.

However, Mr. Chairman, having met on 4th March, 1963, the Central Committee of the Police Association which is not organised like the Civil Service Association but set up by Statute, as a result of certain submissions and statements which they made, I told them emphatically that I did not consider a Commission of Enquiry necessary at this stage and that we would first see if those matters could be rectified. In answer to a Parliamentary Question on the 16th July, 1963. I said that I did not think a Commission of Enquiry was necessary, but advice was being given as to the sources of dissatisfaction. I was looking for the specific question so as to get the identity of the member who had made that request so that the House would be fully cognizant of the whole matter, but I have not been able to find it.

Now, in 1965, as I have said, in the two intervening years at a Party Conference, members of that Party requested the Government to set up a Commission of Enquiry into the Barbados Police Force, and I paid no attention to that because I do not think a matter like a Commission of Enquiry has anything to do with a Party Conference because they are not seised with all the facts and circumstances. My belief, although there are a lot of people who do not entertain this belief, is that you do not have to burn down the Public Buildings to roast a suckling pig. 3.20 p.m.

If you have a particular grievance against a particular individual or group of individuals, the setting up of a Commission of Enquiry merely to expose or to embarrass those individuals would be tantamount to burning down the Public Buildings so as to get rid of a suckling pig. We can use gas or kerosene oil in a Dutch oven and get more efficient results because sometimes when you have finished burning down the building, the suckling pig has gone up in smoke and disappeared. Particularly with a military organization and the policemen are a part of our Defence Force; they are not civilians in uniform although I would like them to be so; but they must, for some time, remain part of our Defence Force, and have a quasi-military aspect in their duties. That is to be borne in mind, I deplore very much the 20th century Barbadian habit which has grown up that a Government is run by pressures, even from newspapers or dishonest politicians who are not occupying the seat of Government at a particular time. Very often people in such organizations are susceptible to making friends and curry-favouring with people of that ilk. Somehow their legitimate aims and aspirations will be promoted, I am not saying that any member of the Police Force falls into that category, but since my submission to the Police Association in 1963, they have repeated their request for a Commission of Enquiry in 1965. They refused to state what their grievance happened to be, and I would still be reluctant to have a Commission of Enquiry if some other matters had not intervened, because they have had no real grievance. They could say that their pay is too low and the uniform is too hot. They have said that. They could say that the hours of work are too long. We have made some adjustment about that, but the Police Association considers that there is room for improvement. Matters of design and weight of uniform, hours of work and the pay are not fit and proper matters in themselves to bring on a Commission of Enquiry and put the Government to that expense. All of these matters could be adjusted administratively, I therefore came to the conclusion that the malaise in the Police Force was more deep rooted than the superficial matters which were represented to me, I was aware that there was a degree of discontent which was smouldering and was coming to the surface and subsiding from time to time. It is not possible for the average person altogether to pay them a calm mind if the people who are supposed to be protecting your life and property are themselves dissatisfied. I have witnessed an increase in the statistics of crime in this country, and those are the matters which have now induced me to have a Commission of Enquiry into the Police Force, because it is clear to me that there are several people in the Force, probably of all ranks --it does not mean that all of them are in the same position - whose efficiency is being impaired because they have some sense of grievance. They will not disclose what their grievance is, but they are sure to tell a Commission of Enquiry what that grievance is.

In so far as the style of uniform and the hours of work and pay are concerned, no Commission of Enquiry can tell me what those hours should be and make it mandatory for them to be implemented. We do not need any Commission of Enquiry to rectify matters of that nature or even to examine them. We may examine them and decide that they did not need rectification, A man may be posted in Belle-plaine, he lives in Worthing and he has to get the 4 o'clock bus; that is something which may be rectified. We cannot take an exceptional case and elevate it to a principle of administration. I want to assure hon. members that the matters which persuaded me that there should be a Commission of Enquiry carried out in the Police Force are not related to the simple day-to-day questions like pay, uniform and hours of work. Those are matters which the Trade Union is normally engaged in. The Trade Union, especially the one which is running this country, is not concerned with institutions, but with the general conditions of employment in industry as a whole. The Trade Union is concerned with the over-all wages in the sugar

industry and it is not negotiating for a market with a person or a factory. As to the Police, by the very nature of their duties, they are not allowed to form themselves into any sort of Trade Union or political association. The Police Association is the creation of the Police, and it is very severely circumscribed in the matters in which it is competent to deal, it is also because I am aware of the severe limitation which is imposed upon the Police Association and because of the peculiar nature of the Police Force which is a quasi-military organization and the fact that the ordinary citizens are becoming disturbed, that I have been induced to think that a Commission of Enquiry is necessary. It is not because the Police are not doing their duty; it is because the efficiency of the Police Force is being impaired because the members of the Force have a sense of grievance. If the efficiency of the Police Force is being impaired, you have to take into consideration that the Force is being exposed to ridicule or taking a chance of the exposure to be ridiculed, and we hope to bring about some amelioration of the conditions against which there is a grievance. 3.30 p.m.

Having weighed these two matters very carefully, we have come to this conclusion, and this Resolution is in furtherance of the conclusion at which I have arrived. If, therefore, the members of the Police Force did not get a Commission of Enquiry before, I should like to say that they cannot blame any Police Officer or the Government. They cannot blame any Police Officer or the Government. They have to blame me because I did not at that stage think it was in the best interest of this Community to have the same kind of break-down that we recently witnessed in Trinidad and Tobago where at least ten top Officers had to be withdrawn. We have a potentially excellent Police Force in this country; it is not a large one by comparison with some other countries. We have a very high turnover amongst the people in the junior ranks, because the chances of promotion are necessarily restricted by the small size of the Force itself, and people who are ambitious will put up with certain restrictive conditions for a limited amount of time until they can do better. This is really the cause of the high turnover which we have in the Force. People go to the Bahamas and start off there at £600 per annum; some people move into the Government Service, and other people leave for London Transport. Unfortunately the Police Force is becoming a kind of staging post and not a final place of rest, and this not very healthy, because it does not lead to stability in the Force since everyone is in transit, as it were, either to London Transport, the Bahamas, New York, Canada or the Public Service.

There was a time when there were no other avenues open for people of a certain amount of intelligence and a certain physique other than cutting canes, and therefore the Police Force could look forward for several years ahead in designing the structure, its schedule of promotion and its general administration, because things were in a state of rest in those days; but now everything is in a state of disequilibrium. Things are moving inside and outside all the time, and if the other members of the House look forward with the same eagerness as I look forward to the freedom and independence of the people of this country, this is the appropriate time in which we should examine the forces of law and order.

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

SUPPLEMENTARY ESTIMATE, 1965-66 No. 29

Hon J. C. TUDOR:

This Resolution, Mr. Chairman, for the small amount of \$21 is required to meet payment in respect of two claims which remained unpaid at the end of the last financial year, and for which no provision was made in the Estimates.

I beg to move that this Resolution do now pass.

Hon. C. E. TALMA:

I beg to second that.

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

On the motion of Hon. J. C. TUDOR, seconded by Hon. C. E. TALMA. Mr. CHAIRMAN reported the passing of two Resolutions in Committee of Supply, and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. J. C. TUDOR, seconded in each case by Hon. C. E. TALMA, the Resolutions were read a first and second time and agreed to.

Hon. J. C. TUDOR:

Mr. Speaker, I beg to move that Order No. 5 be the next Item under Government Business.

Hon. C. E. TALMA:

I beg to second that.

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

RESOLUTION TO APPROVE THE TRANSFER OF \$134,500

Mr. SPEAKER:

This Order stands in the name of the hon. Junior member for St. Thomas, the Minister of Communications, Works and Housing, and it is to approve the transfer of the sum of \$134,500 from the amount allocated in respect of Pumping Stations as set out in Note to Item 23 of Head 2 of Part II, Capital, of approved Estimates for 1965-66, to the amount allocated to mains. 3.40 p.m.

Hon. N. W. BOXILL:

Mr. Speaker, the sum of \$568,700 was provided under Capital Estimates, Part II, under Water Supplies, tern 23, Development of Water Resources. The breakdown is as follows Pumping Stations, \$377,500; Mains, \$150,000; and Research, \$41,200.

The provision of \$150,000 for Mains was completely spent in carrying out the first phase of work from Newcastle to Belleplaine, but it was first suggested that this work should be done in two phases.

During the financial years 1965-66 to 1966-67, the overall estimated cost was \$313,000. The first phase runs from Newcastle to Cattle Wash. The second of these phases is to provide a Water Supply to the East Coast Road, and to alleviate some suffering that takes place down there, but the immediate result is to improve the supply in St. Andrew and to the factories in the entire district.

They also receive a supply from Bowmanston and the advice of the Chief Engineer is that all booster pumps at that Station are already working to capacity and there is evidence that the main inside St. Joseph and St. Andrew now exceeds the present available supply. The low rain-fall at this area has aggravated the problem in these areas and complaints from districts such as Chalky Mount, Scotland Factory, Baxters, Friendship, St. Simons, Bawdens, Walkers and even Belleplaine have kept the problem constantly in view.

Relief has been provided from time to time by despatch supply by lorries to the affected areas and indications are that additional provision will be required later to meet the cost of these services.

It is quite obvious that daily the Waterworks Department is called upon to send their water trucks in these areas to relieve the people in these districts.

What has happened is that some of these places which I have called would not be able to be completed for various reasons and as a result of the Christmas season coming now, we want to keep the Staff employed; if not there would

be great unemployment. That is why we are asking for a reversion of this \$134,500 from what it was formerly allocated. If we use it now instead of waiting until 1966-67, we would be providing a steady flow of employment for these people who work in that area and at the same time it would boost up the water supply.

I therefore beg to move that this Resolution for \$134,500 do now pass.

Hon. G. G. FERGUSON:

I beg to second that.

Mr. SMITH:

Mr. Speaker, I am not an expert on this matter but while we are dealing with this Resolution, I would like to put this to the Hon. Minister. As the Minister of Communications has stated, the people of St. Andrew and St. Joseph are suffering materially for water and I can say that this is true. I am wondering if some use cannot be made of the water which is flowing daily at Sedge Pond. I am wondering if something can be done to dam that water, in other words, to build a dam and conserve it in such a way that it would supply the people in St Andrew with water. I do not know if that can be done.

Sometime ago, I was in Trinidad and I saw places where they collected water for drinking purposes and those places were nothing like what I saw flowing at Sedge Pond. I would like to know if the experts ever went into the question of trying to make a reservoir or dam to collect that water which is

flowing at Sedge Pond daily and which can be used especially in the crop season when factories are suffering for water. At least you would be able to supply factories with that water even if you could not supply it for drinking purposes. I do think that it could be used for other purposes.

Water is a necessity and when you have to wait on water lorries to supply water, you do not always get it in time. On mornings up where I live, you cannot get it at all. If that water can be used in St. Andrew, it would relieve the burden to those people over the hill.

Mr. Speaker, I do not know if you have ever visited that site at Sedge Pond where you see water flowing daily. Thousands of gallons of water run into the sea. Rather than that water being allowed to waste, I feel that a dam can be built to collect that water for the uses of the people in St. Andrew.

The water supply is getting worse and worse. We in Sugar Hill have never suffered! for water as we suffer now and year after year it is getting worse. The people who live at Melvin Hill and Sugar Hill suffer for water daily. We do not expect that you can pump water from St. Andrew up the hill to the people in St. Joseph but you can supply the people in St. Andrew with that water and what the people in St. Andrew are using would help the people on top of the hill. 3.50 p.m.

Mr. CORBIN:

Mr. Speaker, this Resolution is seeking the approval of this House for the transfer of \$134,500 in relation to the extension of water mains leading from New-castle to Belleplaine to supply the two parishes of St. Andrew and St. Joseph with water along the East Coast Road. I believe that when this water main is completed, and I hope it will be completed in a short time, it will be supplying all the areas in the flat parts of St. Andrew and St. Joseph. The position will be that the water which is coming to us now will be reserved on the top of the hill in order to supply these areas in St. Joseph, St. Thomas and St. Andrew, those areas which are around the whole line in those parishes. Now the laying of this main will cause people who have land and those who are about to buy land, to erect their buildings. We will soon see hundreds of houses being erected along the East Coast Road because of the laying of this water main which was being awaited for so long. I can assure you that with the laying of this main, the water which is now passing through barren land will be flowing through St. Joseph and St. Andrew, I hope that the time is coming when we will also have electricity in the same area and I will be able to say to my people in St. Andrew 'The light

has come to us, arise and shine\" or \"the light is shining in dark places\". This light will be illuminating the whole of St. Andrew and St. Joseph.

Mr. Speaker, this is a very good Job which the Government has undertaken. I heard many people up to this morning wondering if the pipe was broken, I told them that there is a main running from Newcastle which would help them. I asked them Just to have a little patience until that main has been completed. I am sure that our troubles and sorrows in St. Andrew will be over, and the people down there will be praising this Government for this relief in their water shortage. Mr. Speaker, I would support a Resolution of this sort at any time.

Mr. SPEAKER:

If there is no other hon. member who wants to add his contribution to this debate, the Hon. Minister of Communications and Works may exercise his right of final reply, (Pause) It does not appear as if any other hon. member wants to speak on this matter and therefore the Hon. Minister may exercise his right of final reply.

Hon. N. W. BOXILL:

Mr. Speaker, in reply to the hon. Junior member for St. Joseph about the Sedge Pond water; I will get the answer to that question for him. He was up there and I remember making some sort of suggestion to the Engineer of the Waterworks Department, but I really cannot remember why he said that this water is not used for consumption. There are two reasons for the water shortage; one is that we had a fairly dry season this year and quite a lot of water has been used; because a lot of people seem to be wasting water. I would ask the hon. member if he sees a standpipe running to stop it. We use about 15 million to 16 million gallons of water per day and we produce about 29 million gallons per day. I think that the hon. senior member for St. Andrew answered the question asked by the hon. Junior member for St. Joseph quite accurately when he said that by relieving the strain from one area, there will be no water shortage in the other area.

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

**RESOLUTION TO APPROVE THE CIVIL ESTABLISH-MENT (GENERAL)
(AMENDMENT) (No. 7) ORDER**

Hon. J. C. TUDOR:

Mr, Speaker, I beg to move that Order No. 3 be taken as the next Order of the Day.

Hon. A. DaC. EDWARDS:

I beg to second that.

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

Mr. SPEAKER:

The next Order of the Day stands in the name of the hon. senior member for St. John- To move the passing of the following Resolution- Resolution to ap-prove the Civil Establishment (General) (Amendment) (No.7) Order, 1965.

Hon. J. C. TUDOR:

Mr. Speaker, I am asking leave for the hon. senior member for Christ Church, the Hon. Minister of Health, to take charge of this Order which stands in the name of the Hon. Premier.

Mr. SPEAKER:

The Hon. Leader of the House is re-requesting leave for the hon. senior member for Christ Church, to take charge of this Order standing in the name of the hon. senior member for St. John and unless there be any objection, leave will be granted.(After a pause).There being no objection, leave is granted. The hon. senior member for Christ Church may proceed with this Order which is the instant Order of the Day,

Hon. C. E. TALMA:

Mr. Speaker, as the Addendum to the Resolution sets out, the Civil Establishment (General) (Amendment) (No. 7) Order, 1965, has been laid on the Table of the House and the Order seeks to provide as follows-

(1) the replacement of the title \"Ministry of Health, Housing, Local Government and Community

Development\" by \"Ministry of Health and Community Development\" the title by which the Ministry will be called after integration;

(2) the integration of the Ministry, the Department of Medical Services and the Social Welfare Department.

(3)a better establishment structure of Medical Officers of Health in an effort to attract suitably qualified doctors to the permanent/pensionable establishment of Health Officers.

The failure to recruit and retain Health Officers on the permanent establishment has been attributed to the unattractive emoluments of the offices. It is therefore proposed to pay Medical Officers of Health who possess the specialist qualification of D.P.H, or its equivalent a non-pensionable allowance of 20% of salary. This allowance will be dealt with in another Resolution.

(4)certain staff adjustments in the establishment of the integrated Ministry including the creation of-

(a) one new post of Assistant Medical Officer of Health on a similar salary basis as for Registrar, General Hospital, that is

\$8,640 with specialist qualifications. \$8,160 without specialist qualifications.

in an effort to attract young doctors who are not specialist in public Health to enter the public Health field. 4.00 p.m.

(b) one post of Accountant \$4,128 - 5,136, to organise and supervise the accounting affairs of the Ministry, thereby enabling the Permanent Secretary to carry out his responsibilities as Accounting Officer in the Ministry.

(c)

(d) an additional post of Secretary on the establishment of the Ministry primarily to provide secretarial assistance for the General Nursing Council;

(e)

(f) one post of Administrative Assistant, \$4,128 -- 5,136, to relieve the professional and technical officers of the bulk of their administrative duties.

(g)

The other staff adjustment, with the exception of those mentioned below, are largely the replacement of certain posts in order to improve the organisation of the Ministry.

There will be a change in title of Director of Medical Services to Chief Medical Officer; the upgrading of one post of Chief Public Health Inspector, \$4,128 - 5,136, as Chief Public Health Officer, \$4,632 - 5,712; and the creation of two additional posts of Public Health Inspector(Port) \$3,096 - 3,960 so that there will be adequate staff to keep the seaport under the full-time surveillance of Health Officers as is done at the airport.

