THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION OF 1961—66

HOUSE OF ASSEMBLY

Tuesday, 26th April, 1966.

PRESENT

His Honour E. L. CARMICHAEL, J.P., *(Deputy Speaker);* Mr. L. E. SMITH, J.P.; Mr. F. L. WALCOTT, O.B.E.; Mr. F. C. GODDARD; Hon. C. E. TALMA, *(Minister of Health and Community Development);* Hon. J. C. TUDOR, M.A., *(Minister of Education);* Mr. J. W. CORBIN; Hon. G. G. FERGUSSON, *(Minister of Agriculture and Fisheries);* Mr. W. R. COWARD; Mr. R. St.C. WEEKES, J.P.; Mr. W. R. LOWE; Mr. G. V. BATSON, *(Chairman of Committees);* Hon. N. W. BOXILL, *(Minister of Communications and Works);* and Hon. A. DaC. EDWARDS, *(Minister of Trade and Labour).*

Prayers were read.

Mr. HOLDER and Mr. YEARWOOD entered the House and took their seats.

MINUTES

Mr. DEPUTY SPEAKER: I have the honour to inform the House that the Minutes of the meetings held on 21st December, 1965, and the 4th, 11th, 18th and 25th January, this year have been circulated, and unless there is any objection, they will be taken as read and confirmed.

Hearing no objection, those Minutes are taken to be confirmed.

Mr. HUSBANDS entered the Chamber and took his seat.

PAPERS LAID

Hon. N. W. BOXILL: Mr. Deputy Speaker, I am commanded to lay the following:-

The Motor Vehicles and Road Traffic (Amendment) Regulations, 1966.

GOVERNMENT NOTICES

Hon. J. C. TUDOR: Mr. Deputy Speaker, on behalf of the Hon. and Learned Premier, I beg to give notice of the following:-

A Resolution to approve the Compulsory Acquisition by the Crown of a parcel of land situate in Suttle Street in the City of Bridgetown together with the buildings erected thereon.

And on my own behalf, I beg to give notice of the following:-

A Resolution to approve the Compulsory Acquisition by the Crown of a parcel of land situate at St, John Baptist, in the parish of St. James.

Hon. N. W. BOXILL: Mr. Deputy Speaker, I beg to give notice of the following:-

A Resolution to approve "The Motor Vehicles and Road Traffic (Amendment) Regulations, 1966."

Hon. J. C. TUDOR: Mr. Deputy Speaker, on behalf of the Hon. Minister of Trade and Labour, I beg to give notice that Oral Reply to Parliamentary Question No. 59, asked by the hon. junior member for St. Joseph, is ready.

Hon. N. W. BOXILL: Mr. Deputy Speaker, I beg to give notice that Oral Reply to Parliamentary Question No. 86, asked by the hon. senior member for St. Thomas is ready.

Hon. C. E. TALMA: Mr. Deputy Speaker, I beg to give notice that Oral Reply to Parliamentary Question No. 98, asked by the hon. senior member for St. Thomas is ready.

PRIVATE MEMBERS' NOTICES

Mr. WALCOTT: Mr. Deputy Speaker, I beg to give notice of the following Resolutions:-

WHEREAS the low wages paid to workers in certain sectors of the economy of this Island make it impossible for the said workers to enjoy a standard of living compatible with the minimum needs of life;

AND WHEREAS there is urgent need for a close examination and appraisal of the situation, and for a concerted effort to be made to improve the lot of the said workers;

BE IT RESOLVED that this House request the Government to set up a Committee to examine the wage structure existing in the island as applicable to workers in all segments of the community and to recommend a minimum wage for the said workers that would ensure the attainment by them of the normal requirements of life in a modern society.

Also,

BE IT RESOLVED that this House urge the Government to introduce legislation to provide for severance pay for all categories of workers in the community.

QUESTIONS

Mr. YEARWOOD: Mr. Deputy Speaker, I beg to give notice of the following Question:-

To enquire of the appropriate Minister –

Is the Minister aware that there are two employees of the Bridgetown City Council who have not been paid their wages for over one year?

2. If the answer to the above question is in the affirmative, will the Minister disclose on whose instructions these wages have been withheld?

3. Will the Minister also state what action has been taken by the Government to safeguard the rights of employees of the Local Government Authorities and particularly of employees of the Bridgetown City Council?

Hon. E. W. BARROW entered the House and took his seat.

2.55 p.m.

LETTERS FROM HON. J. C. TUDOR re BROADCASTING EQUIPMENT

Mr. DEPUTY SPEAKER: I have the honour to inform the House that I have received a letter from the Hon. Leader of the House to the Honourable Speaker of the House of Assembly dated 26th April, 1966.

It reads as follows:-

Dear Sir,

In accordance with the intimation given by the Honourable Premier and me in the House of Assembly on Tuesday last, I now formally request permission for the Caribbean Broadcasting Corporation to install equipment for the purpose of recording the Debate on the Draft Constitution.

I have the honour to be, Sir,
Your obedient Servant,
J. CAMERON TUDOR
Leader of the House.

QUESTION OF PRIVILEGE

Hon. J. C. TUDOR: Mr. Deputy Speaker, I rise first on a question of privilege.

Your Honour might have heard or read that the composition of the Opposition Parties in this Chamber have changed owing to the re-accession to the Barbados Labour Party of the hon. junior member for St. Peter, former Speaker of this House. The reasons for this re-accession need not to be entertained. The point is that the Opposition Parties now have four members each, and I want to find out from Your Honour whether there has been any intimation given by His Excellency the Governor as to the changed complexion of the Opposition Parties, and, therefore, to ascertain who is the rightful Opposition Leader and to which Party he belongs.

Mr. DEPUTY SPEAKER: I regret that I am unable at this stage to inform the Hon. Minister about that part. As soon as conveniently possible, I will make enquiries from His Honour the Speaker.

SUSPENSION OF STANDING ORDERS

Hon. J. C. TUDOR: Mr. Deputy Speaker, I beg to move the suspension of Standing Orders 5, 14, 16, 18, 40 and 45 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.

QUESTION TIME

Hon. J. C. TUDOR: Mr. Deputy Speaker, I beg to move that Question Time be now taken.

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

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

QUESTION NO. 59

Mr. DEPUTY SPEAKER: The first is Oral Reply to Parliamentary Question No. 59 asked by the hon. junior member for St. Joseph.

Hon. A. DaC. EDWARDS: Mr. Deputy Speaker, as regards this question, when the availability of the reply was given about four weeks ago, the file with it was brought in: but because the Opposition Parties indicated that they were not attending this meeting of the House, I did not bring in the file. I will ask leave to get the file.

QUESTION NO. 78

Mr. DEPUTY SPEAKER: The next is Oral Reply to question No. 78 asked by the hon. junior member for the City who, I observe, is not in his place.

BUSES OPERATING

Mr. DEPUTY SPEAKER: The next is Oral Reply to Parliamentary Question No. 86 asked by the hon. senior member for St. Thomas.

Mr. BATSON: To enquire of the Appropriate Minister:

1. Is Government aware that there are buses operating without any proper means for Passengers stopping the said buses when they want to alight?

2. Will the Minister investigate the matter with a view of bringing relief to the users of the said buses without delay?

Hon. N. W. BOXILL: Mr. Deputy Speaker, the Reply is as follows:-

"Investigation has so far revealed that one bus was operating with a defective signalling system while others had damaged push-buttons. These defects have now been rectified by the companies concerned.

SEWING MACHINE, QUEEN ELIZABETH HOSPITAL

Mr. DEPUTY SPEAKER: The next is Oral Reply to Parliamentary Question No. 98 asked by the hon. senior member for St. Thomas.

Mr. BATSON: To enquire of the Appropriate Miniter:

Is Government aware of the existence of a hand sewing machine in the Central Sterilising Department of the Queen Elizabeth Hospital that stitches linens and paper bags that keep instruments after they are sterilised?

2. Is Government also aware that the said machine has more than fulfilled its period of usefulness?

3. Will the Minister go into the matter with a view to supplying the said Department with a Sewing Machine that is more in keeping with the present day standards?

Hon. C. E. TALMA: The Reply is as follows:-

1. Yes Sir.

2. The Hospital, by memorandum dated 25th November, 1965 requested that provision be made in the draft Estimates 1966-67 for a sewing machine for the Central Sterlizing Department. This has been approved and provision made in the Estimates accordingly.

3. Does not arise.

Mr. DEPUTY SPEAKER: That brings us to the end of Question Time, with the exception of the reply to Question No. 59 which may be answered at the appropriate time.

GOVERNMENT BUSINESS

Hon. J. C. TUDOR: I beg to move that Government Business be now taken.

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

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

Mr. DEPUTY SPEAKER: Order No. 1 stands in the name of the Hon. and Learned Senior member for St. John: To move the passing of the followng Resolution: A Resolution to approve the Draft Constitution of Barbados, March, 1966.

On that last occasion the Hon. Premier spoke. On motion of the hon. senior member for St. Peter, seconded by the hon. junior member for St. Lucy, further consideration was postponed.

The Hon. Premier, if he so desires, may proceed.
3.05 p.m.

Hon. E. W. BARROW: Mr. Deputy Speaker, if there are any other members who do not want to be in direliction of their duty, I will give them an opportunity to leave while I sort my papers out .

Mr. Deputy Speaker, I do not intend to traverse the ground which was covered on the last occasion that we met, because my speech is merely a continuation of the introduction which I made - although it is true that in the course of that introduction I did refer to the constitutional position of Her Majesty's loyal Opposition in Barbados.

There is a fundamental principle in the Constitutions of Commonwealth countries which has been found very firmly established ever since the secession of the Irish Free State in 1922. It is true that the Irish Free State did not become fully independent until the Act of 1937. Between 1937 and 1945 the Commonwealth countries were engaged in a struggle for life and death, and the question of constitutional changes therefore had to be left in abeyance until matters of graver importance were settled between the Commonwealth and its foes.

In 1945 there was a resurgence of nationalism as a result of the World War through which we had just passed, and the Commonwealth countries of India and Pakistan quickly gained their independence. There are two significant facts of which I should like to remind Your Honour. The first thing is that India did not get its Constitution until 1950 although it was granted Independence in 1947 and from 1947 Pakistan continued as a full independent country until 1956 before it got its Constitution.

We are lucky, Sir, to be able to proceed to Independence on a constitutional draft that has been prepared within the country itself, and not from Mount Olympus, as so many people in the Opposition fondly wish. They regard the United Kingdom as some benevolent despot who is prepared to correct those who represent the people in the Legislature of this colony.

The modern view of the Commonwealth ever since the Statute of Westminster in 1931 is not that we are merely freely associated states and in no way subservient one to the other; but more fundamentally that all these countries follow their Constitution within the structure and the framework of the country and the requirements of the country itself. In other words, it is not like a book of rules that you are handed when you join a club and to which you adhere, but there are Articles of Association which you compound when you form your own Limited Liability Company.

At the time of the Statute of Westminster the idea of autochthony was uppermost in the minds of the members of the Commonwealth who were participants in the Westminster Conference. But from 1945 onwards, because the Imperial Government now had to deal with people who were not merely offshoots of what they used to call the Mother Country, but people who had culture, civilisations and histories of their own, the idea of autochthonous communities was emphasised.

Mr. Deputy Speaker, autochthon is a Greek word which means "sprung from the land itself".

If the members of the Opposition were aware of the constitutional well springs of the Commonwealth, they would not behave in the silly way in which they are behaving and demonstrate their complete incompetence in an exercise of this kind. I say that for the reason that not only has it been accepted by Her Majesty's Government that the principle of autochthony is the one by which both parties should be guided - and by parties I do not mean in the domestic sense, but in the sense of the country which is seeking to enter into Independence and the country that you are seeking Independence from.

Members of the Opposition are behaving as if it were some kind of Test Match in which you cannot declare your hand, in which you cannot say who your fast bowlers will be until they get on the wicket. Every other country has gone up as a mere formality to dot the "I's" and cross the "T's" and let the British Government be aware that another member of the Commonwealth wishes to exist as a full and free member thereof. That is the reason for Commonwealth Conferences: and even if you are the kind of person accustomed to stretch out for a golden hand shake or parting gift, you will go as a delegation from a country. There will be one delegation: that is, the Barbados delegation - and not the Opposition as against the Government delegation.

I remember the words of the Chief Minister of Montserrat in 1962 when he asked the Secretary of State for an adjournment so that the delegates to the Conference in 1962 at Marlborough House could make decisions as to how they should face the common enemy, meaning Great Britain. Those were eight individual territories of the Caribbean.

Now that you are dealing with Independence, there is no point in going divorced from the physical presence of the people who will read a few carefully-sifted newspaper accounts, and get reports sent back here for the purpose of making headlines.
3.15 p.m.

The old idea that the United Kingdom is acting as some kind of umpire or referee while grave constitutional matters are fought out either at Lancaster House or Marlborough House is one which is not acceptable to the most rabid, dyed-in-the-wood Conservative member of Parliament in the United Kingdom. All that has been discarded a a long time ago, and during the course of my address, Mr. Deputy Speaker, I will cite examples such as Bechuanaland, Guyana and other Countries where this same kind of tomfoolery was attempted by Opposition Parties, and to use a metaphor, they were bowled out for nought. But in all these cases, I will say this: that the Leaders of Opposition Parties who tried to put brakes on the wheels of progress and who went up to the United Kingdom to argue things which they should have debated and discussed within the confines of their own country-in each and every case they had the decency to go back home, having lost out on their points, and the countries proceeded happily towards Independence without their assistance or hindrance.

In this case, Mr. Deputy Speaker, the battle appears to be between the members of the Opposition Parties, and how many of them can get on the band wagon of Independence to which they were so bitterly opposed six months ago. I say, Sir, that no one can have any kind of respect for people who should be in a position to know what the constitutional proprieties are, and who are so insistent that all the

impossible to conquer the island of Barbados from outside. We had a traitor within the gates in the same way we have traitors on the other side of the House; but our country has enjoyed a long history of the rule of law for the simple reason that no book of rules had to be handed down to the people who settled this country. The inhabitants who subsequently contributed towards the growth and development, meaning the settlers, brought the law with them. The earliest law we have on the Statute Book, as far as I can remember, is dated 1667, because we have no record of the laws made between 1639 and 1667. You will be aware, Sir, that the Statute of Limitations of actions, suits and proceedings in Barbados is a law of the United Kingdom which the settlers brought with them; so all the Statute Law of the United Kingdom from the time of the Magna Charta all the way down the line to 1627 constitute the Statute Law of Barbados. But as from the date when our country was founded, the Founding Fathers took it upon themselves to organise themselves in a General Assembly in this Island without any Imperial Act of Parliament sanctioning the procedure. All the laws we find to be autochthonous with the foundation of this Assembly have sprung from a desire of the people themselves to have parliamentary institutions, and have not sprung from a desire of the Imperial Parliament to impose on the people of this island rules of conduct which the United Kingdom Government considered that they should adhere to. Any rules which we practise and observe in this country are rules which we have imposed upon ourselves by our own free institutions and Acts of this Parliament and the dint of settlers in 1627, except when the Statute Law of the United Kingdom states that it has application to the territory of Barbados.

Our history, if it has been turbulent, has been a turbulent one only in so far as people have tried to restrict the fundamental rights and privileges of the people of this country. I will take two dates, one isolated in point of time. I will take the year 1651/1652 when the inhabitants of this island, the Lord Lieutenant, the Lords in Council and the General Assembly of the Island declared themselves free and independent of the United Kingdom and the Commonwealth Government that was then in power in that country, because the inhabitants of this island considered that they should not be called upon to pay taxes, and they should not be called upon to observe Navigation Laws, laws which restricted their freedom of trade, unless they had representation in the United Kingdom Parliament. This was 120 years before the United States' Declaration of Independence, and as a result, the event occurred to which I made fleeting reference earlier where Sir Thomas Modyford attempted to bring the people of Barbados into subjection again; but, as I described before, he was only able to overcome the forces of this Island because there was a defection within the ranks of the people in the Island who were repealing the tax. Some 4,000 of our troops were taken over by Sir Thomas Modyford. The remarkable thing about this period of turbulence is that under the treaty which was subsequently signed - and this is significant because here is a Colonial territory signing a treaty with the United Kingdom Government whose settlers were excluded from the United Kingdom Government - that the articles of capitulation which were assented to in the Assembly of the Island contained virtually a Bill of Rights for the people of Barbados setting out that there should be a free Parliament for all those persons who had taken up arms against the Commonwealth - the Cromwellian Government in that day; that every one's property should be restored to them; that no one should be arrested without the due process of law that you now find in the Bill of Rights.

If we insert in our Draft Constitution a Bill of Rights, it is only that we are taking a known precedent after the Magna Charta to re-enshrine in the minds and hearts of the people of this Island and indelibly in the minds of the people in the United Kingdom who might regard themselves as the sole authority on Constitutional doctrines that we, the people of Barbados, have had a long history where we have had due regard to the fundamental freedoms and liberties of the settlers.

The second incident of turbulence occurred as recently as 1937.

3.25 p.m.

One has only got to go to the Report of the Royal Commission under Lord Moyne which was set up by His Majesty's Government to investigate the disturbance which swept the West Indies at that time to see that again the people of Barbados were fighting for their liberties. The difference which we have to make is that whereas in 1651 the Island was united and fighting against an outside aggressor, in 1937, the people of Barbados were fighting against conditions which they found inimical to their survival. They were fighting the progenitors in office of the Conservative Opposition, and those are the people who ordered it. They were fighting against masters of Barbados which caused the disturbances of 1937 whereby many people lost their lives. It was the closest thing we had to Civil War, and some of those same people over on the other side were participating. So, we have a period of almost 300 years between two acts of turbulence.