In other words the Chief Public Health Officer will do the normal everyday inspection at the Port, and only in exceptional cases will the Chief Medical Officer be necessary.

I beg to move that this Resolution do now pass. Hon. A. DaC. EDWARDS:

I beg to second that

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

**THE CIVIL ESTABLISHMENT (PART TIME OFFICERS) (AMENDMENT) (NO. 2)
ORDER, 1965**

Mr. SPEAKER:

The next Order of the Day stands in the name of the Hon. and Learned member for St. John to move the passing of a Resolution to approve the Civil Establishment (Part Time Officers) (Amendment) (No. 2) Order, 1965.

Hon. J. C. TUDOR:

Mr. Speaker, leave is again re-requested for the hon. senior member for Christ Church to take charge of this Order on behalf of the Hon. and Learned member for St. John.

Mr. SPEAKER:

Leave is requested for the hon. senior member for Christ Church to take charge of this matter which stands in the name of the Hon. and Learned member for St. John, and if there is no objection, leave will be granted.

There being no objection, leave is granted. Let the hon. senior member for Christ Church proceed.

Hon. C. E. TALMA:

Mr. Speaker, as the Addendum sets out, this Order entitled \"The Civil Establishment (Part time Officers) (Amendment) (No. 2) Order, 1965\" has been laid in the Legislature.

The Order seeks to provide for the abolition of the following part time posts - One Assistant Health Officer (Port) at a salary of \$2,400 and one Medical Officer (Lazaretto) at a salary of \$1,800.

It is recommended that the public Health duties at the sea-port, the air-port and the Lazaretto should be the responsibility of full-time Medical Officers of Health, thereby providing flexibility in the allocation of these duties. The permanent establishment of Medical Officers of Health has accordingly been increased.

I beg to move that this Resolution do now pass. Hon. G. G. FERGUSON:

I beg to second that.

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

THE PENSIONS (AMENDMENT) ACT, 1965

Mr. SPEAKER:

The next Order of the Day stands in the name of the Hon. and Learned member for St. John to move the second reading of a Bill to amend the Pensions Act, 1947.

Hon. E. W. BARROW:

Mr. Speaker, in 1963 the Overseas Service (Agreement) Act, 1963 (1963-12) was ap-proved in the Legislature between tills Government and the Government of the United Kingdom relating to the employment of overseas officers. In view of this Overseas Service Aid Scheme, the Pensions Act, 1947, which governs members in the public service in so far as their pensions are concerned, is in need of amendment to ensure that the statutory authority exists for the payment of pensions in respect of the inducement allowance payable under that agreement to designated officers in the Overseas Aid Scheme.

I should like to say, Sir, that at the time when we entered the agreement, it was not clear that this Government was going to be liable for the payment of pensions on the increased allowances now being given to the designated officers. There are certain other important amendments to the Act. la Clause 3 provision is being made to include persons who are recruited directly from the Bar being eligible for pensions, because we find that even practising at the Bar, there is a requirement of ten years\' practice before a person can be so appointed. 4.10 p.m.

Then the third important amendment is the amendment to regulation 18 of the Regulations in the Schedule

to the Act to make sure that increases in the emoluments do not arise other than as a result of a revision of salary and to avoid any ambiguity or doubt in 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:

It seems as if this is another means of the British Government shedding off some of its officers to be pensioned by some territories. What I would like to ask the Hon. Premier is, why this preferential treatment is going to be given to judges. Secondly, if you are going to give Judges ten years additional service, it is going to raise a matter of principle among members of the Service. You are going to give a judge who goes to the Supreme Court ten years' additional service, but what happens invariably is that if a man is anything at all worthy of being a High Court judge and he retires, he can make more money in retirement than being a Judge on the Bench. I do not want to call names, but I know of a retired Judge who in retirement earned more money than at any time that he was practising at the Bar or on the Bench. He draws fees when he is called to be a Commissioner of an Enquiry and retired judges are people who are called upon to revise laws. Therefore, those who do not practise at the Courts get a better practice outside.

I would like to ask the Hon. Premier why this preferential treatment of ten years' additional service added to the service of a Judge is being given to him, and it is not given to anyone else. I would prefer, if it is the wish of this Island that you amend the Pension Act to enable judges to carry on as judges until they are seventy years. Judges do not perform manual work in the strict sense of the word. I am a scientific man in relation to retirement. I do not feel that it is absolutely necessary to call upon judges to retire at the same time as other people because judges do not exercise the same energy in the performance of their work as the other people. It seems to me that instead of giving judges this preferential treatment of ten years' additional service that you should allow a judge to continue in office for five years longer. If a judge can perform his duties without losing his sharpness until seventy years, in the interest of the administration of justice, you should allow him to carry on until that age. Why should the legal profession be singled out for this preferential treatment under the Pension Act as against the other professional people? It may be that in the teaching profession some persons may enter the Service late, but they would not get this preferential treatment.

What I am worried about is the peculiar reason for doing this. The reason that they must have ten years' practice in law at the Bar is overweighted in my view, because in many instances they do not practise for ten years. It is true that the lawyers are the ones who draft these things and according to my analysis of these things, the legal minds get preferential treatment. A good man who is a practising barrister, whom you are going to call to the Bench, would make a living anyhow and he would be only free wheeling on the Bench. I do not have to mention names, but I know that the Trinidad Government really asked Sir Hugh Wooding to be Chief Justice of that country and he did so because he was doing a service to his country. We know that he was making more money before he was called to the Bench. There is a lot to be gained in life by retiring as a Chief Justice. It is a distinctive office, and no matter how brilliant one may be at the Bar, to be a Chief Justice is one of the most honoured positions in a community.

I would like to ask the Hon. Premier what are the real reasons, apart from this one which does not seem to be weighty enough, which does not seem to justify ten years' additional service, that have caused you to amend this Bill. | Why should this preferential treatment be given? I have the feeling that this is going to cause other repercussions in the Service from people other than judges.

Hon. E. W. BARROW:

Sir, I thought I had made the position clear when I spoke on the second reading of the

Bill. The position before 1937 was that any barrister entering the Legal Service in this Island or any other territory in which he was deemed to be serving Colonial Office, was credited with ten years' service as a magistrate. As a matter of fact, they had to be barristers with ten years' service before they entered the Legal Service. This was regardless of whether that barrister had been called to the Bar for ten or twenty years.

In 1956, we enacted the Supreme Court of Judicature Act, and under that Act a person could only be appointed a Judge if he had ten years' service at the Bar. Prior to that, the position in 1937 was that a barrister becoming a magistrate had ten years' seniority. But that was done away with. It may be in order to get people to enter upon the Magisterial Bench that it was done away with. Apparently, the Registry itself saw fit to repeal that position so that a person upon being appointed a magistrate is not credited with any time, although there is the minimum of three years' practice at the Bar. 4.20 p.m.

Yet at the same time, a barrister who goes on the Ministerial Bench is not credited with any time, A person who is a High Court Judge must have in ten years of practice at the Bar before he can be appointed to the High Court Bench. Or, he can spend ten years in the Government and play musical chairs and move up when somebody moves out, shifting from post to post and jockeying from position keeping close to the rails all the time and he can qualify. It may be less than six months* experience at the Bar; he can spend ten years and be appointed to the Superior Court Bench, moving from Magistrate to Crown Law Officer, Director of Public Prosecutions, which used to be the Attorney General, and then to the High Court Bench, In that fashion, you have had no experience in the work unless you held the post of Crown Counsel It is possible for a person who has never appeared in Court as Counsel to be appointed to the Bench after qualifying for ten years and having entered the Service after qualifying as a barrister. That person is entitled to his pensionable emoluments continuing to run. It is recognised nowadays that if the standard of Judges is to be improved, and if a proper understanding is to exist between the members of the Bench and the members of the Bar, an understanding of the difficulties of the law it is desirable to recruit people from amongst practitioners; but the restriction still remains that

the practitioner must have ten years\' seniority.

If you are demanding ten years\' seniority, then it is only reasonable that if the Government is calling for certain experience where a man is at the peak of his profession and you are asking him to give up his practice on the intangible expectation of being appointed as a Commission of Enquiry after he retires, that is not a good and sufficient inducement. I do not consider that sufficient inducement to persuade a person to give up his practice. The hon. senior member for St. Peter has quoted the Chief Justice of Trinidad and Tobago and he is a man who must be in his late fifties or early sixties. I do not think the Chief Justice of Trinidad and Tobago under their Constitution will have ten years on the Bench before he is called upon to retire. In Barbados the retiring age is 62 so that unless a practitioner gets unwell before he is 62, he will not qualify for a pension at all. He retires at the age of 62 years and in special circumstances he may be permitted to go until he reaches 65 years of age. He might give up his practice and get no pension at all. Judges of the High Court in England are entitled, as soon as they go on the Bench, even if they retire a year later, to their pension. Their pension is assured. I think that the pension of a High Court Judge there is \$5,000 per annum. If he serves on the Bench for only two years, he gets his pension. Very often a Judge is recruited from people who are in their late forties or their early fifties. There is no question of qualifying for a pension. The minute you are called upon, the minute you are appointed to be a High Court Judge, you are entitled to a pension. That is your entitlement even if you serve for three months. Therefore, we have retrogressed in Barbados in some respects because up to 1937 nobody who was going into the legal service was entitled to pension

whether he did ten years at the Bar or had ten years seniority or not. If you are demanding that a person must have ten years seniority at the Bar you are asking him to spend his time in getting experience.

Mr. Speaker, I am not dealing with personalities at all. I happen to know that in Trinidad the provision is a little more liberal in granting pensionability than we are. The main justification, as far as we are concerned, is that you are not qualified to be a Judge of the Supreme Court unless you have ten years\' seniority. The Association has supported that this is the practice which the Government should follow, that is, that we should recruit judges of the Supreme Court from practitioners of ten years\' standing. Even if a man has done ten years and has reached the age of 62 years, under the amendment which we now propose to the Act, he still will not be drawing the same kind of pension as a magistrate who has put in 25 years or 30 years, because he has only put in 10 years.

There is one other point which I would like to make and it is this. As far as I am aware, a person who has been a Judge of the Supreme Court in Barbados is not allowed to appear in the Courts of the Island after retiring. That, as far as I can remember, is the legal and constitutional position in this island. 4.30 p.m.

A Judge therefore is not available, as they are in the United States, to back down in the arena and appear before, let us say, his successor in office, and to do battle with the younger element of the profession. Therefore they are very much restricted in the scope of their activities.

Mr, SPEAKER:

It is entirely a matter of professional etiquette, but the hon. member for St. John may recall that a member of the profession, a retired Judge who was not a Judge in Barbados, and not a Chief Justice or Supreme Court Judge has practised in the same colony after he retired. It is *infra dignitatem*.

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

On the motion of Hon, J. C. TUDOR seconded by Hon, C. E. TALMA, Mr, SPEAKER left the Chair and the House went into Committee on the Bill, Mr. BATSON in the Chair,

Clauses 1 to 4 inclusive were called and passed. The Schedule was called and passed.

On the motion of Hon. J. C. TUDOR seconded by Hon, C. E. TALMA, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. J. C. TUDORc ,second ded in each case by Hon, C. E. TALMA, the Bill was read a third time and passed,

SUSPENSION OF SITTING

Hon. J. C. TUDOR:

Mr. Speaker, I beg to move that this Sitting be suspended for half an hour.

Hon. C. E. TALMA:

I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the Sitting accordingly, 4.40 p.m.

On resumption,

LIMITATION OF REMEDIES (SCIENTIFIC AND RESEARCH PROJECTS) ACT. 1965

Mr. SPEAKER:

The remaining Order is Order No. 2 and it stands in the name of the Hon. Minister of Education

Second reading of a Bill to limit the remedies available to plaintiffs in proceedings seeking relief in respect of the acts or omissions or the threatened or apprehended acts or omissions, of persons engaged in the execution of any approved scientific or research project.

Hon. J. C. TUDOR:

Mr. Speaker, I am asking leave for the Hon. and Learned Premier to take charge of this Order,

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

Hon. E. W. BARROW:

Mr. Speaker, the Bill which we have before us for consideration is one which has already been passed by the Other Place after a very heated debate in which some of the least well-informed members of the

Other Place made certain inaccurate and misleading statements motivated, as far as I can see, I would not say from financial reasons, but from political considerations.

This is a very simple measure. It does not deprive any citizen of Barbados of anything which he had before. It is a Bill to exempt scientific institutions from claims for injunction. We have in this Island several scientific institutions -- and they are enumerated in the Schedule -- and we are shortly expecting under the auspices of the World Meteorological Organisation, which is an agency of United Nations, to have other scientific research projects in the Island.

The organizations and projects enumerated in the Schedule are: The Barbados Meteorological Service, The Bellairs Institute of Marine Biology, the Brace Institute of McGill University, The McGill University High Altitude Research Project, Prospecting for oil or natural gas for which a license has been granted by the Government of Barbados, The Soil Conservation Board, The United States Naval Facility, Barbados, The United States Weather Research Bureau.

If I may deal with our own institution first, we have a project which is financed with the assistance of the United States Weather Research Bureau. I am referring to the Barbados Meteorological Service.

This House during the current session voted money both for the construction of the building and for other expenses which are refundable in order to allow this work to continue.

I should like to give an example of the work which it does. The Rawinsonde Station at Seawell Airport twice a day sends into the outer atmosphere a large balloon filled with hydrogen which carries a payload of electronic equipment which refers back information picked up by electronic equipment on the ground. This is information relating to temperature, wind direction, wind velocity, and matters of that kind. That is part of the work: and the information which we record here in Barbados is relayed to other weather stations like that at Puerto Rico.

As a result of these upper air explorations by this Meteorological Service a few months ago, a hydrogen generator exploded through no fault of the service. If this Bill was not introduced, it would have been quite competent for any one in Barbados to bring a claim against the Meteorological Service, not for damages but for an injunction to stop the Meteorological Service from recording information, on the ground that a balloon came down in somebody's backyard or that the electronic package came through the roof of somebody's house and thereby exposed them to risk of life and limb. It would be

competent for anyone to bring such an action to inhibit the Meteorological Service from carrying out its work.

In this Island, the Bellairs Institute of Marine Biology has been carrying out research for some time on the subject of marine life off the coast of this Island. I cannot at this Juncture go into details on this because I do not know enough about the future programme, nor can I give you as graphic a detail in the same way as I have been able to do with the Meteorological Service.

The Brace Institute of McGill University was founded as a result of endowments similar to the Bellairs Institute, and they carry out research into radiation and such matters as the conversion of salt water into fresh water which should be of inestimable benefit, not only to this Island but all other countries in the world. As a matter of fact, Just today the Cabinet made an Order allowing a company comprised of Barbadians to manufacture apparatus to find the cheapest method of heating water by solar energy.

Sir, the problem which has caused more controversy than anything else and also because there are certain people who seize every possible opportunity to enrich them-selves, is the McGill University High Altitude Research Project. As a result of discussions held between this Gov-ernment and the McGill University, it was decided that this project, which is revolutionary in its project to outer space, should be set up at Seawell Airport and it also has branches in the neighbouring territories of Grenada, St. Lucia, and St. Vincent. The primary object of the High Altitude Research Project is to get information at reasonable cost, infinitesimally cheaper than the cost of probe by rockets such as are carried out in other parts of the world, and this information is evaluated to study the behaviour of the upper atmosphere and weather conditions, tropical winds and so on.

Barbados was chosen because of its latitude, not in the sense employed by the hon. senior member for St. An-drew, but because of its geographical position; not in the sense of giving unlimited licence, but in the sense that the geographical position of Barbados is ideal for this type of research.

The McGill High Altitude Research Project in order to launch its vehicles uses guns which launch the vehicle into the upper atmosphere at a distance of 80 miles which is higher than any vehicle of a similar nature propelled from any station as far as we know. 5.20 p.m.

The programme in which the University will now associate with the United States Government and the

Canadian Government and which is being carried out, has earned the admiration and curiosity of countries all over the world, and of scientists of many nations. There is one most important aspect of this work in Barbados, in the way in which we suited it, and I will mention it. We are visited during a period of four or five months of the year by hurricanes which can span for over 500 miles east of Barbados; and although we may say that we are singularly fortunate with the infrequency with which the hurricanes actually pass over this island, yet in each and every year millions and millions of dollars of damage is caused in other countries in the Caribbean and to the cities, towns and villages on the eastern seaboard of the United States of America. We follow with interest over the radio the progress and the path of a hurricane so long as it has safely passed our island; and sometimes after it has passed, we read of the devastation, of the loss of life and of property which ensues as a result of the hurricane coming against some other land mass. Our knowledge of hurricane in the 20th century is still rather limited. It is only recently that we had our radar and we have been able to track these hurricanes more often than before. What has really happened is that the information as regards the movements of hurricanes is more accurate, because we have not actually been struck by a hurricane, we have closed our eyes to the fact that we are in a danger area. We have glossed over that fact by remarking that some bad weather must have passed close to Barbados. However, the position now is that for 15 or 20 hours before a hurricane gets anywhere close to the meridian in which we are situated, we can follow its course as a result of the research which is being carried out by the Caribbean Meteorological Organisation, the United States Weather Bureau, the University of the United States Research Institute and the other organizations which are associated with this work and which are trying to do a tremendous work at the expense of the Governments of the United States and Canada in order to get more detailed and accurate information at a reasonable cost, and without too

much risk of life involved by aircraft entering the eyes of tropical storms.