There is a third one which I shall mention and that was during the time when the Confederation Riots took place in this Island in the 1870's. This was just after there had been in Jamaica a surrender of a constitution of Jamaica and a reversion to Crown Colony status of that country. The United States of America had just come through a Civil War after nearly one hundred years of existence as an independent country. The United States had long ago decided, as Mr. Abraham Lincoln said, that it would be intolerable that the nation should be half slave and half free and after one hundred years they fought a battle on the battle field and won. They had to resolve the difficulties without solution of which they could not survive.

As I have said, in the 1870's this country was torn apart and there were people in this country who wanted to fall within the dictates of the Colonial Office and take the Island into some kind of Federation with three or four of the islands of the Lesser Antilles. I say 'of the Lesser Antilles' because some of those islands today are Windward Islands and some Leeward Islands.

There was bitter resistance, not so much because they were opposed to the idea - because the more enlightened of them were not opposed to the idea of having an association with the other territories - but they resented the very manner in which an attempt was made to force this association upon them. It was alleged that Mr. John Pope-Hennessy was sent down to Barbados in order to bring this association into being. The people in Barbados resented and resisted it. Having won that battle, whether we think it was a good or bad thing, as a result of that we have the first manifestation of responsible Government in Barbados with the creation of the Executive Committee Act of 1891 which is Chapter 22 on Page 584, Volume 1 of the Acts of Barbados.

It was the Executive Committee, together with a couple of members of the Other Place and the Officer administering the Colony whom we had from time to time - and they had full administrative control over the public purse of this island. Later on - in this present century - and of course we have gone on from strngth to strength. I have mentioned also the various enactments which have brought us up to the present position to which we are, and that is one of full autonomy. We have fought for and we have devised and evolved our own Constitution.

The constitutional position of Barbados, Mr. Deputy Speaker, must be carefully distinguished from the constitutional position of the other territories like St. Lucia and Grenada which were subject to the legislative authority of the Queen-in-Council, as well as from colonies which have gone on their own. Jamaica by an Act of the Imperial Parliament gave up their representative Government and legislative authority before they became independent. Trinidad never enjoyed this exalted position until within the last two decades. Trinidad, Jamaica and Barbados - all of us had similar constitutions in 1886; so Barbados really should have been much more advanced than any of those two territories although we started off more or less on an equal status. In one case, their Constitution was taken away, and in the other case that territory voluntarily surrendered its constitutional rights. However, in both of these cases the authority was replaced by the legislative authority of

the Queen-in-Council who had authority to enact laws on behalf of those two territories.

The constitutional instruments of the Barbados Government are the Royal Instructions that the Crown has put over. So the present day position of Barbados is this. The authority of the Government is derived from three instruments. The first is from the Queen in the Barbados Letters Patent and the Barbados (Letters Patent Consolidation) Order, 1964 and the Royal Instructions of 1964. We also have in this Island approximately 13 statutory instruments which set out the administration and functions of such institutions as the Public Service Commission, the Legal Service and other Service Commissions such as the Police Service Commission as well as the functions and duties as to public prosecutions, the Representation of the People Act which is a law relating to the franchise and the rights of the people, the Executive Committee (Vesting of Powers) Act etc., I have a list of them somewhere.
3.35 p.m.

Those were the constitutional changes which were enacted and there were constitutional Acts by which the island was governed and which supplemented the Letters Patent and Royal Instructions, and which also supplemented those conventions of the Constitution which we specifically from time to time have adopted by correspondence with Her Majesty's Government, or impliedly assumed by the observance of the provisions of the thirteen Acts to which, I have referred - Executive Committee (Amendment) Act, 1961, Interpretation (Amendment) Act, 1961; Public Service Commission Act, 1961; the Judicial and Legal Service Commission Act, 1961 ..... The Supreme Court of Judicature (Amendment) Act, 1961; the Auditor General (Appointment, Conditions of Service and Dismissal) Act, of 1961; the Prommissory Oaths (Amendment) Act 1961 and the Police Act of 1961 ..... those were the thirteen Acts. In 1964 some of these Acts were repealed and replaced by other Acts and some were amended. The reason why I have mentioned them is that in preparing the Draft Constitution we have as far as possible tried to conform to the kind of framework which we know, from former constitutional conferences, the United Kingdom has been prepared to agree to as a framework for a Constitution.

The remarkable thing is after we went through this exercise in 1964 of remodelling our Constitution, His Excellency the Governor in opening the Legislature said that the way was now clear for Barbados' Independence. Those words were said on the 5th of May, 1964. From a careful perusal of the Constitution which we have before us you will see that many of the Acts such as the Service Commission Act, etc. are actually repeated in the draft Constitution itself; and we also have other statutes such as the Financial Administration and Audit Act which is a model for the whole of the Commonwealth and which the Secretary of State has tried from time to time to get other territories of the Caribbean to accept as a model of financial rectitude. You will find this Act in the last chapter and you will find several of the provisions repeated word for word.

The reason for this is that as far as Government is concerned we already have in this island either provisions on the Statute Book or conventions which are adhered to and practised at least by the Government and by the custom and usage of Parliament. There is nothing, apart from the chapter on citizenship, and as I said before in the earlier chapter on the fundamental freedoms or the Bill of Rights, as some people like to call it - we put that in not because we want a Bill of Rights. We have had one from 1652.

It would be a foolish person who would like to infringe upon or curtail any of these fundamental rights which we now have written on our Statute Book and which the people of Barbados have come to regard as their inalienable rights which should not be taken away from them. You will see that in the one case it is almost unnecessary, and in the other case we could not have it before because we were governed by the United Kingdom Act as far as citizenship is concerned. I refer to the British Nationality Act of 1948.

When I see, however, what is happening in Great Britain, I must come to the conclusion that that Act has been honoured more in the breach than in the observance. The British Parliament has gone a long way in departing from what that Act established by subsequent legislation and by their attitude to the unfortunate members of our countries who have had to emigrate to the U.K. We have inserted a provision dealing with citizenship in our Constitution.

If we go through the draft Constitution carefully chapter by chapter and look at the comparative table of sources, you will see that in the Constitution itself there is very little that the people of Barbados did not have or attain before. In drawing up the draft Constitution, Mr. Deputy Speaker, we have tried to adhere to this principle of autochthony - "sprung from the land itself" - by using in many instances the words of the Royal Instructions and Letters Patent in so far as they can be accommodated within the framework of the Constitution itself.

There are many references of course to the Constitutions of Guyana, Jamaica, and Trinidad and Tobago. The reason why there are references to these Constitutions is not because we have no provisions of our own, but in departing from the actual wording of the Letters Patent Consolidation Order of 1964 or any of the thirteen or fourteen constitutional enactments which contain the constitutional provisions by which the Island is governed, in departing from the actual wording for various reasons we have tried to choose the best that we can see in the Constitutions of the three Commonwealth Caribbean countries which have most recently attained the stature of Independence. This was a kind of insurance policy that we do not waste time when we go to the United Kingdom. We have had reports of the wording and the phrasing used in the three Constitutions I have mentioned, and which we know that the Imperial Government has already accepted.
3.45 p.m.

There could be nothing obnoxious, therfore, about the phraseology if we adopt something which has already been accepted. I want to make it abundantly clear that wherever you see in the Table of Sources a reference to the Trinidad and Tobago Constitution, reference to the Jamaica Constitution or reference to the Guyana Constitution, except in so far as the chapter on citizenship is concerned, there is nothing contained in any of these Constitutions of these independent or about to be independent countries like Guyana that we in Barbados do not have in some form or shape in our own independent constitutional framework. As a matter of fact, when the constitutional changes were brought about in 1964, the models which we used apart from our constitutional instruments in so far as we wanted to re-embody and redraft some of the old provisions, were taken from the independent Constitutions of Trinidad and Tobago and of Jamaica. That is why repeatedly members on this side - the Leader of the House and I and other members-have stated that we do not know what the argument is about, because we are at the present moment, apart from the question of title where you call a person Premier or Prime Minister or Governor or Governor-General, and apart from little incidental matters of that nature, the Constitution which we in Barbados live under is an Independence Constitution except for the question of citizenship and external affairs.

We are still unfortunately citizens of Great Britain and the Colonies, whatever that means, because members of the House of Lords seem not to be clear exactly as to what citizens of the United Kingdom and the Colonies mean. They have carefully avoided coming out with any clear and unequivocal and unambiguous definition and declaration as to the rights of persons who are supposed to be governed by the British Nationality Act of 1948.

Now another feature of the Constitution of Barbados, Mr. Deputy Speaker, is this: that hitherto-that is, up to

now - the Constitution of Barbados has not been a writtin Constitution. The Constitution of the United States is a written Constitution; the Constitution of Canada is a written Constitution; and the Constitutions of all the Commonwealth countries which have become independent since the year 1945 are all written Constitutions; but the Constitution of Barbados shares one feature in common with the Constitution of the United Kingdom, and that is that the Constitution of Barbados is not to be found in any single document; and where it is found in documents, all of it is not found in these documents. The United Kingdom, it has been claimed by some writers of Constitutional Law, has an unwritten Constitution: but you and I know that to be incorrect, because the Magna Charta is part of the Constitution of the United Kingdom, and that is a written document. The Bill of Rights, the Act of Settlement and all these are written enactments and are constitutional documents. They have not embodied the Constitution of the United Kingdom in any single document within the two ends of any single book or treatise, and so it is with the Constitution of Barbados. Although we have many written enactments here, we still have rules which have not been written and we have conventions to the Constitution here in Barbados, although some attempt has been made from time to time to set out these conventions in writing. There are no enactments in the sense that there have been Bills or Resolutions which have a passage through the Legislature of the territory; so the Constitution of Barbados is also unique in that apart from the United Kingdom, it is the only territory that I know that has a partly written and partly unwritten Constitution, and though we made substantial changes for the better in 1964 which appear to have swept over the heads of the members of the Opposition Parties because they never raised a murmur of dissent over Barbados getting what was virtually an independent Constitution at that time, we did not attempt to commit to writing all of the conventions which we observe and by which we are supposed to be governed.

I will make a disclosure at this stage to show the autochthonous nature of our constitutional change in 1964. When the Federation was broken up in 1962, the United Kingdom Government - a Conservative Government at that time - hastily contrived an instrument known as the West Indies Federation Dissolution Act, 1962, and under this Act power was given to make provision for constitutional changes and any kind of association between one territory and the other by Order in Council. Immediately I reminded the Secretary of State that this might be all right for Jamaica and Trinidad and the Lesser Antilles, but as far as Barbados was concerned I hoped that the provisions of this West Indies Dissolution Act, 1962 were not intended to be extended to the territory of Barbados, because we had never been governed by Order-in-Council. On the floor of this House I read out on more than one occasion the Secretary of State's reply. The Secretary of State was then the Right Honourable Reginald Maudling, who subsequently became Chancellor of the Exchequer; but what is significant is that if you check the Hansard of 1962, the Official Reports of the Hansard in the United Kingdom, and we have them here in this House, you will find that Mr. Maudling said on the floor of the House of Commons that the West Indies Dissolution Act was not intended to be used to make constitutional changes in Barbados. Having got that assurance from the Secretary of State, we then proceeded to hold our discussions with the people from the Lesser Antilles.

In 1964 what happened was this - and I would like to get the record straight now. In the Manifesto of the Democratic Labour Party which is the Government Party of Barbados, everything that we intended to do or proposed on behalf of the people of this country we set out in that document under carefully categorised Chapters and Heads, and towards the end we have Constitutional Changes included; but we proposed that there should be representation of the Opposition, whatever it might be. Those were our words "whatever it might be in the Upper Chamber"
3.55 p.m.

Now, at that time, we did not propose the complete abolition of the Legislative Council and the replacement of the Legislative Council by the Senate, as far as I can remember, and there was a reason for that. When the Manifesto was drafted, there was a constitutional conference in London and we did not want to give the impression that we were derogating or going on in the continuity of any former Government in so far as constitutional matters were concerned. Therefore, we did not say that we were going to abolish the Legislative Council. But when we came to review the Constitution of Barbados, we decided that the Constitution should be an independent Constitution. Therefore, that was in 1964 and not 1966. This seems to escape the people on the other side. The Government was introducing a provision which it had not put in its Manifesto — a provision which entailed and involved the members of the Other Place in extinction, if not in permanent dissolution.

Therefore, at my request, the Hon. Leader of the House, the Minister of Education, as far as I can remember, convened a joint meeting of the representatives of this Chamber and the Other Place in order to get their agreement for the constitutional changes which were going to be made. In other words, it would be a matter of great discourtesy if the members of the Other Place had awakened to read in the newspapers that Her Majesty's Government had agreed to abolish the Legislative Council.

Now, why did we place so much importance on this? It was because the Legislative Council was a creation of Her Majesty-in-Council; it was not an autonomous creation of the General Assembly of Barbados. It was not created by members of the House of Assembly; it was created by Her Majesty-in-Council, and under the Letters Patent, the eligibility for disqualification and other matters were set out. Therefore, a unilateral act on the part of Her Majesty-in-Council was all that was necessary. In other words, we could not pass a Bill through the House of Assembly and abolish the Legislative Council. It had to be done by amendment or a complete change of the Letters Patent as they existed at that time. I want to underline "the Letters Patent" because it was a creation of Her Majesty-in-Council.

When this country was settled, they established a two-tiered system of Government. The position and rights of the House of Assembly was to be found in the Representation of the People Act and the House of Assembly (Remuneration of Members) Act, but with the Legislative Council, that was a different matter altogether because those members were not elected: they were nominated and appointed by Her Majesty the Queen's representative.

The Attorney General -- the now Attorney General — and I spent some weeks and months drafting this new Independence type of Constitution which Barbados is to enjoy, and one of the proposals was to abolish the Legislative Council altogether and therefore put us exactly on the same footing with Jamaica and Trinidad which were already independent. In our correspondence, both by cable and letter, we told Her Majesty's Government that we would prefer to inform the members of the Other Place by having a joint meeting telling them about their fate. It was like a priest going into prison to read prayers to a condemned man who was going to be hanged the next morning.

Now, Sir, having done that, we invited members of the other parties and of the Other Place to the joint Meeting and they accepted the inevitability of the change. It was just like the Governor signing somebody's death warrant and a priest going to tell that person that this was his death warrant and tomorrow, he was 'going through the eddoes.'

The drafts which we then made *in consortium* one by one in 1964 included the Financial Administration Act, The Executive Committee (Vesting of Powers) Act and the repealing of the Statute which was a creation of Sir Conrad Reeves and introducing a new Act. In other words, before this Party came into power, both the Attorney General and the Officer Administering this country had a right to sit on what was described as the Cabinet. In 1964, we said that we were to have an independent Constitution, and, therefore,

we took the Attorney General out and we repealed the Act; and one after the other, we gave notice of several bills. I remember that we introduced twelve of them, discussed and debated them in a most friendly atmosphere.

If I may go back to what I stated here, the position is that Barbados has got an independent Constitution before it has got independence. Pakistan got independence at least eight years before it got a Constitution. Barbados got an independent Constitution at least two years before we have got Independence. Pakistan got her independent constitution eight years after the British Government granted independence to her.

Now, I want to make that abundantly clear. Barbados got an Independent Constitution in 1964, and the Governor said so then; and all members of the Opposition cheered and said that the road is now set for Independence. You will see in the proceedings at the opening of Parliament in that year that His Excellency said, after the constitutional changes which I have now enumerated, we are now set for the Independence of Barbados, and then, all the members of the Opposition cheered.

We have an Independence Constitution. It is true that a lot of people who should have gone to gaol have not gone, but I would say that nobody who should not have gone to gaol has gone to gaol.
4.05 p.m.

I have never heard the Bishop of Barbados of any of the Roman Catholic Brethen or Hierarchy or the Chairman of the Methodist Circuit talking of being afraid of going to gaol. The only people who are saying that they are frightened of going to gaol are dishonest politicians who say that after Independence they will go to gaol. We have had a lot of dishonest politicians before Independence who have not gone to gaol yet; so what are they worring about?

Before we get on to the actual chapters of the Constitution, I want to make two other small points. The first one is the question whether the Resolution we have before us is one which confers Independence on Barbados. Anyone who suggests that in introducing a Resolution approving the draft Constitution this Government is trying to short circuit any of the procedures which ought to be followed, does not really understand the nature of the Constitution which we have at the present moment and the constitutional history of the Commonwealth. I would say that in almost every other case in which a country has emerged from the status of colonialism to the position of Independence, any conference which has been held has been preceded by discussion in the Legislature of the territory and the proposals contained in their Constitutions.

As a matter of fact certain countries went further. The Republic of India went further, the Irish Dail under Mr. De Valera did not brook any interference from the British Government. Mr. Lloyd George decided that the gravity of the Constitution enacted by the Irish Dail was dependent on the authorisation given by the Imperial Parliament in the U.K. and not from the Dail itself. In 1937 when Ireland became a Republic we found that the Constitution was discussed and approved by the Legislature and then was referred to — I do not know whether they call them counties or provinces — but it was referred so that the Legislature did not in itself give the stamp of authority to the Constitution, but merely discussed its provisions.

At this point I would like to read a passage from K.C. Wheare in his "Constitutional Structure of the Commonwealth". He said: "All that the House of Parliament did was to prepare a Constitution in accordance with the practice which had been followed already in Canada, Australia and South Africa, and in the Australian Colonies." Mr. Lloyd George, the Prime Minister, expressed his view in the House of Commons: and in introducing the Irish Free State Bill he said: "Here we are going to follow the example which has been set in the framing of every Constitution throughout the Empire. The Constitution is drafted and decided by the Dominion, the Imperial Parliament taking such steps as may be necessary to legalise these decisions."