The cost of this space research is less than 10% of the cost of operating from Cape Kennedy or any other space research, I think that we are fortunate in having an operation like that which is being carried out from our shores. It finds employment for about 150 persons at peak periods of operations and for a minimum of 70 or 80 persons when the actual research programme is not in progress, and it has produced scientific research in this country which no other Caribbean country enjoys, Barbados is now known throughout the world for the research which is being carried out here, A submission has been made that the \$3 million application of the United States Fund for the establishment in this region of a tropical meteorological station should be dealt with in Barbados rather than in any other colony in the Caribbean area. That submission has been approved by this Government and it is now being processed. Loans are to be acquired by this Government for meteorology, and we will train meteorologists for these Caribbean colonies. That is a profession which is in very short supply throughout the islands, but which is in very great demand. We have had the University of Florida carrying out a re-search which is all closely allied to and tied up with the operation of the High Altitude Research Project here. We have had the University of California operating in the same area, and it is still interested in and is being closely associated with the pioneer work which is being done in Barbados.

Mr. Speaker, there is a class of persons in this colony who are very injunction-conscious. This class of persons has been able to get a new branch of the legal profession which even specialises in bringing injunctions against the Government and people who are trying to earn an honest living. That is becoming almost another profession in Barbados. I do not make reference to any particular cases because this Bill was introduced before any cases were filed in any Court of this Island; but Sir, there are people in this Island who, although they may be praiseworthy, even think and imagine that they suffer some personal inconvenience as a result of these activities. 5.30 p.m.

Even if they imagine that they suffer inconvenience as a result of any progressive scientific operation carried on in the country, they should be public-spirited enough not to want to bring these operations to a close, but merely to ensure that they themselves do not suffer any material loss. This Bill does not take away the right from any citizen to bring a claim for damages, because the Government of Barbados signed an agreement with the United States Government when the project was handed over to the United States Government, I think, in 1963, that they would carry public liability insurance for a minimum of \$500,000 U.S. Perhaps this would be a proper Juncture, Mr. Speaker, at which to state that all the claims which have been submitted for examination to the High Altitude Research Project and their legal advisers do not exceed an aggregate of \$12,000 B.W.I. and there are several people who claim that they have had cracks in their walls as a result of the vehicles being launched from the gun at Paragon or Seawell, which-ever you choose to call it. This gives you an idea, Sir, of the lack of seriousness on the part of the people who not only should know better, but want to discontinue the investigations carried on. I do not want to say too much on that, but a lot of nonsense has been aired in the Press at this time, in all the four foreign controlled and Capitalist con-trolled Press of this Island, and stated in the Other Place without any foundation of fact whatsoever.

Mr, SPEAKER:

I hope the hon. member will continue to be mindful of Standing Order No. 26 (10) which says

\\"No member may allude to any debate of the other Legislative Chamber.\\

Hon. E. W. BARROW:

I am not alluding to any debate. I said by members of the Other Place who should know better. There was one maxim which I think we used to hon-our in the legal profession, and it is that you should never try to create work for yourself.

Mr. SPEAKER:

I am still in the legal profession.

Hon. E. W. BARROW:

And I hope you still honour that maxim. But there is a generation of fashionable lawyers springing up all over the world who think that the profession should be lowered to the level where they induce people to bring litigation and create work for themselves even when they know that your clients do not have a case. I am not referring to any case relative to this project at the moment. There are people associated with politics in this country whose real ambition is to look around to see how quickly they can make money out of every conceivable thing in the community; so there are all classes of people we have to contend with.

If I may reiterate, the United States Government signed an agreement with the Barbados Government guaranteeing to indemnify any person in the remote possibility of any damage being suffered or for any damage or loss consequential upon the operation of this project. The Government of Barbados has no public liability insurance in respect of the operations of the Meteorological Services, but if there is any damage caused to any person as a result of any act or default or neglect by any servant or agent of the Government of Barbados or any operations conducted for and on behalf of the Government of Barbados, this Government always seeks to do what is equitable to indemnify the person by bringing in an exgratia payment for compensation, or bringing a special Resolution to compensate the person for such damage as he may have suffered on the same principle on which the Government considers that the Court in similar circumstances would award damages to such a person.

Now if I may return to the, chief bone of contention. Sir, I have already explained that the sum total of the claims submitted to the High Altitude Research Project, mostly of the nature that walls have been cracked, is \$12,000. I am not going to enter into the merits or demerits of such a suggestion at all, but I should like to say that the hon. member on my left--the hon. junior member for St. Lucy - and I have been fortunate enough to be in old dilapidated buildings in the heart of London in 1940, 1941 and 1942 for hours on end when 70,000 anti-aircraft guns were creating a symphony of terror in the night air and when bombs were dropping in the street. He had to go on fire-watching duty on top of the roof. I slept under my bed because if the roof came in and he came in with it, he would have to fall on the bed before hitting me. At such times as I shared accommodation with the Hon. member and he had to go on fire watching duty, you would have in a limited area of London 70,000 guns going off. I have never heard in the City of London one person claim that as a result of these guns going off his walls were cracked in any way. This is entirely new in Barbados; this is becoming fashionable in Barbados. I do not know if there is any justification or not; I am only giving you my experience. Nine of these same naval tubes using high explosive projectives propelled by high explosives are mounted at one time on a battle-ship weighing 30,000 tons, and a battle-ship weighing 30,000 tons can fire broadside all nine of these guns instantly for fifteen or twenty minutes without so much as a rivet shaking loose so that water rushes into the side of the battle ship. This is how you have to evaluate the validity and bona fides of those Solomon O'Gnmdy and Mrs. O'Grunday's in our society, as, if they were in the time when the wheel was

invented, they would want to bring an injunction against the person who was using a donkey cart with wheels on the grounds that the revolution of the wheels was shaking their cups and saucers in the breakfast room,

I am not going into the merits or demerits of any individual case, but the wheels of progress cannot be halted on the superstitions or imaginations of any individual group of people who have nothing better to do in this community. But I do want to say at the same time that the Government recognises that anything that goes on in the Community even to the extent of gardening could inadvertently cause damage to your neighbour, and the law of tort adequately caters for such eventualities. When I refer to gardens, you may be cutting a limb off a tree and the limb may fall next door, and a chicken or something belonging to your neighbour may be killed in this way so even in the

most common pursuits of life the law of tort recognises that a person may suffer damage although that damage may not be maliciously incurred.) 5.40 p.m.

There has been a single case of one of the vehicles having been launched at Seawell and the projectory was not as accurate as it should be; therefore, it did not fall in the arc prescribed. Something went wrong and it fell into the parish of St. Philip, but nobody was injured. Of course, that will not occur again because they have invented a destruction device which if the vehicle is not properly launched, it would be destroyed in seconds, so that the possibility of such a thing occurring again or any damage incurred is being minimized to the very least point.

But this Government considers that, if a major break-through can come as a result of research being carried out whereby we can more actually understand, evaluate and assess the origin and source of tropical disturbances, millions and millions of dollars and thousands and thousands of lives would be saved in this generation and future generations. The High Altitude Research Project which is being carried out at Seawell or Paragon is one of the projects which is helping to push back the frontiers of the unknown; so we are not operating on superstitious grounds as before when people ran into churches and called on God, and then you find that 50 or 60 people were killed in one church. We are carrying out research on weather phenomena so that we can, perhaps on a fine day, perhaps not long from now, have some control over the path and speed which hurricanes take, and we are carrying out researches into the higher atmosphere and outer space to detect that.

We have got to the phase where the Tyros satellite is taking pictures of tropical disturbances which give to the Meteorological Service a pretty accurate idea of the direction and the path that these disturbances will take and the development which is likely to ensue. In the same way as the Tyros

satellite is operating, we are also installing at Seawell at our own Meteorological Service, equipment to test the behaviour of the weather in the area. This information which is received with the electronic machine will be of benefit to countries throughout the Caribbean and other parts in this Hemisphere; therefore the possibilities of re-search being carried out in Barbados by the High Altitude Research Project and the Barbados Meteorological Service would be of inestimable benefit not only to this Island but to the rest of the civilised world.

We are not following any other country in conducting experiments into seeing if this is true; we are breaking new ground; but we cannot make omelettes unless we use eggs. We therefore cannot have any person who brings in scientific equipment which would cost millions and millions of dollars to establish and which would take a lot of human ingenuity and labour to set up -- we cannot have other persons to be bringing actions in the Court on the grounds that they cannot sleep at night and that twenty years from now their grand-children will discover some defects in the foundations of their property. This is precisely a claim which has been submitted to HARP, Somebody is bringing an injunction because he does not know whether twenty years from now his descendants will discover some defect in the foundation of his sugar factory. That is the kind of thing which we are talking about, and every single person who is now nursing complaints is claiming that every crack in their house is the result of "that so-and-so gun"

On the 27th December, 1940, when I was in London, there was such a barrage of bombs in the area of London Bridge that if it did not fall down then, it would not fall down now. People here are getting on as if they never had cracks in their houses. The Combermere School started to collapse ten or twelve years before the High Altitude Re-search Project commenced operations here. The late Mr. J. T. C. Ramsay asked 21 questions before the school was completed warning members of this House that if they did not watch out, the school was going to collapse and it collapsed long before HARP started. If Combermere school had started to collapse after this project started operations,

members of the opposite side, especially those who owe a debt of gratitude to the Capitalist masses, would state to the Government that it was a result of the HARP gun. Within the past weeks the same members on the opposite side of the House have been warning us that we would have to do proper engineering construction at Weymouth, not because of the HARP gun but because of the foundation at Weymouth.

What I am trying to explain is this. We are not saying if the owner of a house can prove that as a direct result of a shot from the gun at HARP - what we used to call causacausans -- there was a fault or damage, that the owner is not entitled to compensation because the Government has ensured that if any person can prove that he has been injured, either by his property or person, he can demand substantial coverage from the Government of the United States so that the person may be indemnified. But by

suffering loss and/or damage, I do not mean receiving personal award.

There are a lot of people who do not want to see this Island put on the map, and they go around constructing stories that Barbados is going to be attacked. I am wondering if there are trying to fool people that whether a re-search project was or was not in Barbados, it would make the slightest difference to any person if for strategic reasons it had to be destroyed. It would have nothing to do with any scientific or military research, or anything like that. The consideration would be of a different character altogether. 5.50 p.m.

Mr. Speaker, we have an Oceanographic Research Station in the parish which you have the honour to represent. We have the United States Weather Bureau carrying out soundings by instruments at Tent Bay, Bathsheba, and we have the other institutions which I have already enumerated and which constitute the Schedule to this Bill which we have under discussion. An article has appeared in the Press, no doubt inspired - well, there is no point in adjusting the Press or the gutter Press as I nearly said. They are claiming that Barbados would become a target. That article was written by an expatriate Barbadian well over 45 years, and we are fed with weekly instalments of abuse heaped upon this Government by the weekly Press in this island. This is literature from newspapers of limited circulation, and obviously they have to be subsidised by people who want this abuse to continue. If we were to apply the same yardstick which these people are applying, then no amount of research would be carried out. Let this Government be accused of creating a precedent in introducing a measure which has already been passed by the Other Place. I should like to remind hon. members that in 1960, before this Government assumed office, an Act was passed prohibiting injunctions from being brought against the sugar factories in this island. There was silence at the time amongst all Barbadians and no one protested, because a very subtle diabolical and clever campaign had been waged for a period of months, if not years, by the sugar industry that rich people were coming to Barbados and were trying to shut down the sugar factories. There was one case brought in St. Philip and one against Hayman's factory in St. Peter, but the poor people in Barbados had been suffering these indignities from the beginning of the operation of sugar factories in this island. However, Sir, the poor people who lived around these sugar factories and who were dependent on the wages paid by such factories, were not in a position to bring any case against any factory owner on the ground that their furniture their clothing, their laundry and even their breath was being polluted as a result of the fumes and the noxious vapours which emanated from the chimneys of those factories.

It was only when there was an influx of wealthy expatriates of this country that this sort of thing came to light. The people who live close to the sugar factories were never in a position to bring any action against any sugar factory. The owners of these factories never thought that anybody would challenge their position of pre-eminence in the colony; they never thought that anybody would challenge their right to pollute the atmosphere as they liked. If you take a place like St. Lucy's Church, that place was not fit for divine worship during the crop season because of the ash which used to be deposited in there from the neigh-

bourling sugar factory. It is ray understanding that the factory bought salvation from the Rector of the parish by giving him an additional stipend which obstenslbly was to abate the nuisance and clean up the Church at the end of the crop season. That may be something which is still being carried on. That compensated the Rector of the parish for the nuisance which was created, and therefore the Rector never brought a claim for an injunction because compensation was given.

We feel that in matters of this kind which are vital to the economy of this island, compensation should be the only criterion which should be applied in such matters, If we feel that there was a danger to property by any operation, the Government would not agree to move a claim for an injunction which a citizen could bring against any operation conducted to this detriment. The Government is not satisfied that such danger exists; and even if it did exist, the benefits which accrue to the economy of this island and the benefits which are likely to inure to the rest of the civilised world far transcend any temporary or tansitory loss or inconvenience which any citizen of this Island of Barbados is likely to suffer. 6.00 p.m.

The points which I wish hon. members to understand clearly are these: firstly that this House in 1960 imposed such a limitation on remedies available to the subject or persons bringing actions against sugar factories; and what has been done in this instance in something of far more importance to the Island than a sugar factory is to place the scientific research project on much the same footing as the sugar industry of the Island. The claim for injunction was removed long before any claims were filed with the Court, and this House and this Government has no control over any Judge or Judges of the Supreme Court or the amount of matters of inducement which are brought before a Judge to persuade him to grant injunctions against the Government or any project or any operation in this Island. This is a matter entirely within the discretion of a Judge, but what is presented, whether it is presented by recourse to superior jurisdiction both in this Island and in the United Kingdom. I will leave the situation as it exists, especially when there are people who both for political reasons and for votes - the two are not necessarily mutually exclusive - want to bring to a halt something which could be of such inestimable benefit not only to this generation, but to generations to come.

What the Government has done right from the outset before any experiments of this kind had been conducted, was to ensure that adequate compensation in the form of public liability insurance was taken out by the Government of the United States on a solemn agreement made between this Government and that Government, and as I said before, there could be no justification for an injunction which would transcend the benefits which are bound to ensure to the benefit of our people.

You have already told me, Sir, that I should not allude to the debate in the Other Place; so I will not even worry to answer, because I believe that they have been adequately dealt with up there. The puerile and senseless criticisms which were made in the Other Place to the measure which the Government introduced are not really worthy of serious consideration. All this Government can do is to place before the members of the House the considerations which inspired or induced the Government to relieve these projects and organisations of the liability for an injunction, but to leave the citizen protected in so far as claims for damages are rectification may be concerned.

Now I will demonstrate to you, Sir, how diabolical and how well organised the Press is in this country. Figures were given to one of the leading newspapers - when I say leading, I am not speaking of circulation; I do not mean in terms of intelligence or information; I am not referring necessarily to the newspaper of which one of the hon. members on the other side, the hon. junior member for Bridge-town, is a shareholder. He has the distinction of being, out of the 99 shareholders, one of the only two coloured men to be a shareholder of that company; I am not referring to that newspaper. This is a distinction for which perhaps generations will pay him a great deal of respect; but when I say \"generations\", I mean past generations -- 150 years ago when they could not read or write.

Mr. SPEAKER:

Do not let the hon. member continue to harp on that.

Hon. E. W. BARROW:

I said that one of the newspapers of this country was provided with figures to demonstrate that the project spent \$750,000 annually in this country in the form of wages and salaries. The hon. junior member for St. George - I am not being personal - will know from his acquaintance with the work of wireless telegraphy that a young intelligent Barbadian who was one of the pioneers of wireless telegraphy in this Island found it almost impossible to get a Job -- I would not like to go into any greater detail than I have done -- and is now one of the top experts engaged in this project; and to see the expression on his face shows the delight with which he does his work, work for which obviously he was prepared after having the bene-fit of overseas training. But instead of printing the information which was given to that newspaper of the quantum of expenditure in wages and salaries, that newspaper knocked off the \"0's\" and said they spent \$75,000. As a result of this survey, I can say that we have managed to get at Sea-well equipment which helped us to plot accurately the course of one of the tropical disturbances which narrowly missed us last year, as far off as sixty miles. Very shortly I hope to have equipment which I insist we should have in order to increase our safety in the Island to the value of over \$3 million B.W.I. without any part of that \$3 million contributed by the taxpayers of this Island. All types of benefits have resulted from these operations in the Island, and they are only now on the threshold of discovery.

I am not going to make any prognostications, Mr. Speaker, There are sixty-three persons permanently employed at the High Altitude Research Project, and a lot of machinery, foundry work and commercial activity takes place as a result of the operations carried on there. 6.10 p.m.

The other important statement which I want to make is this. I have had discussions at the highest possible level --not that I was in any doubt-with authorities in the United States and Canada and contrary to popular feeling and belief, there is no military significance to this project whatsoever. The hon. senior member for the City looks extremely disappointed. He has not been able to get his jawbone to meet with his upper jaw since I made that statement. It may be that an accident occurred to him on his way here. I know that he is a disappointed man - and I do not care what his capitalist friends may tell him, they are the same people whom Bishop Hughes spoke about in 1950 when he took his text from Amos 9. The people whom Bishop Hughes referred to as the Bourbons are the same people who are trying to ridicule the Government of what the Government promised to do in its Election Manifesto and which the Church has been asking to do for the last 25 years. Those are the same people, and they are all combined and tied together with the same bond and common interest in trying to make out that the Government is selling out the country and is taking away the rights of the citizens of this country. They are bound together with a common tie --"Blest be the tie that binds".. The tie is for the almighty West Indian dollar.

Therefore, Sir, the points which I have made and which I shall like to enumerate are: (1) This is no precedent because, having organised public opinion against people who brought invested capital in this Island, the sugar industry was able to introduce a Bill which was passed and which is an Act of Government to prohibit injunctions being brought against sugar factories. That was in 1960, but a very subtle campaign was raised to get what they wanted to get done. It is remarkable to relate that the same people who interviewed the last Minister are the same people now who are weeping and gnashing their teeth and writing letters - I mean the same identical persons - to some fledgling lawyers to make pronouncements about taking away the rights of citizens. They are the same people who led de-

legations to ask the Government to bring down a Bill to protect the sugar industry from any injunctions, and they are saying that they do not trust the Judges here, their Government and things of that sort, A Judge is entitled to award an injunction according to what is represented to him, and it is only subject to review by Courts of superior Jurisdiction. But these same identical persons are the same persons who are inspiring a campaign against the Government, not only on this particular subject but on

every possible subject; but they know that this Government would not be afraid to expose what they have said. None of those per-sons are present here -- I am not saying that they are not present by their servants or agents - therefore, it would be invidious for me to start and call names; but I am willing to supply Your Honour with the names. They would be against the wheel of progress if they thought it would bring any progress in the Island or that their vested interests would be enfranchised.

To show you how diabolical people can be. If the printed word is given them, they can distort it or discard the actual gain which comes to the Island, which is not money taken out of the pockets of the working class by selling drugs and cosmetics, but money brought into the country from outside. The scientists who come to this Island come from England, from Norfolk and places like that, and they bring down their wives and their families when they come to see these projects and how they are progressing. These people keep the hotels on the south coast at a high level of occupancy during the summer months. Prior to these benefits, it was only revenue from the working class of this island; but \$15,000 come to this Island to satisfy \$12,000 in claims that all of them have trumped up. Subtle as some contrive, the aggregate of the claims which can be contrived by them is \$12,000. That is the aggregate for the whole time that the project has been in operation. We say that if you bring an action, you would be awarded damages; but you cannot close down HARP because Government knows the benefit which would inure to the island. Because of that, they are saying that you are depriving Barbadians of their rights - and not only depriving Barbadians of their rights, but they go as far as to say we are selling out the rights of Barbados and describing the Bill as a sell-out and saying that there is no protection for the people of Barbados.

I am sorry to say that unlike what they are saying, the Government is not entering into this matter without giving it due weight and consideration; but the Barbadians would have to say whether they want scientific progress or whether they want to satisfy a political move by a handful of people of this country.

There is no one who has greater respect for the Civil rights of people than I have, and for the liberty of the subject and the rule of law. 6.50 p.m.

They do not begin to understand the fundamental Civil rights. I would be the last person to sit down here and agree to deprive the people of this country of some-thing which would be a deprivation of their fundamental rights. If we are doing something like that for the sugar barons --the last Government at the instigation of the sugar barons did it. I would not even refer to what the last Government did in order to convince hon. members that their fears are without foundation. I suppose that the various politicians will now begin to see what the position is. They will say that the claims are not big enough because they think an insurance company will pay out more money: they have \$2 million. If anybody can get \$2 million out of the United States of America as a result of anything which goes on in Barbados, then he is

welcomed to it. So far as the Scientific possibilities and the opportunities for people in this country and the prospect that we have to alleviating if not eliminating, the tremendous catastrophe which we suffer as a result of tropical disturbances are concerned, I am prepared to join issue with anybody either in this Chamber or outside of it. In so far as people are trying to get money out of the insurance companies of the United States of America, I will not be against that. We are following what the members of the Other Place did, that is, to agree that no injunction should be granted against any of

the projects which we have enumerated in the Schedule. With those remarks, I beg to move that this Bill be now read a second time.

Hon. G. G. FERGUBSON:

I beg to second that.

Mr. MILLER:

Mr. Speaker, I promise you that I will not be as long in speaking as the Hon. Premier has been in connection with this matter. He has spent more than an hour in trying to convert us to his way of thinking in this issue, The hon. member also moved to the gutter press. He would have us believe that everything is justified in order to curtail the liberty of the subject in spite of the fact that he spoke about human rights. He used remarks all over the place in order to justify what is not really fundamental. I heard the hon. member refer to what had taken place in the Other Place. Mr. Speaker, I am interested in things scientific because such things began with my birthday, and the Premier alluded to one who in his career spend the best years of his life

Hon. E. W. BARROW On a point of order. What I said was that the hon. member knew one person who had been a pioneer in the field of wireless telegraphy. He was one of the top people and I suggested that I did not want to go any further into the circumstances in which that praiseworthy gentleman had gone. The hon. member referred to spending the best years of his life in a particular field but I am asking the hon. member not to drag down this debate to any level, I am merely inviting the hon. member not to make any specific reference, and in saying that I am only anticipating the hon. member.

Mr. MILLER:

Mr. Speaker, how could I say something ugly of one of my best friends? As to the hon. senior member for St. John, I do not believe that there is any one whether alive or dead he could allude to as being a friend. Some forty years ago this would give you some idea of my thinking in things scientific. Freddie Miller is still my name, and I was the first person who attended to radio telegraphy in a little shack and directed a call to a little ship in the Harbour. That call was heard by the P.C.B. -The Pacific

Cable Board as it was then - and the P.C.B. asked me to declare my indentivity. The first transmitter to make a signal was that of Freddie Miller in Reed Street next door to the Salvation Army. On the next day the then Inspector of Police came to my father\'s house and gave instructions that I should remove the antenna. All I had then was a mere collection of rubbish and I packed it all up and took it to the Police Station because the Police had a right to confiscate it all. Today mention is still made of the phantom of the air, and it is still written in the law. I did not know anything about the Act at the time; I did not know that I was breaking any law. I look forward to shining in glory with people like Ellison Watt, Feranti, and others like that and I go on all-fours with them in things scientific. I had a great father who made all the contributions to the family, and one Sunday he was in a good spirit sharing in a bottle of champagne and this is what he said \"Freddie, no matter how high you go in that airplane I will go with you so long as one of my feet is on the ground\"(laughter). 6.30 p.m.

This alone gives you some idea of my association with things scientific, and if I express myself in the way my Party would like me to do on this matter, you will under-stand that there is no prejudice, I understand HARP; I understand how it works. The stalwart at HARP to whom the Hon, Premier referred started in the same little shack with my father. I do not want to call names. However, if you are not interested in the basic and fundamental rights of human nature, the fact remains, what are you going to do about this? The big point at issue is whether or not the Premier is cognisant of the fact that we live in a country which en-Joys freedom, but this is a blatant and ugly denial of such freedom, I will say nothing about the HARP project and about the development of things scientific, I know why HARP functions and how it functions.

Talking about a meteorological station, forty years ago there was an American-owned privately operated station in Bank Hall, and my friend and I did the one o'clock

shift or the two o'clock shift taking signals to be transmitted by cable to the United States of America, There was not one member in the Barbados Government who was con-cerned about meteorology in those dsys; it was paid for and sponsored by the United States Government, so you will un-derstand my connection with and love for things scientific, I understand how HARP works; I could draw HARP'S gun for you If you want me to. But this is a matter of primary concern, and I do not remember in the four or five years of Government the Hon. Premier of this country being at pains for an hour to attempt to defend what he calls the little fundamental and essential freedoms, because they are at tracted to the sympathetic, higher and inner glory and the inner beauty of an individual when he discusses universal human freedoms. This is denying elementary freedom,

I will say that the Meteorological Service came a long time after this; the Bellairs Institute of Marine Biology is harmless and doing a tremendous Job, If I had the funds, I would have to be a philanthropist in matters technical and scientific, because they form part of my everyday life. But you are discussing HARP and this is what this country should know and understand about this. Twenty-one years ago I built a boat and took it to all the Caribbean Islands accompanied by my brothers. I built the boat with the assistance of some carpenters and the persons who produced the timber, but I want to express for Parliament to understand that I must be in sympathy with things scientific and especially with HARP, knowing what this world, not necessarily Barbados, can derive as a result; but there are human factors we want to concern our selves with. We understand, Sir, how the Computing Devices, operated under contract of the McGill University, function. There is no one to whom you can apply....

Hon. E. W. BARROW:

On a point of Order, the hon. member is making a statement which he knows to be untrue, because since such a statement was made in another place, immediately after that statement was made it was drawn to attention not only in that place but in the Press of this Island that there is a Registered Office of Computing De-vices of Canada here in Barbados; but what the hon. member omitted to say was that someone tried to serve notice on them and the solicitor rightly refused to accept the ser-vice. So the hon. member should not make statements which have been corrected not only specifically on the occasion when the misleading statements were made but which are already within public knowledge.

Mr. MILLER:

Mr. Speaker, I would like to say that the point of order of the interpretation was even lacking in rhetorical art and feeling and does not contain a symphony of truth. I simply said that Computing Devices operated on a contract from McGill, and I wish I was younger where I could help for money or no money. That is how the spirit of pioneers work, and that is my heart. It would never occur to me to do research for money so long as I could spend my hours in it.

We do know that the gum is American, I do not want you to feel that I have a prejudice against an American gun at all. We know it is organised by the United States and Canada, and provision must be made for them to serve in Barbados if they understand that Barbados can help in the scientific development of things meteorological. I want to support this. The very reason that Government requested an insurance to the tune of \$500,000 U.S. to be settled on Barbados is because of the many fears in the community, and if you pay attention to the sociological problems of a community fabricated such as ours, how can you talk about fundamental freedoms when you deny relief? You may have an individual who can prove to the Courts that because of a shot by HARP his house was shattered or some cracks appeared in the walls. It is not only the physical cracks that you can settle; it is the neurotic conditions taking place in a family arising out of fear. If you know how the psychological effects of fear can start a vicious circle, and If you pay any attention to the psychosomatic condition which in-variably results, how can you deny reality and talk about human freedoms? 6.40 p.m.

You shook his house you know what it is to have some-thing happen to your family. Tomorrow, you get a little fireworks, and shock and fear creep into the hearts of your family. All of these years, that is our psychology; but you would destroy the inner growth because you have developed a vicious circle of fear. Many a man's earthly possessions are bound up in his house or home. Home is the place where your family and yourself live and there is a breath of love in it. A house is a different thing from a home. Night after night the only earthly possession which you have is stricken with fear, and you would like to live somewhere else for the peace and freedom of the whole family. But, Mr. Premier, you are denying tills, and then if that man makes a claim that the wall of his house is cracked from a shot at HARP, He is in trouble to prove that this crack resulted from a shot at HARP.

There is no mental escape from fear. You know this. Nobody can argue you out of fear so long as you are beset with it. You know that as long as this man's house is exposed to shock as a result of the HARP gun, nobody is going to buy mat house. For the peace of mind and happiness of that man and his family, he comes to you and tells you that he would be happy to dwell somewhere else, and asks you to relieve him of this house which is shattered by the shock. The Hon. Premier seems to have no understanding. These things ooze out of you. You cannot cultivate them by read-ing literature; they must be part of you. You must be brought up to love people and to love them for their rights,

Mr. Speaker, you are worrying about injunctions and the Factory Smoke Control Act. The Hon. Premier knows how much remedial work has been done by the Committee which was set up for that purpose. At any rate, it is not as hazardous as the HARP gun by which the roof of your house can come in on you if you live in the immediate area. It is true to say that when they selected that site at Seawell, they wanted to go to the end of the Island. I was in the Ministry of the last Government; so I know what I am talking about. However, courtesy and politeness are among the few great virtues and things of the earth which we can have for nothing because they are as cheap as dirt. Courtesy and politeness are bound up in the human philosophy. You come and tell us that there would be no relief, only damages. This man is in trouble. He is yearning for somewhere else to reside. He comes to you and tells you: "Will you take this house and give me one somewhere else?" You know what it is for a family to live in Jeopardy.

Sir, we have listened to the Hon. Premier for almost two hours. Of course, he was speaking more to the gallery. We want the High Altitude Research Project and our Meteorological Service with the hydrogen generator. The Hon. Premier should know what can happen from a mixture of oxygen. The action from that can put hundreds of families in fear, deplete their resources and cause them to suffer from insomnia. All sorts of psychological diseases can occur from that. As matter of fact, I believe the Hon. Premier suffers from amnesia.

All that I want to say is this. The Hon. Premier can modify this Bill. He is now controlling two acres from in here. It would take a man a little bit more than a fortune to invoke an injunction from a foreign country.

Hon. E. W. BARROW:

Mr. Speaker, I rise on a point of order. I cannot sit down here and allow the hon. junior member for St. George to make statements which are of fact and law which he knows nothing about. The hon. member says that in order to make a claim for injunction that it takes millions of dollars if you have to do so against a foreign country. Anything that happens in this country, the courts are competent to try it.

I will explain now that the statement which has been made to the effect that there was no one to whom notice could be served, were not only untrue but proved to be untrue by the very fact that subsequently, some persons have filed claims in this Island against the managers and operators of the High Altitude Research Project. How then can the hon. member stand up and question the matter and say

that it would take a person millions of dollars to file a claim of injunction in a foreign country?

I said during the course of my remarks which are sort of related to the statement that one million dollars was taken out with an insurance company in Canada for indemnity because none of the local insurance companies were able to underwrite a policy of this magnitude. Secondly, I said in my statement that I believe the United States has given an undertaking of \$500,000. I realise now that I made a mistake. It was \$5 million. It is a Joint undertaking between the United States Government and the Government of Canada and I think that I should correct that statement when I said that it was \$500,000. It was \$5 million.

Mr. MILLER:

Sir, I am familiar with all of that. The Hon. Premier has risen and said things which are utterly unrelated to the point of order.

Mr. SPEAKER:

Will the hon. member proceed?

Mr. MILLER:

Mr. Speaker, I have read this Bill and I understand it.

ft says:-

\`3. (1) Notwithstanding any provision or rule of law to the contrary, no court shall, in any proceedings to which this Act applies -

(a) grant any injunction; or

(b)

(c) make any declaratory order or judgment; or

(d)

(e) grant any other relief or remedy save dam; ages.\`"

(f)

6.50 p.m.

What is the Minister interpreting? Do you mean to say that you have to go to the War and get education to tell somebody that you do not understand this? My field is one of enthusiasm; I followed these things even against the wishes of my father and my mother. When you say that you should not grant any other relief or remedy save damages, what is a relief of even \$5 million? We were told that there was a company with a capital of \$172 million and now we find that the Government is suing them for a small piece. We were told by the Premier that they had \$172 million.

Hon. E. W. BARROW:

On a point of order. I know that the hon. member has the propensity of being one of the Ananias in the world today. The hon. member said that I said somebody had \$172 million, which is nonsense. The people to whom the hon. member is referring are a company and there was never any such statement made by me. I emphatically deny having said that any individual had \$172 million. He may have had \$372 million; that does not make any difference to me, but I will see that Government revenue is collected.

Mr. SPEAKER:

That does not enter into this debate at all.

Mr. MILLER:

Mr. Speaker, in this case amnesia is convenient. You have an individual who is in a little home with his family, and he cannot relieve himself by changing his location. We were told something about \$5 1/2 million and only Canadians will take that up. This is something which will deny the citizen his fundamental rights. If you are telling me that this is fair, I say that this is driving people in institutions and some of them will have to get injections. There are certain fears which are caused by certain psychological problems. Nature is so kind that when you develop psychological problems you have the result.

Look at those hon. members on the other side of the House. The majority of them are helpless and are almost sloping to the horizontal with insobriety. There are many facts of human nature. The hon. member can tie any conditions he likes to this sort of thing, but you know what it is to be living constantly in fear and in dread of your life if you have cracks in the walls of your home. There

are those people who cannot remove far enough away from HARP where they can have peace of mind. I ask: must individuals be denied what are their fundamental rights? Mr. Speaker, how can the hon. member reconcile what is set out in this Bill with a person who talks about the Declaration of Human Rights? This is something like a dictator talking about freedom and fundamental human rights. I am wondering, Mr. Speaker, if the hon. member would be willing to modify the proposals which are set out in this Bill. You are looking for an escape, but there is no safety escape valve because you cannot do anything on earth to see your family going down in ruin.....

At this stage, it now being 7 p.m. of the clock,

Mr. SPEAKER:

It is now 7 p.m. of the clock and this sitting automatically stands suspended until 7.45 p.m. of the clock. This sitting now stands suspended. 7.00 p.m.