I want to repeat that. "Here we are given an example which has been followed in the framing of every constitution throughout the Empire." I know that the newspapers will not report this tomorrow. They do not write shorthand nowadays. I understand it is not a qualification. I would go further and say that the ability to read and write does not appear to be a qualification either. I will quote again: "The Constitution is drafted and decided by the Dominion, the Imperial Parliament taking such steps as may be necessary to legalise these decisions."

You will find that, Sir, in 149 House of Common s Debates at column 42. Here is the Prime Minister of the U.K. talking about the Irish Constitution and saying in the House of Parliament that all Parliament did was "to prepare a constitution in accordance with the practice followed in Canada, Australia and South Africa, and in the Australian Colonies."

Mr. Lloyd George said that this was an example set in the framing of every constitution. I repeat; he said: "The Constitution is drafted and decided by the Dominion, the Imperial Parliament taking such steps as may be necessary to legalise these decisions." I have said that about five times and I have done that advisedly.

In other words, Sir, the Government of Barbados does not accept that any draughtsman or member of a political Party in the U.K., no matter how exalted his position may be — he may be the Prime Minister Mr. Harold Wilson himself; it is neither his job nor his duty nor his business to prepare a Constitution for Barbados. The Constitution of Barbados has not only got to be an autonomous constitution, but it has has to be an autochthonous constitution — that is, one that has sprung from the land itself. And not from anybody's imagination outside. But what these Neo-colonalists, these long-jacket Uncle Toms that we have in the Opposition Parties want to preserve is that the people of Barbados are incapable of making decisions for themselves, and that they have to depend on some person of a different complexion to tell them what is good for them. So they are going to report us to the Headmaster! That is their whole approach in this exercise. We will be reported to the Headmaster; but the Headmaster will tell them: "You are the dunces and you are the ones I am going to flog." Then they will get a big surprise.
4.15 p.m.

They are going to report us to the Headmaster for playing cricket, and the Headmaster will tell them he did not know it was cricket time they were playing cricket in. They had two umpires, a square leg, three slips, a gully, mid-off, a backward short leg and a man overhead, and they are going to report you for playing cricket, when the positions of the fielders I see were in accordance with the rules of the game, and therefore they are the dunces and the ones who should be flogged.

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

Mr. SPEAKER: His Honour the Deputy Speaker advised me to let the Premier complete his stroke before I resumed.

Hon. E. W. BARROW: I have not only completed my stroke, Mr. Speaker. I did not even have to run; the ball hit the boundary.

Mr. Speaker, we have suspended the Rules, and I wonder if you will give me permission to give notice of a document which is to be laid.

Mr. SPEAKER: It would depend on whether there is any objection by hon. members.

The Hon. and Learned Premier is seeking leave at this stage to lay a document which unfortunately could not have been laid earlier this afternoon, and if there is no objection, leave will be granted.

There being no objection, leave is granted.

DOCUMENT LAID

Hon. E. W. BARROW: Mr. Speaker, I must apologise for laying it at this stage, but it has only just arrived from the neighbouring territory of Guyana within less than half an hour.

I have the honour to lay the Agreement establishing the Caribbean Free Trade Association of December, 1965. *(Cheers).*

Mr. Speaker, before Your Honour assumed your position, I was craving the indulgence of His Honour the Deputy Speaker to read an excerpt from Professor K. C. Wheare's "Constitutional Structure of the Commonwealth". This treatise, Sir, was published as recently as 1960, and, I believe, is out of print, and had to be reprinted on more than one occasion. I do not have to recommend Professor Wheare to Your Honour, because of your familiarity with the works of this learned author, and I do not have to recommend him to any member of this Chamber, because we have made frequent references to one or other of his constitutional works from time to time. But I have also made reference in the House of Commons Debates to a statement made by the Right Honourable David Lord George, former Prime Minister of Great Britain in discussing the question of Commonwealth Constitutions. The Prime Minister on that occasion stated -- this was in December, 1922 in dealing with the Bill legalising or authorising the institution of the Irish Free State, -- and he and other members of the House made reference to the fact that as far as the Irish people were concerned they had a country and a Constitution already, and the Prime Minister said they may have a country and a Constitution, but they were only following what had been done in the case of every Commonwealth country. The Constitution is drafted and decided by the territory, and the Imperial Parliament takes such steps as may be necessary to legalise the decisions.

In other words, Sir, the procedure which has been followed by Government has been sanctified by precedent -- I will almost say from time immemorial; but in so far as Independence Constitutions are concerned, with the notable exception of the former American colonies, the procedure has always been and, I hope, will always be that, coming to a state of Independence, it is not for the Imperial Government to tell the people the laws by which they should be governed or the system of jurisprudence under which they should live, but for the people themselves through their elected representatives or, as in the case of India, their constituent Assembly nominated by the provincial Legislatures, in the case of Ireland, the Irish Dail, and so we come all the way down from precedent to precedent and you will find that the Constitutions have been devised and drafted by the territories themselves. You know, Sir, if you did not do that, what happens if you did not have a Constitution which is autochthonous and which has sprung from the people themselves and from the land itself? You would get the same ridiculous exercise that the Windward Islands are going through in London today, where the Constitution was sent down from the Colonial Office to these benighted -- as the British think -- Colonial territories, and then they were invited to attend the Imperial Throne and to wait on the Secretary of State for the Colonies when the Secretary of State for the Colonies would tell them what Her Majesty's pleasure was. What has happened in this case is that they are speaking one language and the Secretary of State is speaking another. He is talking about Constitutions and they are talking about economic viability. If they had done their Constitution, they would have taken it up and said: "Here is our Constitution. Will you put your signature or take the necessary steps to implement the wishes and desires of the people and the Legislatures of our territories?" This is what the Opposition wants. The Opposition wants us to go up there and argue a whole lot of foolishness, and the Headmaster is going to tell responsible people in a Government who do not get any financial support from any political party in the United Kingdom what to do. This is really their trouble. Their real trouble is that they have for so long depended on support from political parties outside and British Financial institutions, and I challenge anybody to deny this. The British banks give the Conservative Party £1,500 for their campaign in each and every election, and I challenge the Managers of the banks to deny this. There is only one bank that does not do it. They are paid to run. They break the law because each candidate has £600 financial backing by British institutions; and it is natural for them; although their election expenses may be restricted to $1,100, they are paid to run $2,880. They should be here to deny it. I told them that before and they know it is true, because there are so many candidates we can call as witnesses. They are so accustomed to getting hand-outs from people in the United Kingdom that, quite apart from the psychological and emotional difficulties in not being able to come together with themselves, being people of uncertain origins and background -- this is the only thing they have in common: uncertainty of origin and background. They do not know whether they are fish or fowl or good salt herring; but having this kind of emotional instability, they are unable to appreciate the aspirations of the people of this country and they talk about talking when they get to England; in other words, when they get before the Headmaster.

Mr. Speaker, they owe a responsibility to the people of this country; and if they had any views at all, which I very much doubt they have, it would be their duty to say what these views are, and the appropriate place for these views to be expressed is on the floor of the Legislature, as every country in the Commonwealth has done or attempted to do.

4.25 p.m.

I am dealing with the principle where you can do something for yourself, and you do not leave it for somebody in the United Kingdom to say what is good for you or what should be good for you.

We come back to this principle where you can do something for yourself, and Professor K. C. Wheare says this:-

"But with the examples of India and Ireland in mind, it will not be surprising if nationalism demands even greater certainty. If this is to be achieved, then some break of legal continuity must be made. There are various methods by which this can be done. The simplest perhaps is for the Houses of the Parliaments in the Members of the Commonwealth to prepare and pass a Constitution and not to present it for the royal assent, providing in the document that it should come into effect on a certain date and supercede the existing Constitution. Or a specially elected or selected constituent assembly might prepare and pass the Constitution and provided it did not do so under powers conferred by an act of the legislature which had received the royal assent, and did not submit the Constitution for the royal assent, then it could claim that the constitution was enacted on its own authority. Or a constitution prepared by the Houses of a parliament or by a constituent assembly could be submitted for the approval of the people and could come into effect subject to that approval."

The emphasis all the time is on a composition prepared by the Legislature or submitted for the approval of the people who become affected.

He goes on: "And there are a number of other procedures that might appropriately be adopted. The essential point underlying all of them is that such action as is taken must not be taken under the authority of an Act of Parliament of the United Kingdom. What procedure would be appropriate would depend upon political conditions in the Commonwealth country concerned. It is clear, however, that a simple method of making the break -- the refraining from presenting the measure for the Royal Assent -- is available which allows for full consultation with the electorate or with elected representatives, and with minority interests, and which could be combined with any procedure for the preparation of the document which was thought necessary in the country concerned."

Professor Wheare notes this particular chapter on an autonomous nation with these words:-

"And although traditionalists may regret the breaking of a legal link, which in practice means very little, nationalists will welcome a step which places their country's constitution and laws on a footing comparable to that enjoyed by the other sovereign independent states in the world. It must be expected, therefore, that Members of the Commonwealth will, as a rule, take steps quite soon after they attain their independence through a Constitution made in Britain, to embody that Constitution and proclaim that independence in a document which, they can claim, owes its validity and authority to no outside country or institution but to themselves alone."