On Resumption.

SUSPENSION OF STANDING ORDERS

Hon. J. C. TUDOR:

Mr. Speaker, I beg to move that Standing Orders Nos. 5,14,16,18,40, and 45 be suspended for the remainder of today's sitting.

Hon. C. E. TALMA:

I beg to second that.

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

Mr. SPEAKER:

When the Sitting was suspended, the hon. Junior member for St. George was on his feet. He was addressing the Chair.

Mr. MILLER:

Thank you. Sir, and with your kind permission I will continue. It is regrettable that the Premier is not in his place, and I suppose I am expected to continue.

Mr. SPEAKER:

I would be glad if hon. members would be referred to as the hon. member for whatever constituency.

Mr. MILLER:

Forgive me. Sir, but it is not usually comforting to make your criticisms in the absence of an hon. member, and this is so important to our community growth and development that I thought the hon. member would have contrived to be in his seat.

Mr. SPEAKER:

Anyhow, let the hon. member proceed with his discourse on the Bill.

Mr. MILLER:

I am discoursing on what is lamentable.

Mr. SPEAKER:

There are four other Hon. Ministers present, including the Leader of the House whose duty it is to remain there.

Mr. MILLER:

It is not your responsibility, Mr. Speaker, to remind a member of Parliament what is his position. We know that the hon. senior member for St. John is referred to as Mr. Cabinet, but you are telling me about four other Ministers. One can arrive at the conclusion that there is not an individual with a right and soul of his own in the Ministry. However the question is whether or not we should join as hon. members of this Parliament not knowing, and we need only one line of this which reads "grant any other relief or remedy save damages," That is the crux of the whole Bill, and the main and only reason why this was brought before Parliament, I am bound to object to this, because it is not a spirit of realism if you venture to suppress fundamental human rights. To listen to it and to listen to the story that it tells makes you think of what you fought for in your earlier days, forgetting some of the lines in your Belief, as exotic as it continues to remain - "forgive us our trespasses." This is a trespass against human feelings. Here is a group of families exposed to the hazards of HARP, exposed to the psychological problems

and dangers, and there is no authority on earth to whom they can appeal. You will remember Pontius Pilate; he thought of it in those days before the law was known to the British and before the Roman conquest of Britain. There was a right of appeal to a higher authority, and it was to him that my friend and Galilean, the Messiah, was sent. Within the four pillars or walls of the law there is no excuse for ignorance; there is no safety valve if you are in trouble. I feel that there should be a simple modification. I will advise, persuade and beseech -- and If I use the dignity as expressed in the word "implore"-- the four Ministers and their supporting casts. When the seventeen daggers were entered into the body of

Caesar he said \"Brutus, you too!\" Friends, Romans, Countrymen, lend me your ears. \" As in \"The Merchant of Venice\" the quality of mercy is not strained. Now it is to Copperfield the understanding of the boy in the orphanage pleading with the mother of mercy for a second bowl of soup. All these things bring rapidly back to feeling all the things that mean some-thing to you. The great heights reached and kept by great men were not achieved by sudden flight; and, Mr. Speaker, \"tell me not in mournful numbers....\" I refused to believe that is what it implies. Tell me not that you feel you should deny modest, humble country folk some relief and remedy. Is this consistent with the stories in the Good Book? \"Is it nothing to you all ye that pass by?\" You will remember, Mr. Speaker, the Greek slave Demetrius and the Messiah, the Galilean, the Man born to be King, the Man Jesus.

Mr. SPEAKER:

This is all, I take it. a musical harp!

Mr. MILLER:

This is the rhythm. Mr. Speaker, \"he goes to church on Sundays and sits among the boys, he hears the Parson pray and preach and hears his mother's voice,\" \"Oh what a tangled web we weave when first we practise to deceive\" The Minister of Education toys with the hair on his beak, sometimes called moustache. You are taking from the helpless country folk the elementary human rights. The hon. senior member for St. John cannot stand it. Facts are stubborn things and have a way of recurring. He runs away from the truth, probably with a soft yellow-bellied form of cowardice.

Mr. SPEAKER:

I hope the hon. member is not referring to any member of the House being a victim of cowardice.

Mr. MILLER:

Maybe in silent remorse.

Mr. SPEAKER:

No member of the House may be referred to in any language that is offensive.

Mr. MILLER:

There is no part in me for offence.

Mr. SPEAKER; Let the hon. member proceed in the right way and continue to do so.

Mr. MILLER:

I am continuing right and left on relief and remedy, I thought we were enjoying what might be a rhapsody; but truth is so stubborn. He runs the gauntlet and then in secret and silent remorse disappears, his eyes narrowed to slits and the venom running from his damp and moisture-laden lips because of fear. 7.55 p.m.

Mr. SPEAKER:

I think that we should recall that the motion which is before us is that this Bill be now read a second time and it is a Bill to limit the remedies available to plaintiffs in proceedings seeking relief in respect of the acts or omissions or the threatened or apprehended acts or omissions, of persons engaged in the execution of any approved scientific or research project.

I would exhort the hon. member to deal more directly with the second reading of the Bill.

Mr. MILLER:

Yes, Sir. As I was saying, if you would permit me to harp either relief or remedy, Mr. Speaker, knowing that you are not alone in your thinking as regards the hon. senior member for St. John's remorse sad his peace of mind --

Mr. SPEAKER:

Never mind that; the hon. member is not in here.

Mr. MILLER:

All the architects of fate are working in these walls of time and there must be some massive deeds and some ornaments for those in that category and, as I have said, relief or remedy. Are you using the Parliament of the people against the mercies of people who can ill afford to lose their rights because of might? You deny them relief or remedy Just because you have the power and the majority; you use it against the people. I am simply say-ing that the only reason why this Bill is before us is be-cause you have the power and the majority. Can you find some other means, some justifiable reason why there should not be some measure of relief? You are telling us about a \$5 million insurance scheme. Is this fact based on some sort of relief? Do not deny it do not close the gate just because you have the power. I

am sure that this insurance company which advised this sort of thing, if it had listened to this debate and read the Bill, it would say \"Lord have mercy!\" This represents as little mercy as possible to a person who has suffered shock. There is no relief in this. I am doubly sure that the Canadian Government, and moreso the United States Government, the two insurers of HARP, if they had read of what we are doing, I believe I am correct in stating that they would not agree with what you are doing and they would give relief to the people who suffer as a result of this. Millions of people in those countries will benefit from the research work which is done by HARP; but if your protection reaches into future generations, what are you going to do? We are suffering in the very present

You have the insurers who represent more than \$2 million dollars. This document can be saved of its misery; just give it a little further consideration and no one would have one word to say. Give them the right to appeal to the Minister. Mr. Speaker, this is bordering on human injury and I think that you would probably have to put this Bill to the vote because when you vote for this Bill, you are denying somebody who was hurt and who fought hard to make this country what it is, remedy and relief . Believe me, some day you will have to go from the Government because some member of your family would have to find rest in an institution of the Government because of this thing, I know of no language, no combination of words that can fully express my feelings on this matter; but I do know from what you have heard, some where in your breast there is a little something that worries you. I give Jack his jacket. This Bill is nothing else but a denial of relief and remedy.

Mr. CARMICHAEL:

Mr. Speaker, mention was made by the Hon. Premier of certain members of the legal profession with whom he would fall in contempt because of this Bill. I can assure Your Honour that I am not one of those members that fall in that category. Neither am I one of those members of the legal profession who is injunction-conscious nor am I associated with any firm belonging to the legal profession which is injunction-conscious. 8.05 p.m.

It would be surprising to me - and indeed unbelievable - that here is a Bill of such importance dealing with the fundamental rights of the people, and the Government --I speak particularly of the Cabinet, comprising members who are not unaware of the British Constitutional law and practice - would attempt in the interest of this country to introduce such a Bill as would go contrary to the interest of the people of this country. Indeed any limitation on the normal and legal rights of the subject to pursue his normal remedies is a serious matter. As is known, while an injunction cannot be granted against the Crown, it is clear that in some cases the subject maybe given a declaration, and that declaration as a matter of convention is respected. But there is this exception; if in the national interest or in ease of national emergency this Bill is Justified, I would not in any way attempt to resist it I have read the Bill and particularly the Schedule, and I was unaware of certain things which the Hon. Premier has mentioned. I am in no

way doubtful that what he has said is the truth and nothing but the truth.

Mr. Speaker, that has far removed from my mind one or two doubts which I had, especially as the Hon. Premier referred to the Agreement, the guarantee of five million dollars and the fifty thousand dollars. There was one question in my mind that something should be inserted in this Bill; I was wondering if in case where there is no local - I would put it in this way. I was thinking, Sir, that there should be some person or persons named in the Bill through whom the local process could be served. That point has been answered by the Hon. Premier. There was also this question that where damages were awarded in any case in what way would they be recoverable. One may have thought that in this Bill there was provision that where a person or persons in or are named in the Schedule there should be some considerable sum of money or property of considerable value against which the aggrieved person could proceed in case that damages were awarded.

Those are the points which were in my mind, but from what the Hon. Premier has said I am not now worried about them. However, Sir, there is one aspect of the Bill which I will mention and I would like to be frank about it. Things change from time to time. One may wonder if in the Bill there should not be a provision to the effect that it should come under review periodically. When I say that, I do not mean that it should come under review every month or every two months, but it may be in every year or in every two years. Of course, the answer to that point would be given to the effect that at any time when the Government sees that the national interest is superseded it is easy to come here and rescind the provisions of the Bill, Following what the Hon. Premier has said I will have no hesitation in agreeing to this Bill, and unlike these modern lawyers who are injunction-conscious, or members of the legal profession with whom you would have to contend, I can assure the Hon. Premier that he would not have to contend with me in relation to this Bill in this Chamber,

Mr. LYNCH:

Mr. Speaker, in considering the Schedule to this Bill it is to be noted what is stated in Clause 3 of the Bill. This is what it says-

"3. (1) Notwithstanding any provision or rule of law to the contrary, no court shall, in any proceedings to which this Act applies -

(a) grant any injunction; or

(b)

(c) make any declaratory order or judgment or

(d)

(e) grant any other relief or remedy save damages."

(f)

As has been adverted to by previous speakers, that is definitely an infringement on the rights of the ordinary citizen. There was an attempt made to escape the issue by pointing out that the owners of some sugar factory in the area had complained that there was a possibility that the foundations of some of their buildings may be damaged. No mention was made whatever of the small house holders who, from Silver Sands in the parish of Christ Church, to Greens in the parish of St. George, have been complaining that their humble homes have been shaken and rocked from the discharge of the HARP gun. Nobody would want to stand in the way of scientific progress but, at the same time, we cannot sacrifice on this altar the rights of humble individuals.

I daresay. Sir, that complaints must have been made to every member of this House against the HARP gun because of the terrific | reverberation consequent on the discharge of this gun; by people who are situated many miles away from the site of the gun. The people who are within the ambit of the discharge of these guns now fear to go to bed at night and children have to be comforted. I am not in any way overstating the case when I say that these people live in mortal fear of the collapse of the roofs of their homes, especially if those homes happen to be of the construction of lath and plaster. 8.15 p.m.

Many have had parts of their roof fallen in at night on the discharge of this gun. It is of little comfort to a poor villager in the parish of Christ Church to know that London Bridge withstood some 70,000 tons of bombs falling upon it when his home shakes and rocks at the discharge of a gun. I think it is cold comfort for him to be told that. Mention was made of local Solomon O'Grundys etc., but I do not think that the

New York Times

Wall Street Journal

Newspapers which enjoy world-wide reputations, can be considered in that pejorative light, and

recently articles have been appearing in both of these distinguished journals about the Barbados gun. It has also been mooted that more than meteorological research is bound up in the discharge of the gun, and that it probably has some other research bound up with it, and the more successful it is in this form of research, the more likely is Barbados to be a target if ever there were hostilities anywhere in this hemisphere.

Hon. J. C. TUDOR:

Mr. Speaker, on a point of order, I think the hon. member must recall that it was categorically asserted here, and the assurance was given, that there was no military significance whatever to the meteorological experiments carried on by the High Altitude Research Project. This is an assurance which was given here by a responsible Minister of the Crown and Head of the Government. I do not think it is fair, therefore, to say behind that hon. member's back or before his face that probably there is something other than pure meteorological research.

Mr. SPEAKER:

Actually I disagree that that is a point of order, but the hon. member has stated his point of view, however erroneous or righteous it might be.

Mr. LYNCH:

Whatever is stated here, Mr. Speaker, might be of local interest, but certainly it would not attract world wide attention. What was published in the New York Times and Wall Street Journal I am yet to see denied by the international authorities who are sponsoring this form of research in Barbados, it may be of great moment in this House and to the few people, comparatively speaking, who read the local journals, but I will venture to say that the circulation of the journals I have mentioned -- The New York Times and the Wall Street Journal. - is many hundred of thousands of times greater than any general public in Barbados, and I will repeat I am yet to see any denial of the allegations made in these journals.

Most human beings in fact, Mr. Speaker, look forward after a hard day's work to a period of rest and slumber; "sleep that knits up the ravell'd sleeve of care, the death of each day's life, sore labour's bath, balm of hurt minds," is now denied many hundreds of people who happen to live in the vicinity of this HARP gun. Are we to over-ride their right to sleep in the interest purely of scientific re-search, granted the scientific research is of the highest importance? The people who live in the vicinity of this project where there are constant explosions at least have the medicine of employment in this large research; but the number of people who are employed at HARP - - I think some sixty odd - surely cannot be a very cogent argument against the over-riding of the rights of the humble citizens who go to bed at night trembling with fear as to what will be the fate of their homes. Many of these people have had great difficulty in obtaining a home of their own, and to have it cracked and shaken and then to be denied the relief, the remedy and the redress or the possibility of a Court action, is not a matter to be decided

lightly.

Hon. J. C. TUDOR:

Again, Mr. Speaker, on a point of order, it is certainly not true that people are denied remedy and relief by way of Court action. Damages remain and I think that hon. members, even if they criticise the principle of the Bill, ought at least to admit what is contained in the Bill.

Mr. SPEAKER:

The point has been duly made.

Mr. LYNCH; Section (c) reads:

\\"No court shall grant any other relief or remedy save damages.\\

Mr. SPEAKER:

Which implies that the Court can grant damages.

Mr. LYNCH:

It also implies that on the granting of damages and the repair of the house, it is immediately damaged again, because there is no remedy of injunction to which the householder can appeal,

Mr. SPEAKER:

But there is no limit on the number of actions for damages.

Mr. LYNCH:

I am not a lawyer, Mr. Speaker, but I am just representing the rights of the citizens whose homes have been damaged by the discharge of this gun. No fancy cracks in the foundations of factories concern me. What worries me, Mr. Speaker, specifically is the number of re-ports made by people, the complaints which people make to one daily as one walks the streets of Bridgetown, It is true one hears only a muffled report in Bridgetown, but to those who live nearer to the site of the gun, the position becomes a great deal more dangerous, and it must have certain psychological effects upon growing children who go to bed in fear at night as to what might happen when the gun is discharged.

I am not, Mr. Speaker, inveighing against the siting of scientific projects in Barbados, All I am asking is that the rights of humble citizens should not be infringed upon thus lightly. Again we find the Executive in a modern concept inveighs the power of the Courts. The separation of powers upon which many people depended under the rule of law in years past, is being constantly offended against. The Executive continues to trespass upon the rights of the populace, and in this Bill specifically only damages are available; so what is the point of repairing one's house if even one receives damages, when one or two nights afterwards the house is going to be re-damaged? The fact that only some \$12,000 in damages have so far been mentioned does not mean, Mr, Speaker, that only that amount of money is involved, or that only a small number of people are going to bring this matter to Court. The Barbados public is notoriously a litigious one in so far as a domestic matter is concerned; but when it comes to the question of going to Court against a large combine, against a combine in which Governments are involved, the humble householder will in dread wonder whether he should take the big step of going to Court against these large and powerful combines. 8.25 p.m.

It is better for us who live far away from the area as regards the damage which may be done to our homes by the gun; but if the matter is discussed with those who happen to live near the gun, why then, the obvious picture confirms this.

Mr. MOTTLEY:

Sir, members of my Party would be the last to oppose any scientific research project whether it was for military purposes or not. I think that I should begin by making that abundantly clear.

Mr. SPEAKER left the Chair and Mr. DEPUTY SPEAKER took the Chair.

Now, Sir, when you have a bad case, it is absolutely necessary to bring in a lot of extraneous matter and talk for two and a half hours without really and truly convincing anybody that this is the correct approach to this matter.

If you look at the Schedule to this Bill, you will see that it includes the Barbados Meteorological Service. All along, you did not know this, notwithstanding that you could bring a case or that you could not bring an injunction, but this is Just drawing a red herring across the trail. As regards the Bellairs Institute of Marine Biology, what are you tell-ing me about any injunction? This applies to the Brace Institute of McGill University, Prospecting for oil or natural gas, the Soil Conservation Board, the United States Naval Facility and the United States Weather Research Bureau -all with the exception of

the McGill University High Altitude Research Project.

The Bill states: -

"Notwithstanding any provision or rule of law to the contrary, no court shall, in any proceedings to which this Act applies (a) grant any injunction."