I want to make the position of the Government of Barbados abundantly clear. The position is this. We are nationalists and not traditionalists. We believe in tradition so far as is necessary to the upliftment of the people of Barbados. If tradition is of value to us, we accept tradition; but if tradition is of no value to us, we reject tradition.

We accept tradition in Barbados as something which is of value to us. The fact is that before 1951, we did not have Adult Suffrage. Our Constitution has developed as an autochthonous Constitution. We have to handle this on the widest basis. If a Constitution does not rest on that wide basis, that Constitution is likely to undergo great stress and strain. The checks and balances are, in the very nature of this Constitution, based on the widest possible franchise of the people within the colony. Therefore, since we are nationalists, we cannot tolerate or accept any proposal that some other person in some other country is in a better position than the elected representatives of the people to decide the framework of the Constitution or the rules by which we should be governed in the future. All of the people who scorn the parliamentary procedures of the country and who make statements to the effect, as I believe such a statement was made in a letter to you, Mr. Speaker, that it is tantamount to subterfuge to have a majority vote in the democratic assembly, and that this would render the parties on the opposite side when they go to London powerless, that proposal, Sir, shows an abysmal ignorance of constitutional procedures and disrespect for the long traditions of constitutional practices which we in this country have always boasted about. It shows a profound disrespect for the people themselves.

They would whisper in a corner, probably at a Lodge meeting in St. James' Place in London; but they would not tell the people of Barbados in the open what it is they find so obnoxious about Independence, and what it is they find so repugnant in the constitutional provisions which we have been enjoying since 1964. The Draft Constitution is a mere embodiment or substance of the Constitution which was passed without any dispute in May, 1964. Because they control all the organs of the Press in this country, they confuse the minds of the people of the country with a lot of nonsense which a Third Standard elementary pupil in my day would object to and say is irrational.
4.35 p.m.

Because they have a few ambitious offspring, they would seek to pervert all the constitutional arrangements which have so far ordered the lives of the people in Barbados.

They want to substitute a system of minority rule which was rejected by the people of this country as far back as 18 years ago. This is the last ditch stand of the backwoodsmen and the reactionaries. I am glad that they have banded themselves together because it demonstrates to the people of the island the sort of people they had to deal with, people who are prepared to sell their birthright for a mess of pottage. I never thought that they had a contribution to make, and therefore I was not surprised; but they should have at least have the decency to stay away from the Conference in London.

I want to read an extract from the Report of the Bechuanaland Conference. I think that after they hear this they will change their minds — not about coming here; I mean about going to London at all. They are joining forces with Dr. Jagan in boycotting the advancement of their country for political reasons. They are now all of them Jaganites.

As I was saying, Sir, I want to read from the Report of the Bechuanaland Conference proposals. That Conference took place on the 14th February, 1966 — about three months ago. This is the official report of the Conference, Command Paper 2929. The representatives of Parliament by the Secretary of State for the Colonies by Command of Her Majesty in March 1966. Not March 1766 or 1866.

The Conference opened in London on 14th February, 1966 at Marlborough House. It says: "The early move of Bechuanaland to Independence was envisaged in the Legislative Council Paper which was published in November 1963 and on which the present constitution of Bechuanaland is based."

You see the analogy, Sir. The extract continues: "This Legislative Council Paper, which recorded the conclusions reached in discussions at which all the political parties, the Chiefs and important groups in the territory were represented, and on which unanimous conclusions were reached, stated that:-

"The Conference felt that the time had come to move directly to a form of self-government, and that this should be achieved by constitutional arrangements which could lead naturally to independence."

The Bechuanaland Democratic Party headed by a colleague of mine, Seretse Khama, had preceded the introduction of the Constitution in 1955 with an election. This is what the Secretary of State has written in the Conference Report and this is what they said clearly about independence. "The party stands and works for the independence of Bechuanaland within the shortest possible time, and shall use the oncoming period of self-government as a preparatory stage towards the attainment of independence."

That is all they promised the electorate — independence within the shortest possible time. Listen to the Democratic Labour Party Election Manifesto. "The road to destiny is the road to Independence. Towards this goal the country must press." — Not with the shortest possible time, getting a little practice at the nets and opening the innings now. — Our Manifesto went on to say "As the country has never been a grant-aided territory, there is no reason why Barbados should not achieve the fullest stature" (and this was in very black type) "of independence now within a Federation."

Compare that statement with that of Seretse Khama who said that they believed in Independence and would like to have it in the shortest possible time, that after his party was elected they would try to practise self-government. We in Barbados were practising self-government for 300 years.

The Bechuanaland Democratic Party said: "The Party stands and works for the independence of Bechuanaland etc.....". Compare that with the statement in our Manifesto that "the road to destiny is the road to independence. Towards that goal the country must press on." We said there is no reason why within or without a federation Barbados should not attain the full stature of independence now.

Now, I go on quoting from Command Paper 2929 the proposals which have been made by the Bechuanaland Government and which envisaged the establishment of Bechuanaland as an independent sovereign Republic to be known as Botswana. The Report goes on to say that, apart from the change to a Republican form of Government under an executive President, the proposals were in substance no more than the adjustments which were required to the 1956

Constitution to adapt it to the circumstances of independence. I would say without fear of contradiction that the Constitution of 1965 was an inferior document to the Constitution of Barbados in 1964.

We have never wanted to be an independent Republic. The only person to claim that is the former Minister without Portfolio and the senior member for St. Philip who is not in his place; but when they were asked to swear to an affidavit about ten days ago, they were really reluctant to do so. Some of the people whom they were advising may be in a great deal of difficulty.
4.45 p.m.

"They were debated". Listen to that! "They were debated." The British Government is making the point that these proposals have been debated. This is what we are doing now, and this is what the other people are abstaining from.

"they were debated and, subject only to two amendments proposed by the House of Chiefs, and one consequential amendment proposed by the Legislative Assembly, endorsed by both the House of Chiefs and the Legislative Assembly as a basis on which the attainment of independence by Bechuanaland should be negotiated between the Government of Bechuanaland and Her Majesty's Government in the United Kingdom."

This is what the Draft Constitution is put before the Legislature for - to be debated and discussed and to be amended. I have got about twenty-five amendments, most of which have been submitted by members of the Government Party, some of which have been submitted by the Chamber of Commerce - one or two of which we did not find obnoxious - and some by the Law Society. So we have this paradox in this country today that the elected representatives of the people will be taking no part - that is, the Opposition side of the House, - and some people in the Chamber of Commerce exercising their democratic right to submit to the Government proposals which they think ought to be embodied in the Constitution, and which the Government has accepted; but it is not for the Chamber of Commerce to safeguard the people of Barbados.

As I said, there will be twenty-five amendments which I will be drawing to the attention of hon. members, because the short space of time for preparing the Independence Constitution and presentation of the document to the House- or both-for printing is necessarily limited, and we did not profess that the Constitution we have could immediately go to print. We said we would lay it in the House in Draft and have both Houses of Parliament discuss it. Let me go on not only to remind them, but to remind any new Secretary of State what was decided in March, 1966 - before the British General Elections. It goes on:

"Before the debates, more than one hundred and fifty public meetings were arranged throughout the country at which the proposals were explained to the people, and the meeting of the House of Chiefs was postponed to permit those Chiefs who wished to do so to hold Kgotlas to discuss the proposals. These Kgotlas were attended by Ministers in the Bechuanaland Government."

We have explained this Constitution to our constituent branches. You will remember what the to-be President of the to-be independent State of Bechuanaland said of Bechuanaland when he married a certain young lady friend of his when we were students together in London. The same Chiefs had Kgotlas and sided with the British Government to keep him out of Bechuanaland, and he is the person to bring them to Independence. The wheel has taken full circle; and the British Government was able to get up and say that the Chiefs had held these Kgotlas and they did not want a European residing in Bechuanaland.

"Mr. Matante who, as leader of the Bechuanaland People's Party represented the three Opposition Members in the Bechuanaland Legislative Assembly....." - he has about the same power as the hon. junior member for St. George wields in this august Assembly representing three people - "expressed the view that there had been inadequate consultation.," - have you heard this phrase before? - "with the people of Bechuanaland over the proposals which had been put forward for the Independence Constitution and asserted that the present Government of Bechuanaland had no mandate to carry the country into independence."

I am not reading from Adam Smith's "The Wealth of Nations" published in 1760; I am reading from the report presented to Parliament in March, 1966 this year; in other words: presented last month and received by me on the 16th March, which is only five weeks ago, but it is after it was presented in Parliament a couple of days before, may be three. This is what I am reading from, something which took place after this document was on the Table of this House. And they are so duncy! They do not read the Times Newspaper or any of the Constitutional Reports to find out what the form is now, whether you play left foot forward or right foot, or whether it is a six ball or eight ball over, because they are going on with bats and do not know what the game is they are supposed to be playing. It could be ice hockey.