At the risk of being told that I am ignorant of the law, I understand that you can get damages. I understand also that you cannot bring an injunction. What the hon. Junior member for St. George said is quite true. While you get damages, if you live in Silver Sand sands your wife is making a baby and that baby as a result of the shock from the firing of that gun is miscarried and you lose the only possible child which you hope to have in this world, tell me, what damages can repay that? Can you say what that is worth in pounds, shillings and pence? You cannot get an injunction, but you can get £5,000 damages!

We do not oppose any scientific research taking place in this country, but I think that we all agree that Barbados is a densely populated community. Even in Jamaica, where you could have this station operating, there would be thousands of acres around where there would be no houses. It is true to say that there was some misapprehension as to whether this High Altitude Research Project had anything to do with military operations, but the Hon. Premier has assured us that it is not so.

The Wall Street Journal of the United States dealt with this subject. With a circulation like that which this Wall Street Journal, and the New York Times carry, this is bound to be known throughout the entire world. It is still considered to be a military project. The New York Times is a most responsible paper and they talk about this project being undertaken by the United States and the Canadian Governments - not the McGill University - - therefore, there must be some truth in that statement. What I do say is that in a densely populated area like Barbados, nothing like that project should be put down in these parts.

I am not dealing with the Barbados Meteorological Service. We have the United States Naval Facility. Sir, you will remember that when this Naval Facility first started operating here, there was the question of this being a military station and your having it in a densely populated place.

You say that as a result of the High Altitude Research Project you have so many people employed.

8.35 p.m.

Of course you can get damages. If you live in Christ Church and this gun went off and the house cracked, you can go on with research work or anything and you can get £15,000 damages. That is all well and good, kit money is not everything. Within that area you may have an expectant mother with possibly her first baby and she may lose it, or you may have a sick child in that area. In that case, what would the compensation be? According to the terms of this Bill, you cannot get an injunction and I could not possibly support this Bill as it is. When you put in these other things, that is Just drawing a red herring across the trail. I am not interested in the new lawyers or the sugar factories. You can have scientific research in the free world, but not. at such great expense as the freedom and the rights of the people of this country.

I am wondering if something else cannot be done whereby there can be some alternative to having this type of legislation. If it is known that this type of gun when fired is going to have its repercussions in a certain area, then I suggest that you should clear the area or something of that sort. In this Schedule you have included the Barbados Meteorological Service, the Bellairs Institute of Marine Biology and the prospecting for oil or natural gas for which a licence has been granted by the Government of Barbados. This is a very serious matter; if you went prospecting for oil in the parish of St. Andrew and there is a tremendous landslide occurring and it interferes with somebody's property, according to the terms of this Bill, you cannot get an injunction? you can only get damages. I am saying, Sir, that the grant of damages is not everything.

Mr. Deputy Speaker, we, on this side of the House, can-not support this Bill -as it stands. We always had the Barbados Meteorological Service connected with this research and we have had it for years and years. I repeat Sir, that we cannot support this Bill.

Mr. CRAWFORD:

Mr. Deputy Speaker, let us begin by conceding that the Legislature of this colony agreed to this experiment being carried out but nobody ever conceived or envisaged that it would have assumed such large proportions. We were told that the experiments which were to be conducted at this place at Seawell were concerned with measuring the wind velocities and other atmospheric phe-nomena. We had the responsibility of the Oceanographic Survey Project in St. Lucy, which is a project conceived by North Americans, and it has been functioning for years without any harmful effects, so far as we know, on the people in the parish in which it is situated. There is nobody either in the parish of St. Peter or in the parish of St. Lucy who has ever complained.....

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

Mr. CRAWFORD:

Mr. Speaker, I was saying that no-body either in St. Peter or in St. Lucy has ever complained about the effects of the operations of the Oceanographic Research Project situated in St. Lucy. Therefore, Sir, all of us in this Chamber envisaged that the project at Seawell, although not concerned with the ocean beds, would be con-ducted along lines in respect of which there would be no justifiable complaint. But since the actual operation of the HARP gun, nobody in his right mind would dare contend that the operations of HARP have not caused considerable concern throughout the island. It has caused considerable concern in the areas which are adjacent to the project. Within the last year we had cause to be even more seriously perturbed over the operations of the HARP project and, Sir, it is not difficult to be wise after the event. We can observe the effects of these operations and we have not got to ima-gine or wonder what they are likely to be. We know that people in Christ Church go to bed withfear on the occasions when the gun is to be fired. We know that the number of firings have increased to as many as 15 per day, and houses within a radius of five or six miles have been shaken to their foundations. Therefore, as I have already said, nobody has to imagine what the operations of this project will be.

The idea that the project is paying out \$750,000 a year in wages is something which I challenge. If the HARP pro-ject is spending \$750,000 a year in wages, that is not to Barbadians. If 60 or 70 people are drawing \$750,000 yearly, it will mean that each employee is getting \$10,000 or \$12,000 a year and nobody pays labourers of the type employed at HARP that sort of wages. If HARP is spending \$75,000 a year in wages, that money is spend mainly on the top scientists who come down here bringing their wives and their families with them, i and there is the cost of hotel accommodation, and so on; but I defy any Minister of the Gov-ernment to prove beyond any shadow of doubt that the 60 or 70 workers which we are told are employed at HARP are receiving wages of this kind. The only person who is called the Assistant Manager is by no means a Scientist or an expert. All the top-level scientists are from outside this colony and we have some carpenters and labourers there, and it may be that there are people wi th some amount of electronic ability. 8.45 p.m.

The question is how much of this \$75,000 is circulated among the inexperienced Barbadian Staff working there. With regard to the statement, Sir, that there have been \$12,000 in claims against the project, I say without the slightest shadow of contradiction that somebody does not know what he is talking about. There are hundreds of claims against the HARP project. There is one man in Gall Hill not unknown to the hon. senior member for Christ Church who has been claiming damages for the entire house which alone is worth more than \$12,000. There is one house I know which the man said cost him £10,000 to build on the hill above Silver Sands. There are people in Chancery Lane, for instance, who have claims. One householder up there is supposed to have sought legal advice, but nobody has actually tested the result in a Court of law yet, because of the effect it would have if the first person to do so loses his case. So I agree that all the claims have not been submitted for this simple reason. There are other people who want to go to Court, but they are afraid as the law now stands. I think at one time there was

some difficulty as exactly whom you could sue; this was not legally clear. There are people from the tip of Christ Church right down to Rockley and people in St. George who have made claims, to say nothing of people in St. Philip, Pennyhole, Rock Hall and the entire district adjacent to HARP who as recently as a night in last week complained to my colleague and myself against the operation of the project with their little houses shaking; so for us to be told tonight that there is merely \$12,000 in claims against the hundreds of people who have claims to have their houses damaged by this thing is a pipe dream.

Mr. Speaker, to compare the legislation before us with the Sugar Factories Smoke Control Act is so ludicrous as almost to deserve no comment at all. The Sugar Factories Smoke Control legislation is completely different from the legislation before us now. Under the Sugar Factories Smoke Control Act, what we did was to set up a Sugar Factories Smoke Control Board. This Board has the power to investigate the operation of Sugar factories. As a matter of fact, it has to issue a licence. A sugar factory cannot operate at all unless the Sugar Factories Smoke Control Board issues a licence. There is no Board to control the operation of HARP; there is no Board to issue a licence to HARP. If you refer to the Sugar Factories Smoke Control Act, Sir, you will see that the Board consists of a Chairman and four other members. Then, Sir, it has certain functions which are prescribed in the Act, and any member of the Board has the power to enter any registered Sugar Factory - note the word "registered" - in respect of which application for registration is made and inspect any plant or machinery therein with a view to determining the measures taken therein to prevent or counteract any nuisance that may be occasioned by the emission of smoke from such factory. In other words, when these so-called Capitalists induced the Government in office to create legislation to prevent an injunction from being made against the operation of Sugar factories, the Capitalist-dominated Government had a full sense and appreciation for the rights of the people of this Island to insist that you should not merely prevent an injunction from being taken to stop the operation, but you should appoint a panel of people with some knowledge of the industry with power to enter into any factory applying for a licence to register, to determine whether or not adequate measures had been taken to prevent smoke emitting from the factory and becoming a nuisance in the area when the factory is operating.

Furthermore, Sir, every application for the registration of a factory must be according to a prescribed form which is set out in the Schedule to the Act, and if any person has reason to object to the registration, the Sugar Factories Smoke Control Board may at any time within a specified time serve a copy of the complaint to the factory in question, and before registering the factory, the Board is empowered under Section 8 of the Act to take into consideration all notices of objection and take appropriate steps to ensure that they do not issue licences to factories which are not entitled to have them, because they have not taken appropriate precaution in the case of the smoke they are going to emit. Tell me anywhere in the Bill before us where in protecting the HARP project from proceedings to grant an injunction there is any authority set up to whom people objecting to the granting of a licence can appeal! This is a plain simple power for them to go ahead and operate, and if you are entitled to recover damages in a Court of law, you go ahead, and if you have the money to open the Court of law and take proceedings, you do it; but unlike the Sugar Factories Smoke Control Act to which reference was made by the Introducer of the Bill, there is no authority whatsoever to protect the public.

Now, as I said, Sir, all of us must take a certain amount of blame in the beginning for encouraging this project here, not only on account of its contribution to scientific progress, but also because I presume on the basis of the national prestige which would accrue to satisfy our national ego and be able to claim that there was such a project in the Island, and that Barbados was competing in these terms and along these lines with other areas and other parts of the world where similar experiments were taking place. 8.55 p.m.

I am sure that on reflection a lot of us are sorry that we ever agreed because the best thing which can accrue is the amount of money which is put in circulation; but to compare this with a dying sugar industry is farcical. The immensity of this HARP project and the manner in which it is developing demonstrates this beyond the slightest shadow of doubt. I seriously doubt whether a project like this should be sited in a small island like this.

Reference has been made by the hon. senior member for the City and the hon. junior member for the City to an article which appeared in the New York Time;. You will be surprised to know that there is only one other project of a similar magnitude in the entire world and do you know where it is sited? That other project of a similar magnitude is sited in the desert of Arizona, It was also stated in the Barbados "Advocate" that HARP was considered to be the most powerful project of its kind in the world and, therefore, I seriously condemn their siting it on the hub of this small island off Seawall and within a two and three mile area of large built-up areas, to say nothing of more developed areas four and six miles away.

I do not know whether the development which is now taking place at this project was first envisaged by the authors of the project themselves. May be, as they went on and they got successful results from small beginnings, they decided to expand it. But the fact remains that it is operating here and we would be completely behaving like ostriches if we do not take cognizance of what is happening now and say that in the radius of the operation of this project, its magnitude is far beyond our human conception.

Let us see what the New York Times said about it,

Mr. SPEAKER:

I feel sure that the hon. member would keep constantly in mind the Standing Orders of this House and what they say about reading from newspapers. Standing Order 26 (1) says that a member should not read extracts from newspapers in support of his argument,

Mr. CRAWFORD:

This is what it says

Mr. SPEAKER:

Can the hon. member assure me that he is not reading an extract from a newspaper?

Mr. CRAWFORD:

Would Your Honour suggest that I am not acquainted with Standing Orders/?

Mr. SPEAKER:

I merely invoked Rule 26 (1) which states that a member shall not read a speech but may read extracts from notes or papers other than newspapers in support of his argument. May I refresh the memory of the hon. member of this particularly, that he cannot read extracts from newspapers?

Mr. CRAWFORD:

I was saying, Sir, -

Mr. SPEAKER:

Can I have the assurance that the hon. member is not reading or proposing to read extracts from newspapers?

Mr. CRAWFORD:

I said that New York Times had an article on this project on November 9, and I brought an extract along with me. If Your Honour does not want me to read the extract, there is no objection to my quoting it from memory.

Mr. SPEAKER:

It is not a question of what I want. As Speaker, I am the servant of the House and a slave to Standing Orders.

Mr. CRAWFORD:

I was saying, Sir, that the New York Times carried an article on this project.

Mr. SPEAKER:

I take it that the hon. member is not reading from the newspaper which he has in his hands.

Mr. CRAWFORD:

No, Sir.

Mr. SPEAKER:

I accept the word of the hon. member. May be, he has committed to memory what he is referring to.

Mr. CRAWFORD:

What I am saying is that the New York Times of November 9 referred at some length to this project.

Mr. SPEAKER:

I take it that you are not going to read from the newspaper.

Mr. CRAWFORD:

I think Your Honour can rest assured that I have been reminded of the Rules of the House and I know what the Rule says.

Mr. SPEAKER:

I am very careful, lest precedent be created.

Mr. CRAWFORD:

Your fears appear to be completely unjustified. I was saying that the New York Times on November 9

referred to this project and stated that it is the most powerful project of its kind in the world. It also went on to say that a similar project is now being established in the desert of Arizona. Therefore, I personally feel that the location of an operation of this magnitude at Seawell appears to be a mistake. The question is whether we are making a contribution to scientific progress without danger to life or property. 9.05 p.m.

We have the Oceanographic Survey Base at St. Lucy, the Bellairs Institute of Marine Biology in St. James and both of them contribute some scientific data from month to month and from year to year without endangering anybody's life or property in any part of the island. Therefore both on the ground that the legislation before us in no way approximates to the legislation of which it is said to be a parallel - the legislation to control the emission of smoke from sugar factories - and on the ground that, from the actual operation of the project we have seen that there is a possible danger to life and property, I am saying, Sir, that this proposed Bill in no way copes with the situation with which we are confronted. This is a dangerous piece of legislation; there is no precedent for it anywhere in the Statute Books of this colony, and - I do not care what our political opinion was -- even if we agreed to it before it was started, now that we have seen where it is heading, we must, if we have the interest of the colony at heart, take a proper stock of the situation. If in other parts of the world it has been found advisable to site these projects in areas which are not built up, I think that we are in duty bound to pay attention to this circumstance. According to the articles which I have quoted from the New York Times, we are only now at the first stage of what is planned for this project at Seawell. There are three stages which have been planned for it and this is the first stage. Later on it is planned to put vehicles in orbit from Seawell. Nobody either in this Chamber or in this island envisaged at any time that the HARP project at Seawell would eventually develop into launching satellites of this importance and magnitude.

Mr. Speaker, if things are now in the preliminary stage and you are getting these effects, what do you think will happen when we reach the secondary and crucial stages? What do you think will happen then? If the legislation for the purpose of protecting HARP against injunctions being brought, is to follow the only similar piece of legislation of the kind which we have in this island, well, then, we have to go about drafting this legislation in an entirely different way. It is not going to mean that we will be faced with a complete absence in this island of scientific experts who are able to set up any panel or Board to determine whether or not this project should be granted a licence or should be allowed legally to operate. Therefore, Sir, it seems to me that further consideration has to be given to this matter. As a matter of fact, these people have been given carte blanche to do what they like. They have trespassed on people's property and they walk all over people's land in the area. There is no protection against trespass and now all we are saying in this Bill is that you should protect these people against civil proceedings howsoever commenced and that "Notwithstanding any provision or rule of law to the contrary, no court shall, in any proceedings to which this Act applies -

(a) grant any injunction; or

(b)

(c) make any declaratory order or judgment; or

(d)

(e) grant any other relief or remedy save damages

(f)

In other words, Sir, regardless of the fact that the operations of HARP are affecting people or property in the area, there is nobody who can stop these people, and that after long proceedings you can get damages and you can go on taking legal proceedings if you like to take them. That is not good enough. Nobody could accuse us of not making any contribution to scientific progress in the Western World if we do not have the HARP project here, but to pass this piece of legislation in view of the existing circumstances is to give these people licence to do whatever they like in the name of scientific progress, and it means that when the final stages in these experiments are nearing completion, we have no knowledge of the position to which the people of this island can be subjected without the normal recourse to the redress which in similar circumstances is provided in the legislation on the Statute Books of this colony. I am sure that as time goes on and it becomes clearer what is involved in this operation, even those who refuse to admit now that this is but a part of the magnitude of the operations which were originally planned and which they had not conceived, will be obliged to admit it then. It is only on Monday of this week that I was in Sargeants Village when the first shot went off. The entire house, in which I was, shook and every-body jumped. Within another hour when the second shot was fired, I was about two miles away and the same thing happened. You have no concept, Mr. Speaker, of the harassing to which people who are living close to the project are subjected when these firings go off, All down in Dalkeith Road, to say nothing of St. Philip and Christ Church, the people have cause to be afraid when these firings take place. I am sure that the House, now that its attention has been drawn to the tremendous differential between the provisions of the Sugar Factories Smoke Control Act, which protects the sugar industry against similar injunctions, and this proposed legislation - I am quite sure that the House will agree that more detailed consideration should be given and has to be given to this matter. 9.15 p.m.

Mr. SMITH:

Mr. Speaker, I will not be long, because I feel it is time for all of us to go to bed, but after hearing about this project and this Bill, it is my intention to vote against it, and I will have to give my reasons. Now, Sir, the Objects and Reasons read as follows

It is considered desirable that work on some scientific and research projects should proceed unhampered. Accordingly this Bill seeks to confine to damages the relief available to plaintiffs in proceedings seeking relief in respect of the acts or omissions, or the threatened or apprehended acts or omissions, of persons engaged in the execution of approved scientific or research projects. The judicial

process of injunction would therefore not be available in such proceedings nor would; the court be able to make a declaratory judgment or order."