Let us go on:

"Mr. Matante,..." - substitute for Mr. Matante another of the City Fathers and see if it does not sound familiar and see what the conclusions are - "who as leader of the Bechuanaland People's Party, represented the three Opposition members in the Bechuanaland Legislative Assembly, expressed the view that there had been inadequate consultation with the people of Bechuanaland over the proposals which had been put forward for the Independence Constitution and asserted that the present Government of Bechuanaland had no mandate to carry the country into Independence. He proposed that consideration of the proposals which had been put forward by the Bechuanaland Government.," - under Seretse Khama - "should be postponed until further consultation had been carried out with the Chiefs and the people of Bechuanaland through the appointment of a Commission consisting of representatives of all political parties, the Chiefs, the British Government and the Bechuanaland Government, and that before independence was attained there should be a further General Election." Does that sound familiar to you? It sounds very familiar to me. They must have been in correspondence, or followed in some way.

"In the light of the position as recorded above, the other delegates to the Conference were unable to accept that there was validity in Mr. Matante's points. He said that he had come to the United Kingdom to deliver his message that the Conference should be postponed until further consultations had taken place. Having done this, he felt that he had no further contribution to make to the Conference proceedings and he was not prepared to express any opinions on the details of the constitutional proposals. He did not attend the concluding sessions of the Conference. The Conference approved the Bechuanaland Government's proposals."

Now the Opposition is absent just as how Dr. Jagan absented himself. The Opposition Parties regard politics as a game. They believe in minority rule, and when they cannot get their way, they talk about democracy and dictatorship. When they cannot get their way, they say there has been abundant precedent, and they play the game in these things by withdrawing themselves not from the Legislature, but from the Conferences; but all these fellows want is to get a free trip to England. Personally I have no desire to go. You are aware that I told the Secretary of State that the Conference should take place in Barbados. If the Conference was held in Barbados, and we were holding it at Ministerial Buildings, you could not get one to attend at all. You could send a Policeman with a summons to them; you could not get them to Ministerial Buildings to attend the Conference.

When we held the Federal discussions at Ministerial Buildings and invited the hon. junior member for St. George and the hon. senior member for Bridgetown, they turned

up the first morning, and when we got down to work sometimes they sent excuses: but most of the time they just absented themselves. Well, if we were holding the Conference here in Barbados - and I wanted it held in Barbados in this Chamber perhaps or in the Ministerial Buildings - you would not have had any of this confusion.
4.55 p.m.

I know that sitting members of Opposition Parties are very embarrassed because they have a lot of people telling them that they have to be on the team.

Now, let us look at what happened five weeks ago in London. "Mr. Matante who, as leader of the Bechuanaland People's Party, represented the three Opposition members in the Bechuanaland Legislative Assembly, expressed the view that there had been inadequate consultation with the people of Bechuanaland over the proposals which had been put forward for the Independence Constitution and asserted that the present Government of Bechuanaland had no mandate to carry the country into Independence."

Seretse Khama held a debate on this thing, Mr. Matante said so when he went up to London to put his views. "He proposed that consideration of the proposals which had been put forward by the Bechuanaland Government should be postponed until further consultation had been carried out with the Chiefs, the British Government, representatives of all political parties and that before Independence was attained there should be a further General Election." He said that they should bring in the British people to have some Commission and all that he was trying to do was to throw red herrings across the trail.

I have to read this and it is not going to appear in the Press tomorrow:-

"The Conference approved the Bechuanaland Government's proposals, subject to certain modifications, and the form which it was agreed the Independence Constitution should take is set out in Annex A to this Report."

Listen to this - which is the next paragraph. It is a very concise paragraph. I read:-

"The Conference agreed that Bechuanaland should become independent under the name of Botswana on 30th September, 1966."

Now, Sir, Mr. Matante's objectives were that you have not got a mandate for independence and that you must have elections. On the same page it sets out these objectives. He was Leader of the Opposition in Bechuanaland. The Conference agreed that Bechuanaland should obtain independence on the 30th September, 1966.

What I regret about all of this is that here in Barbados in 1651, we defeated the full might of the British Government and declared ourselves independent. They signed a treaty with Barbados in which our freedoms are preserved. This is not a country in which you have Rulers and Chiefs as you have in Bechuanaland. But Bechuanaland is a vast country with millions of acres of land. They have more people, but less schools than you have in the parish of Christ Church. It is a country which is completely surrounded by South Africa and other hostile states. The people raise very little crops and they have very little or no industries. Seretse Khama introduced this system of representative Assembly, as far as I know, with a limited franchise and they have a Leader of the Opposition.

In 1965, they got a self-governing Constitution. Let us say, for argument's sake, that our Constitution is on the same level with theirs and that it is not infinitely superior to theirs. They can go up to London and get independence on the 30th September this year and we are still down here wasting time with these humbugs whom we have in Barbados who know not whence they come or where they are going. All that they are trying to do is to fool the people in Barbados that the members of the Government Party and other self-respecting people in Barbados still have to go cap in hand to some European gentleman in St. James Place asking him: "Please beg your pardon, Sir; will you tell us if it is possible for us to have elections or whether we should wait until we get our independence?"

That is what the hon. senior member for the City, the hon. senior member for St. Philip, the hon. junior member for St. George, the hon. junior member for Christ Church think. That is the mentality which they have; and they do not read, as the hon. senior member for St. Peter has said so often. They only read the pictures in the newspapers and only when it is their own picture. If they had come to me in a decent way, I would have loaned them any of these papers because I have had them from all the time in 1946. But they have this idea that they are going to report to somebody. They say: "Wait until I get inside the Conference room and I shall report." They do not believe in the principle of autochthony. I spelt it in here and I doubt whether any of them can spell it correctly. "Autochthony" is one word which is accepted by the most benighted part of the Commonwealth and by the most Conservative in the United Kingdom as meaning that the people of the country have a right to devise a Constitution for themselves, and that Constitution is to receive the same authority as an Act of the Imperial Parliament. It has happened from 1922. It did not happen with the British North American countries because the British was dealing with a plural society and widely-spread ethnic groups who did not even speak the same language; and the result is that they imposed the British North American Act on the Canadian people, and after these years they still do not have autochthony and the country is in danger of breaking up.

A Constitution can only be amended by an Imperial Act of Great Britain. When we take our destiny in our hands, we intend to amend by our hands; and any one who abstains from participation in the exercises which we are carrying on now should abstain from living in the country and go to a country which has that rarified atmosphere. They should go there and settle down there so that they could jostle with the British rank and file.
5.05 p.m.

Let them stay out of the sunshine of Barbados and leave us who want to live in the sunshine down here. I should be very glad to give them a one-way ticket and pay for their boarding and lodging for a limited period of three to four weeks. They will have to be on their own after that. You cannot reprobate and approbate at the same time. You cannot say: "I am nothing to do with the exercise," and then try to push someone through the door at Seawell trying to get on the plane to London.

At least Mr. Matante had the decency to withdraw from the Conference when he did not get his views accepted. Dr. Jagan did the same thing. He said he did not believe that British Guiana should get Independence. That was because he was not in power. Because the Opposition is not in power, they are the Jaganites of Barbados.

Anyone who has lived beneath the yoke of Colonialism cannot be deemed to be other than a traitor to his country when for political reasons he opposes the independence of his country. Every patriot has the right to join forces with all and sundry to achieve independence if he considers that his people are worthy of a position in the sun. You have to look at these people as an extremely sinister, malevolent, malicious band of brigands as you have ever set your eyes on.

They are people, as I said last week, who believe in a Government in which you get rich overnight. There are only three ways to get rich quickly, as far as I know: if you are not born with money, or you do not strike oil on your property, you have to win a sweepstake or the pools, or you have to rob somebody. They like to choose the third way, because they feel that if they get into positions of authority they will be able to exploit the rest of the community and get rich as quickly as possible.

This Government is not here to allow anyone to get rich quick. Whatever they may tell the general public, or

Whatever they may write to the newspapers, their fundamental opposition to the Government involved is that they cannot get rich quick. They want to become millionaires overnight. That is the one factor that binds them together because they have no ideology, because ideology is a thing of the spirit and of the mind.

Apart from the Bechuanaland Conference there have been of course during the past twelve months about three to four Conferences held in the United Kingdom on Independence for various states. I have cited two of them, both of which took place this year -- that of Guyana, that of Bechuanaland. In both of these places the Opposition Parties acted up in the same way that you find the Opposition acting up in Barbados. They wanted to postpone the Independence of their countries. They say that this, that, and the other is unconstitutional, and that it has been too sudden for them. They want elections and things of that nature, and I cannot find a single case in which their views were acceded to.

Now, Sir, if I may proceed to the Constitution itself. As I intimated earlier, there are about twenty-five amendments which, after discussion and consultation I will be introducing. In addition to these amendments you will find that in the front of the document itself as printed and circulated there are certain errata which have to be included in the Constitution and these are concerned mostly with typographical errors. The Constitution itself, Mr. Speaker, is divided into a total of ten chapters. The first one is the preliminary chapter which contains the Interpretation Clause and provision that in the event of any conflict between the Constitution and other laws of the island the Constitutional provisions shall prevail. It reads: "This Constitution is the supreme law of Barbados and if any other law is inconsistent with this Constitution, this Constitution shall prevail and the other law shall to the extent of the inconsistency, be void."
5.15 p.m.