I take it that this Bill is protecting the HARP people, and it is so much out to protect these people that the people living near to this project are not considered. Regardless of what they are doing there, we should consider our Bajan people. As the hon. member for St. Philip has said, the people are living in fear, and if this gun discharges at such a terrific height and strength that it shakes houses so far away, what do you think of the people living adjacent to it?

I have heard with my own ears that this project is the largest in the world; I heard it from one of the people who have to do with it, and it is hinted that there is a possibility that the gun maybe lengthened. If this gun is so terrific and it may be lengthened, why is it you are protecting them now? I have to be very careful when these Bills come here, because I am a layman and I cannot see everything. Even with trained lawyers sometimes these things get away from them, and it is only when they go into operation that you can see the hitches in them. I do not think I would be going outside the scope of this Bill if I make mention of the Soil Conservation Act which was passed by the last Government and which prescribed certain prohibited areas. At first I was thinking of the areas on which they were operating at the time, but it has been revealed that it will take years before the Soil Conservation Scheme gets to certain areas, and yet no grazing can be done on those areas. They will

not get to these areas for years at the pace they are going and the money they are spending; yet grazing is prohibited in these areas,

I have to be very careful with passing these Bills, because as soon as this passes I might hear something more about this HARP project and the poor people will be nowhere at all, because it is strange that you are bringing a Bill of this nature for people to operate unhampered. It is a fact that people go to bed with fear in their hearts, in other words, with their hearts in their hands; so the area should be declared a prohibited area and move the people out. I am not saying that you should not carry on with the project, but you should also protect the people who are exposed to danger. I heard from the mouth of one of the top notches that it is one of the biggest guns in the world, and it is to be lengthened; but we should start with a small gun in a small place like Barbados, because we have too many big guns already. If the houses were as large as 'Culloden Farm' I would not mind, because that is big enough to stand any shock; the shock cannot reach from one end to the other; but the small people's homes should be protected.

It is all well and good, Mr. Speaker, to talk of the people who are employed there and the amount of

money that is being spent but that cannot compensate for the damage done to people's homes. They are not operating in full yet, but when this Bill passes, they are going to let it go in full because they are protected. Whenever you see smoke, there is fire nearby, and if the houses are cracking now, they are not going to do all cracking. The cracks will become wider every time the house shakes, and the house will come tumbling down and cover up honest hard-working people, but the HARP people will not be under it.

I do not think that the Government has thought seriously enough about the people up there after hearing what this gun can do and what it is doing, because when a building cracks, something is wrong.
9.25 p.m.

If the Government feels that it is okay and in the interest of the people by its being there, well, they can vote for it. We feel that it is not in the interest of the people and we should protect those people. If HARP must stay there, they should clear the area and declare it a prohibited area. You have to save some people from themselves. It is alright for hon. members on the other side to get up and talk: but when anything happens, it would be something else. How that project is operating at present, we must meet with some fatal accident or something else must happen.

We are warning the Government. They have the numbers and they are going to pass this Bill, but I will ask them to reconsider it and try to do something about it. Do not try to pass this Bill as it stands because they can pass it. This Bill is too cruel. You can very nearly term it a murderous Bill; therefore, I will never be a partner to anything of this sort. We warned the Government sometime ago about the West Indies Sweepstake Bill. We know what has happened with that. We are warning the Government again. The day of reckoning is going to come out against them. I am registering everything because the day will come when they will be remembered to the people of their actions.

Hbn. E. W. BARROW:

Sir, I have heard all kinds of fantastic statements made during the course of this debate. It is true that a certain period of the time I was outside in the immediate precincts of this Chamber kit I, nevertheless, was afflicted by some of the utterances made by some members.

We are not concerned with what has been stated in the newspapers nor the extravagant statement made by the hon. senior member for St. Philip nor the speech made by the hon. senior member for the City.

Mr. SPEAKER:

As far as I am concerned, no member read his speech.

Hon. E. W. BARROW:

Mr. Speaker, the hon. senior member for the City for the whole time that he has been in

this Chamber has never made an ex tempore speech. His speeches are made by somebody else and he reads them.

I Just want to get the record straight. The hon. senior member for St. Philip is trying to avoid the doctrine of collective responsibility by suggesting that nobody contemplated the magnitude of this project when they agreed with the Agreement between the United States, the Canadian Government and this Government. This was done with the full knowledge and consent of the Government of this Island Furthermore, the project itself received the consent of the Head of the former Government before we came into power. I should like to make that clear. It is true to say that the actual installation of the platform from which the vehicles are launched came after this Government came into power.

The hon. senior member for St. Philip is quite right when he says that there are three stages, but it does not mean that they are going to use high explosives. There is no high explosive used; it is a propellant used on the second stage and as this takes place, the vehicle goes higher. There is the likelihood that later less and less propellant would be used because rocket motors will be taking over six or ten seconds after the vehicle has been launched. Therefore, for the hon. senior member for St. Philip to try to spread despondency, it would give the impression that some atomic device is going to be used which would shatter the foundations of the Island and that the Constitution River is going to tumble in its banks.

The hon. senior member for St. Philip went on to say that it is the only project of its kind. That is quite contrary to the facts which I have witnessed for myself.

Mr. CRAWFORD:

Mr. Speaker, I rise on a point of order. What I said was that the New York Times stated that the only similar kind of project of this magnitude is being established in the desert of Arizona,

Hon. E. W. BARROW:

The hon. member within my hearing said that there is one other project in the whole world similar to that, and do you know where it is? It is in the desert of Arizona. The record is there.

A number of top class scientists are amassed at the research which is being done here. This is something which would inure to the benefits of the inhabitants of this Island. I do not care what the hon. member has said as a member of this House and as the only person of this House who has sat examinations on meteorology and had to promote the idea on record to the Council of the Caribbean Meteorological Institute, I am not speaking from the depths of perfect ignorance but from my interest in the subject. To say that this Island is not subject to devastation by natural phenomena for four or five months of the year is not to know the facts, and I consider such a consideration of much more importance than the petty fogging by people who want to use the Government as a means to get rich overnight. In the last four years the hon. member has become a large property owner. The hon. member is now demoted, and he is the most shameless person that I have ever seen in my fourteen years in this Chamber and that I have ever come into contact with. If he had a sense of decency, he should have stated

9.35 p.m.

Mr. CRAWFORD:

Mr. Speaker, on a point of order, I did not know that he was referring to me. Let him tell me what property I have acquired within the last four years,

Mr. SPEAKER:

That Is not a point of order.

Mr. CRAWFORD:

The hon. member has said that some hon. member had become a large property owner within the last four years. I want to inform Mm that I owned the house I have before I came in here. I have not owned a little hut since I became a member of the Government.

Mr. SPEAKER:

That is not a point of order. Mr. CRAWFORD Mr. Speaker

Hon. E. W. BARROW:

When the hon. member finishes, I will continue. The hon. member is following his immediate relatives who have evolved into property owners.

Mr. CRAWFORD:

He is a liar.

Hon. E. W. BARROW:

The hon. member has two brothers who have claims against this project. One is in his Manor House in Christ Church, and the other is on the opposite side of Collymore Rock. I have called names; they are ten miles apart and they want to get rich overnight.

Mr. CRAWFORD:

I have two brothers who own property (Asides) That is the same way in which he got money from Mottley to pay for his, (Mr. MOTTLEY He got a loan from me?) (A MEMBER He got money from Clarke to buy Ms.) What the hell you think it is? Do you think that somebody is afraid of you?

Mr. SPEAKER:

if this state of affairs continues, I will.

adjourn this House for disorder-Mr. CRAWFORD: My brother inherited this property

from my mother, (Loud Asides),

Mr. SPEAKER:

There being disorder, this sitting now stands suspended for ten minutes.

Hon. E. W. BARROW:

Mr. Speaker, before I was interrupted, and before the hon. senior member for St. Philip disobeyed the Standing Orders of this Chamber, I was saying that if the hon. member was constrained to observe any kind of properties, speaking of the constitutional properties of the system of Government under which we operate, he would not have taken any part in this debate, because two of his brothers have claims against HARP.

Mr. CRAWFORD:

I know of one.

Hon. E. W. BARROW:

There are two separated by about ten miles apart.

Mr. CRAWFORD:

So far as I know, there is one. I do not know my brothers\' private business, but even if there are two, that is nothing to do with my discharging my obligations inhere.

Mr. SPEAKER:

The hon. member has made his point.

Hon. E. W. BARROW:

I am stating a positive fact Two of the brothers of the hon. senior member for St. Philip have claims against HARP an! that gives the hon. member some kind of interest in this matter. That would make it improper for him to take part in this debate.

Mr. CRAWFORD:

I object to that.

Mr. SPEAKER:

Is the hon. member speaking on a point of order?

Mr. CRAWFORD:

Yes, Sir. Nobody has any right to impute any ulterior motives to what I am saying., It is high-class ignorance for any hon. member to say that, because an hon. member's brother has property which has been damaged by the operations of HARP, that hon. member should not protest against the provisions of a Bill in here.

Mr. SPEAKER:

The hon. member has made his point.

Hon. E. W. BARROW:

The property which is owned by one of the hon. member's brothers is separated by ten miles from the other brother's property. The Director of Civil Aviation.

Mr. CRAWFORD:

That is not true, I have a brother who lives at Waverley, Christ Church, and he has been living there for about eight or nine years. Another brother who lives at Collymore Rock, has been living there for four or five years which is hardly more than six miles from the operations of HARP. But whether the distance

from HARP was twenty miles or not, what my brothers have done is not my business,

Hon. E. W. BARROW:

Suppose we accept the hon. member's arithmetic! The hon. member should be reminded by the Chair that he is interrupting the debate; What is significant is that the Director of Civil Aviation who has small children and is six hundred yards away from the launching tube of the Government property at Seawell itself, has not had one single window of the premises which he is occupying rumbled; but for a distance of five miles away from the HARP operations, it is possible for a window to be rumbled.

As I said before, there are only two such guns in the world, there is one in France and about three weeks ago, I witnessed one of the same guns being got ready for firing on a horizontal plane straight

across between Newport and Mansfield. Mr. Speaker, I have a list of the projects and there is nothing experimental here. All of these operations are designed so that little can go wrong when the operations are carried out here. They have devices for lifting the missile to the tube and of one hundred space probes which have taken place, there was only one occasion when one portion of anything came down anywhere on the soil of Barbados. Although the hon. member says that there are hundreds of claims submitted against HARP

Mr. CRAWFORD:

What I said was that there are hundreds of claims which have already been submitted and there are many more waiting to be submitted.

Hon. E. W. BARROW:

There are no hundreds known to the authorities in Barbados. The total claims amount to some twelve thousand dollars.(Asides). A gentleman told me that he was canvassed - Mr. Audley Chase told me that he was canvassed by a person who is not far from the elbow of the hon. senior member for St. Philip, to bring a case. I have called the name.

Mr. CRAWFORD:

Mr. Chase is not in here. I am giving the lie direct as to that.

Mr. SPEAKER:

The hon. member has said that somebody told him something and, therefore there is no point of order arising as to that. However, the hon. senior member for St. John has made his point.

Mr. CRAWFORD:

But he must speak the truth. Mr. Speaker rose,

Mr. SPEAKER:

When the Speaker arises, every other hon. member must be seated. I do not want to suspend this sitting of the House again. I will remind hon. members that this House has already been adjourned until Tuesday of next week. 9.55 p.m.

The Hon. and Learned member for St. John said that somebody told him something. There can be no point of order arising, because he has not mentioned the name of an hon. member of the House having told him this, that or the other.

Hon. E. W. BARROW:

I never said that Mr. Audley Chase told me something about a member of the House. I said Mr. Audley Chase told me he was being canvassed to bring a claim, and I mention this gentleman because I overheard the hon. senior member for St. Philip saying that the damages to this gentleman's home alone would be more than \$12,000, and that is the only reason why I mentioned it, and I say that without any fear of contradiction. I can call the name of the person canvassing as well, but I do not want to draw attention to strangers in the Gallery.

Now, Sir, if I may continue. Several statements were made by hon. members that this Bill is nothing like the 1961-39 laws of this island the Sugar Factories Smoke Control Act, 1961, and that you were taking away the rights of the subjects. Everybody forgets about the meteorological research and about hurricanes. Their solution to the problem of tropical disturbances which devastate not only this country but the countries of the Caribbean is not to get an Institute of Tropical Meteorology and to invoke the assistance of the United States-sponsored Brace Institute of McGill University, but to run underneath the table and bide; but this Government is more forward-looking than that. Maybe, they are right to say that this Bill is nothing like the Bill which was introduced here in July 1961 which is entitled "The Sugar Factories Smoke Control Act". They are probably right in that; in that Act you cannot even bring a claim for damages, and I want to read the relevant chapter of the Act. There is a tremendous amount of money invested in this project which had the consent of the Legislature and Government of this Island, the support of the United States Government, the support of the Canadian Government and the active participation of McGill University with whom we have been associated for a long time. This is something for the benefit of mankind, and probably will save Government thousands of dollars in years to come and thousands of lives; but we are saying in spite of that that there must be redress for people suffering damage. There is compensation which they can claim without going to Court once they are satisfied. Hon. members on the other side did not say that the Sugar Factories Smoke Control Bill which was introduced at the instigation of the sugar barons of this island was against the expatriates whom they said were trying to close down the sugar industry. What did this Bill say? The Sugar Factories Smoke Control Act said in Clause 2, sub-paragraph (2):

•For the purposes of this Act, a civil action of nuisance that has been lodged with the court or an application for an interlocutory injunction that has been made to a Judge shall not have been determined until there shall have expired the time within which an appeal may be lodged against any decision in respect thereof"

You would be acquainted with the Statute of Frauds which says that \"no action shall be brought whereby to charge the defendant upon any special promise to answer for the debt, default or miscarriages of another person.\" This means that you cannot bring a case in Court and this is almost word for word the language which is used in the Act of 1961 as regard sugar factories.

Now the Sugar Factories Smoke Control Act says that a sugar factory can register and get a certificate, and if they get a certificate, Section 12 (1) says this:

••During such time as there continues in full force and effect a valid certificate issued under this Act in respect of a sugar factory, no civil action claiming that the emission of smoke from such sugar factory constitutes a nuisance may be lodged or brought in respect of such sugar factory or if within that time brought...\"-- (which means if you bring it in respect of such sugar factory) \"be at any time whilst such certificate is of full force and effect entertained by any court and no application for an interlocutory injunction to restrain the working of such sugar factory on the ground that a prima facie case may be established that the working thereof causes a nuisance by the emission of smoke from such sugar factory may be made to a Judge or if within that time made be at any time whilst such certificate is of full force and effect entertained by any Judge.\"

So you cannot bring an action, and if you bring it, the Judge cannot hear it, and if the matter gets before the Court, the Judge cannot entertain it -- neither an action for damages nor an action for an interlocutory injunction. Now, is the Board comprised of jurymen or Judges? This is legislation which was passed in August 1961. Now further-more, I just want to draw something to your attention.

Mr. SPEAKER:

Members not speaking shall be silent or shall confer only in undertones, and shall not make unseemly interruptions. An undertone I would not hear, and of course silence is golden.

Hon. E. W. BARROW:

In the United Kingdom there is an Act called the Landlords Act under which the Minister can make an Order asking a person even to take down a chimney if It is in the way of radar equipment or any scientific equipment, and the next Clause of that Bill states that when he makes that Order it cannot be changed in any form by an action or legal proceeding whatsoever. This is what is done in the United Kingdom, so that at the Airport if somebody has a chimney on their own property which is in the way of radar, they can command that person to take it down within so many days and he cannot appeal to the Court or submit any claim for damages, because it is in the way of scientific equipment which is used in the safety of aircraft and so on. (A VOICE Can radar damage property?) The hon. member asks me

whether radar can damage property,

Mr. SPEAKER:

The hon. member could not have asked. At the most he must have been thinking aloud.

Hon. E. W. BARROW:

Some hon. members may entertain the idea that radar cannot damage property. There are radar sets that if the hon. member went within 140 feet when they are switched on, he would be burnt to charcoal. Radar can therefore injure property; so do not let us have any illusions about that. 10.05 p.m.

I know that the hon. member is a radar expert and an expert on everything else but, nevertheless, there are things of which the hon. member may not be conscious. Perhaps he may not be conscious of them until he tries and finds out to his sorrow.

What I am saying is that under the Factories Smoke Control Act, the restrictions are much more severe because you cannot bring an action if they have a certificate and the Committee investigated and satisfied themselves that it does not look as if the factory is emitting smoke. A week later, it may be belching out smoke and disfiguring the furniture of the people in the district; but as long as it has a certificate, you cannot go as near as the Registry to say that you are filing a case.

The High Altitude Research Project at least twice a year has firings when space probes are being conducted and when high officials from the United States, other organizations and agencies of that nature come here.

The Barbados Government has entered into an agreement with the United States Government whereby the Government is satisfied that the citizens of this Island are adequately protected, both in the operation itself and in respect of any accidental or other damage which may be suffered by citizens of this Island. They have not brought down this Bill so that some cranky, or get-rich-quick or dishonest persons can go into Court and ask for an enquiry or seek an injunction against the project. All that we have said is that there is too much at stake, both from the point of view of the expense to which the Governments have been put and the ultimate results which we hope to achieve by this project, to allow any disorderly, lawless and corrupt persons in this community to say that they are bringing an injunction when they do not have the intelligence to understand the significance of the project. Probably, the people who get up and make statements are traitors to the people of this country. There are people who would do any-thing

for money and, unfortunately, do not let us fool our-selves that the \"Al Capones\" are all in Chicago because we live in a small island, because this island is no microcosm of what goes on in other countries.

As far as I am concerned, the benefits which has al-ready accrued to this country as a result of this investigation, which I cannot even calculate, far outweigh any considerations of individual inconveniences, whether they are actual or imaginary. That is only what the Government is concerned about.

This project was approved by the last Government and they art the only people who can claim that they did not know that we were going 80 miles up in the atmosphere with our vehicles and that the vehicles would have rockets attached to them. I am satisfied that they appeared to be ignorant to everything of Government matters, but the last person who should claim ignorance is the member on the other side because he was a member of the Cabinet when the Cabinet agreed to this.

I have recently got from London an expose and legal rulings from Her Majesty's Government on the recent position adopted by some Ministers of Government on their attack of this Government when they were subject to collective responsibility, and I am not going to follow suit such as the member set the example and say that so-and-so happened in Cabinet What I am saying is that he was present when the Cabinet instructed that this Bill be sent to this Honourable House. At that time his family claims had al-ready been filed; yet he sat down in Cabinet and agreed to Ads. We sit down as a Board of Directors, and if you have any argument against a particular measure, it is your duty to give your colleagues the benefit of your wisdom at that time. You should not wait, like the hon. member, until you are separated from the corridors of the Board.

Mr. CRAWFORD:

Mr. Speaker, I rise on a point of order. The hon. member appears to be talking to me. I am not prepared to say whether or not this matter came before the Cabinet in my time because it is now November and it is more than passing strange that this matter has now got to the House of Assembly.

Mr. SPEAKER:

I am afraid that that is not a point of order.

Mr. CRAWFORD:

The member said that I was present when this Bill was discussed by the Cabinet. It is more than passing strange that from August until now, it has taken all that time to come before this House of Assembly. The fact that my brothers have claims is no business of mine. That is their business.

Hon. E. W. BARROW:

On the 19th August, the hon. member was present in Cabinet. The reason why this Bill has not reached here until now is because it was already introduced by the Government in the Other Place and passed by that body. It was introduced by his colleague, the former Senator Erskine Ward.

Mr. CRAWFORD:

That is a deliberate untruth. Senator Ward told me that he did not agree with the Bill and he had to amend it.

Hon. E. W. BARROW:

There are two factors. Firstly, the House should know that I am not a member of the Senate and I do not intend to be a member of the Senate. Secondly, unfortunately for the hon. member. I have a full report of the Senate debate before me and in no part of the debate which I intend to make a document of the House, at no time, did the former Senator Ward say that he disagreed with the Bill. I am not concerned with the former members of Government. They say a lot of things which are lies.

Mr. CRAWFORD:

Mr. Speaker, I rise on a point of order.

Hon. E. W. BARROW:

The hon. member stood on his feet and said that I am a damned liar. Let me read this part of the debate which took place in the Senate so that you can see who is the damned liar.

Mr. SPEAKER:

I will ask the hon. members to deal with the motion whether or not this Bill should be read a second time. That is all that matters now. 10,15 p.m.

Hon. E. W. BARROW:

Mr. Speaker, despite the rude, unparliamentary and unnecessary interruptions, I will read from the debate of the Other Place? this must be the Senator's last thought.

Mr. SPEAKER:

I must remind the hon. member of Standing Order 26 (10). This is what it says-

"No member may allude to any debate of the other Legislative Chamber."

Mr. CRAWFORD:

Let him read it

Hon. E. W. BARROW:

I am prepared to read the Senator's speech or I will Invite hon. members to come over here and read it since I am bound by the Standing Orders.

Mr. SPEAKER:

That is right.

Hon. E. W. BARROW:

My understanding is that the Senator invited Hon. members to agree to the second reading of this Bill and then they could propose amendments in Committee (Asides).

Mr. SPEAKER:

The Hon. member said that that is his understanding.

Hon. E. W. BARROW:

The hon. member can sit quietly when I am reading this, Hon. members will continue in their perversity. In a Chamber like this you have people who are shameless. I will read in public what Her Majesty's Government said about Ministers. A person who is introducing a Bill can be quoted, but no person who was a member of the Cabinet when a Bill was sent down to the Legislature for consideration

should say that he does not agree with it. The next tiling you will hear about these shameless people is that they did not have time to read it, that it was pushed into their hands two minutes before they went into the Cabinet.

Mr. Speaker, I have drawn attention to the Sugar Factories Smoke Control Act. (Mr. MILLER: That is not on all-fours with this Bill). You can bring an action for damages under the Sugar Factories Smoke Control Act and we have not removed the right of the citizen to bring an action for damages in respect of this project. The reasons for the objection of hon. members are political reasons, and there are also people who are financially interested in the matter. However, Sir, this Government has the courage of its con-victions; but unfortunately, there are some people who have no convictions at all. ft is because this Government has the courage of its convictions that 1 move that this Bill be now read a second time.

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, Hon\bles J. C. TUDOR, E. W. BARROW, C. E. TALMA, G. G. FERGUSSON, A. DaC. EDWARDS, N. W. BOX1LI, Messrs. LOWE and YEAR-WOOD - 9.

Noes: Messrs. CRAWFORD, SMITH, MILLER, LYNCH and MOTTLEY - 5.

Mr. SPEAKER:

The question has been resolved in the affirmative, nine hon. members voting \"Aye\", and five hon. members voting \"No\". I now declare that the \"Ayes\" have it.

Hon. J. C. TUDOR:

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

Hon. C. E. TALMA; 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.

Clause 1 was called and passed.

Clause 2 was called. It reads as follows:-

2. In this Act-

\\"actions\\" includes any civil proceedings howsoever commenced;

\\"court\\" includes any court or judge having the jurisdiction, power or authority to grant an injunc-tion;

\\"injunction\\" means any interim or perpetual injunction,

Hon. J. C. TUDOR:

Mr. Chairman, I beg to move that Clause 2 stand part of the Bill.

Hon. C. E. TALMA:

I beg to second that.

Mr. MIIXER:

Before you put the question Mr. Fool

Mr. CHAIRMAN:

If the hon. Junior member for St. George does not know the Rules of the House, I will refuse to hear him.

Hon. J. C. TUDOR:

Mr. Chairman, it is not a question of the hon. member not knowing the Rules of the House; he has addressed you as \"Mr. Fool.\"

Mr. CHAIRMAN:

Will the hon. member take his seat? I refuse to listen to the hon. member.

Mr. MILLER:

No, Mr. Chairman. The Rule of this House is that when the House is in Committee, I can speak one million times.

Mr. CHAIRMAN:

And I refuse to hear you. 10.25 p.m.

Mr. MILLER:

You have to give a reason.

Mr. CHAIRMAN:

The reason is that you are talking nonsense and you have disrespected the Chair.

Mr, MILLER:

I was speaking to my colleague who was referring to the word \"fool\".

Mr. CHAIRMAN:

If the hon. Junior member for St. George does not take his seat, I will call on the Speaker to have him named.

Mr. MILLER:

You can bring the Speaker, but even then I have the right to apologise, I have equal rights with any member to speak in here.

Mr. CHAIRMAN:

I have the authority to stop you from speaking.

Mr. MILLER:

You cannot stop me from speaking. You will have to bring the Speaker if you think I have said anything derogatory to the Chair.

COMMITTEE REPORTS PROGRESS

Hon. J. C. TUDOR:

Mr. Chairman, I beg to move that you do now report progress and ask for leave to sit again.

Hon. C. E. TALMA:

I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. SPEAKER resumed the Chair and reported accordingly.

Mr. BATSON:

Mr. Speaker, I would like to draw to your attention that during the course of discussion on the Bill when I was in the Chair, the hon. Junior member for St. George grossly disrespected and insulted the Chair. He addressed the Chair as \"Mr. Fool\".

Hon. E. W. BARROW:

Mr. Speaker, if I may say some-thing on the report, Sir, under Standing Order No. 360)--\"Order in the House\" -- it says

\"Whenever a member shall have been named by the Speaker or by the Chairman, immediately after the com-mission of the offence of disregarding the authority of the Chair, / or of persistently and wilfully obstructing the business of the House by abusing the rules of the House, or otherwise, then, if the offence has been committed by such member in the House, the Speaker shall forthwith put the question on a motion being made, no amendment, adjournment or debate being allowed, \"that so-and-so be suspend-ed from the service of the House\", and if the offence has been committed in the Committee of the whole House, the

Chairman shall forthwith suspend the proceedings of the Committee and report the circumstances to the House, and the Speaker shall on a motion being made forthwith put the same question, no amendment, adjournment or debate being allowed, as if the offence had been committed in the House itself.\"

I have pleasure in making the motion that in view of the report made by the Chairman of Committees, and in accordance with Standing Order No. 36 (3), the hon. junior member for St. George be now named for showing gross, contumacious and callous disrespect for the Chair, no debate, adjournment or otherwise being allowed to this motion being seconded.

Hon. G. G. FERGUSON:

I beg to second that.

Hon. E. W. BARROW:

I am sorry, Sir, It has been pointed out to me that the question which Your Honour has to put and which I now make is that the hon. junior member for St. George be suspended from the services of the House, no debate, adjournment, question or anything else being allowed.

Hon. G. G. FERGUSSON:

I beg to second that.

Mr. CRAWFORD:

Mr. Speaker, on page 32, Standing Order 36 (3) \"When a member shall have been named by the Speaker or by the Chairman

Hon. E. W. BARROW:

Order, order, order, order. Mr. SPEAKER It is only for the Speaker to call order.

Hon. E. W. BARROW:

A member cannot speak after a motion of this nature.

Mr. SPEAKER:

No amendment, Adjournment or debate being allowed. There can be no amendment, there can be no adjournment or there can be no debate.

Mr. CRAWFORD:

On a point of information, \"When a member shall have been named by the Speaker or by the Chairman...\" member has been named by the Speaker or the Chairman.

Mr. SPEAKER:

Will the hon. senior member for St. Thomas, the Chairman of Committees, assure me that he has named the hon. member.

Mr. BATSON:

I have reported to the Speaker.

Hon. E. W. BARROW:

Mr. Speaker, with all due respect under Standing Order No. 36 (3) on the commission of the offence, the sitting is suspended and the circumstances are reported to the House, and it is Your Honour the Speaker on the motion being made who names the member by inserting his name. There is no question of naming him twice. The naming can only come once. You report the circumstances and the motion is made.

Mr. SPEAKER:

I will read the relevant Standing Order. It reads as follows-

"Whenever a member shall have been named by the

Speaker (Mr. CRAWFORD:

Or by the Chairman....) I

am quite able to read without any assistance from either side of the House.

"Whenever a member shall have been named by the Speaker or by the Chairman, immediately after the commission of the offence of disregarding the authority of the Chair, or of persistently and wilfully obstructing the business of the House by abusing the rules of the House, or otherwise, then, if the offence has been committed by such a member in the House, the Speaker shall forthwith put the question on a motion being made, no amendment, adjournment or debate being allowed, "that so-and-so be suspended from the service of the House", and if the offence has been committed in Committee of the whole House, the Chairman shall forthwith suspend the proceedings of the

Committee and report the circumstances to the House, and the Speaker shall on a motion being made forthwith put the same question, no amendment, adjournment or debate being allowed, as if the offence had been committed in the House itself". 10.35 p.m.

I am instructed that in respect of what transpired when the House was in Committee, that up to that time, the hon. junior member for St. George had not been named, and as I understand the Standing Order, the naming must precede, whether in the House or in Committee, the motion for the suspension.

Hon. J. C. TUDOR:

Mr. Speaker, I beg to move that Your Honour do now leave the Chair and the House resume Committee on the Bill.

Hon. C. E. TALMA:

I beg to second that.

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

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

Prior to the suspension, the hon. junior member for St. George disrespected the Chair and I shall not hear him for the remainder of the discussion on this Bill.

Mr. MILLER:

Quote the Rule.

Mr. CHAI RMAN:

I am not to be questioned. The hon. member must sit.

Mr. MILLER:

You have to tell me.

Mr. CHAIRMAN:

If the hon. junior member for St. George does not take his seat, I will call his name.

Mr. MILLER:

You will now have to tell me; we are in Committee,

Mr. CHAIRMAN:

The hon. junior member for St. George has been disrespectful to the Chair and I refuse to entertain him. If he proceeds, I shall name him now.

Mr. MILLER:

In all respects and humility to the Chair. I have the right to speak as often as I like in Committee. I am not speaking disrespectfully of the Chair. My training does not permit me to do that.

Mr. CHAIRMAN:

I now name the Junior member for St. George, Mr. Miller, and these proceedings are now suspended.

Mr. MILLER:

What are you accusing me of? Is that the only hope of your getting me out of the House? What are you naming me for? I said \"In all due respect and humility.\" Are you naming me for this?

Mr. SMITH:

Mr. Chairman, -

Mr. CHAIRMAN:

The proceedings are suspended and I have nothing to listen to.

Mr. Chairman called the Speaker and took his seat in the House.

10.46 p.m.

Mr. SPEAKER resumed the Chair.

Mr. BATSON:

Mr. Speaker, when the House resumed Committee on the Limitation of Remedies (Scientific and Research Projects) Bill, the hon. junior member for St. George grossly failed to abide by the riding of the Chair when he was told to take his seat. He persistently flouted the authority of the Chair when he was told to take his seat and I named him.

Hon. J. C. TUDOR:

I beg to move that Mr. Miller be suspended from the service of the House.

Hon. G. G. FERGUSON:

I beg to second that.

Mr. SPEAKER:

May I remind hon. members that, on a motion such as that which has been made in respect of a member whom the Speaker was informed was named in Committee, the Speaker shall forthwith put the question no amendment, adjournment or debate being allowed as if the offence had been committed in the House itself?

The question is that Mr. Miller be suspended from the service of the House. Hon. members in favour of that will please say \"Aye\", hon. members against will please say \"No\" I think the \"Ayes\" have it.

A division was taken as follows:-

Ayes: Mr. BATSON, Hon'bles E. W. BARROW, J. C. TUDOR, C. E. TALMA, G. G. FERGUSON,

A. DaC. EDWARDS, N. W. BOX1LL, Messrs LOWE and YEARWOOD - 9.

Noes: Messrs. CRAWFORD, SMITH, On being called upon to vote,

Mr. MILLER (Sitting):

I am not free to vote on this, occasion

Mr. SPEAKER:

Standing Order 37 (7) reads as follows-

"When a Member's name is called by the Clerk at a division, the Member shall answer either by voting for the \"Ayes\" or for the \"Noes\", Will the hon. member so vote?

Mr. MILLER:

I vote \"No\" if that is the Rule of the House.

The division was concluded as follows :- Notes Messrs. LYNCH and MOTTLEY.

Mr. MILLER:

Mr. Speaker, may I withdraw from the House now?

Mr. SPEAKER:

I cannot prevent the hon. member from withdrawing from the House, but I must declare the result of the vote.

The question has been resolved in the affirmative, nine hon. members voting \"Aye\", and five hon. members voting \"No.\" I declare that the \"Ayes\" have it.

Hon. E. W. BARROW:

Mr. Speaker, will you ask the hon. member to withdraw?

Mr. SPEAKER- I do not need to be informed of what my duty is. If I need advice I will seek it. Standing Order 36 (3) says this:-

"If a Member is suspended under the provisions of this Order, he shall be directed by the Speaker to withdraw. His suspension shall last for five sitting days on the first occasion, for ten sitting days on the second occasion, and for twenty sitting days on any subsequent occasion."

In accordance with that Standing Order which I have read merely for the benefit of hon. members, I now direct that the hon. Junior member for St. George withdraw,

Mr. MILLER:

In accordance with the Standing Order, I withdraw.

RESUMPTION OF COMMITTEE ON LIMITATIONS

OF REMEDIES (SCIENTIFIC AND RESEARCH

PROJECTS) BILL

Hon. J. C. TUDOR:

Mr. Speaker, I beg to move that you do now leave the Chair, and the House resume Committee on this Bill.

Hon. C. E. TALMA:

I beg to second that.

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

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

Mr. CHAIRMAN:

On the last occasion when the House was in Committee on this Bill, Clause 2 was under consideration.

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. The Schedule was called and agreed to.

Hon. J. C. TUDOR:

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.

10.55 p.m.

On me separate motions of Hon. J. C. TUDOR, seconded in each case by Hon. C. E. TALMA, the Bill was read a third time and passed.

ADJOURNMENT

Mr. SPEAKER:

It is known that by virtue of the previous adjournment on Tuesday that this House stands adjourned, - and I hereby declare it until Tuesday, 30th November, 1965 at 12 o'clock noon. 10.57 p.m.