Mr. Speaker, I do not propose to go through the errata because members should have made those corrections for themselves.

There are ten chapters, as I said before. The second chapter deals with citizenship. It deals with persons who become citizens on the appointed day, that is, on D-day minus one, and every person born in Barbados will be a citizen on the day before the day of Independence. Then there are other persons who were born outside Barbados in section 2-01 (2). If their fathers had died before Independence Day and the fathers were entitled to become citizens of Barbados on the day before Independence Day, then those persons are without any further formality entitled to become citizens of Barbados as well. Every person who was born in the island of Barbados prior to the day before Independence Day is a citizen, and every person whose father becomes or would but for his death have become a citizen, that is a person born outside, shall also become a citizen of Barbados.

In 2-01 (3) any woman who on the appointed day is or had been married to a person who became a citizen of Barbados by virtue of subsection (1) or subsection (2) of this section shall become a citizen of Barbados. The first amendment, therefore, is to insert "or subsection (2)" after "(1)" in line two of section 2-01 (3) (a). The next amendment is to substitute the word "sub-section" for "section" in line four of section 2-01 (3) (b); so that the section will now read as follows:-

"(b) who, having died before the appointed day would, but for his death, have become a citizen of Barbados by virtue of that subsection shall become a citizen of Barbados."

Page 7, Sir, also deals with Citizenship, and there are amendments which I should like to make. They are as follows:-

In Section 2-02, line two -- for the word "has" substitute "had", and delete "subsequently".

In line three -- for the words "registration under" substitute the words "virtue of".

In line four – for "(2)" substitute "(4)"; for "this section" substitute "section 2-01".

In line seven -- after the word "allegiance" insert a comma.

In Section 2-05, remove the bracket symbols appearing in lines four and six, and insert a comma after the word "and" in line 4.

There is a long amendment to Section 2-07 (3) on page 8. This Section deals with the status of Commonwealth citizens in so far as the Constitution is concerned, and it reads as follows:-

"Save as may be otherwise provided by Parliament, the countries to which this section applies are the United Kingdom and Colonies, Canada, Australia, New Zealand, India, Pakistan, Ceylon, Ghana, the Federation of Malaysia, the Federal Republic of Nigeria, the Republic of Cyprus, Sierra Leone, Tanzania, Jamaica, Trinidad and Tobago, Uganda, Malawi, Kenya, Zambia, Singapore, Gambia, Malta, Guyana, and such other Commonwealth countries as the Governor-General may declare by proclamation".

With the exception of the first three of them, every single country that I have read out will have had Independence since 1945.
5.25 p.m.

I would just like to point out that we have left out the interpretation of "Commonwealth" deliberately because I think it would be for the United Kingdom Government to say what their definition of "Commonwealth" should be. We could not define what a Commonwealth citizen is. If you ask us what a British subject is, we cannot describe it.

If you go to page 12, Section 3-02, line six – for the words "Act of Parliament" substitute "law". This section would now read:- "3-02. Subject to the provisions of sections 3-03, 3-04 and 3-05 of this Constitution, no law shall abrogate abridge or infringe or authorise the abrogation, abridgment or infringement of any of the rights and freedoms hereinbefore recognised and declared and in particular no law shall do any of the things which are enumerated here thereunder."

On page 12, in Section 3-02, paragraph (c) (ii) the Law Society has suggested that we should make provision for legal advisers to have the right to have private communication with their clients. We have inserted the word "private." It will now read:-"

"(c) deprive a person who has been arrested or detained –
(ii) of the right to retain and instruct without delay a legal adviser of his own choice and to hold private communication with him;"

The word "private" has been inserted before the words "communication". We know what it is with a Sergeant of Police leaning over your shoulder. Therefore I would be the first person to uphold this amendment. I do not say that the Police go in for beating. I know what it has been like; so I want to make it clear that when a lawyer interviews his client and the client should make any statement that he is ill-treated by the Police or any statement which he may care to make, the Police Force is not near to hear such statement. We have therefore put in this section to be enshrined in the Constitution.

Some hon. members may have on page 11, Chapter iii, the words, "The Recognition and Production of Human Rights and Fundamental Freedoms" printed in their copies which have been circulated. The word "Protection" is the correct word; therefore, delete the word "Production" and substitute the word "Protection".

On page 15, Section 3-06, line three – after "sections" add the words "of this Chapter".

The Section would now read:-

"3-06. (1) For the removal of doubts it is hereby declared that if any person alleges that any of the provisions of the foregoing sections of this Chapter or section 3-07 of this Constitution has been, is being, or is likely to be contravened in relation to him, then without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the Supreme Court for redress.

On Page 17, in Section 3-08, (1) (b) in the first line the word "Proclamation" is spelt with a capital "P". Substitute a common "p".
5.35 p.m.

I come now to page 35 Section 5-11. After the word "Barbados" delete the word "and" and words following thereafter down to the word "state". In Section 5-11(2) – the whole paragraph is to be deleted and the following substituted:

"Parliament shall have the power to make provision for –

(a) the accession to Barbados of any other territory or state;

(b) any union or other form of association between Barbados and any other territory or state on such terms as may be agreed upon."

So there are two changes, the deletion in Section 5-1(1) and the addition of provisions for accession in paragraph 5-11(2), that paragraph being divided into subsections (a) and (b) so that it will read: "Parliament shall have power to make provisions for (a) the accession to Barbados of any other territory or state; (b) any union or form of association between Barbados and any other territory or state on such terms as may be agreed upon."

There is no such provision in the Constitution of Trinidad and Tobago; hence the Grenada predicament. It is a very important section.

Section 5-12 deals with amendments to the Constitution and it reads as follows:- "Subject to the provisions of this section, Parliament may alter any of the provisions of this Constitution." Sub-section (2) says: "(2) In so far as it alters –

(a) this section;

(b) Sections 2-01 to 2-10 (inclusive), 3-01 to 3-14 (inclusive), 4-01, 5-01, 5-04, 5-11, 5-20, 5-25, 5-26, 6-01, 6-15, 6-19 to 6-21 (inclusive), 7-01 to 7-10 (inclusive), 9-01 to 9-08 (inclusive), 10-01, 10-06 to 10-10 (inclusive)

a Bill for an Act of Parliament under this section shall not be passed by Parliament unless at the final voting thereon in each House it is supported by the votes of not less than two-thirds of all the members of each House."

These Sections, you will remember, deal with what you may call the entrenched provisions which cannot be altered by a simple vote of Parliament and Section 1-02 provides that the Constitution shall be the supreme law of Barbados. The figure 1-02 and a comma will be inserted after the word "Sections" in line 2 and you delete "3-14" and substitute therefor "3-08". We orginally had fourteen subsections but in doing the first re-draft we found that we had some of these provisions in our existing laws in Barbados and we would be only repeating something which was unnecessary.

After 5-01 in the same line insert 5-02. Section 5-02 of the Constitution deals with the composition of the Senate and this is one of the entrenched amendments which provides that the composition of the Senate cannot be altered by a simple vote of the Legislature because that will mean that you will be able to change an entrenched provision of the Constitution by a simple vote. This is one of the amendments which the Law Society put forward and one which we ourselves – without detracting in any way from the suggestions made by the Law Society – felt soon after the document was printed it would be safe to put in.

If you go back to the errata you will see that on page 42 we are inserting a new section to be numbered 5-23 which deals with restrictions on the powers of the Senate etc.
5.45 p.m.

"Restriction on powers of Senate as to certain statutory instruments

"5-23 (1) Any statutory instrument to which this section applies and which, having been laid before the Senate in any session at least one month before the end of the session, is not approved by the Senate in that session shall, if it is again laid before the Senate at least one month before the end of the next succeeding session (whether or not the Senate and the General Assembly have been dissolved between those two sessions), be deemed to have been approved by the Senate at the end of the latter session if it has not earlier been so approved;

Provided that the foregoing provisions of this subsection shall not have effect unless at least seven months have elapsed between the date on which the statutory instrument is laid before the Senate in the first session and the date on which it is so laid in the second session.

(2) In this section "statutory instrument" means any document by which the Governor General, a Minister or any other executive authority has exercised the power to make, confirm or approve orders, rules, regulations or other subordinate legislation, being a power conferred by any Act of the Island (whether enacted before or after the day of , 1966) and the statutory instrument to which this section applies are all statutory instruments in respect of which it is provided (in whatever terms) that they may not come into force until approved by the Senate.

(3) For the purpose of this section a statutory instrument that is laid before the Senate in any session shall be deemed to be the same statutory instrument as a former statutory instrument laid before the Senate in the preceding session if, when it is laid before the Senate, it is identical with the former statutory instrument or contains only such alterations as are certified by the President of the Senate to be necessary owing to the time that has elapsed since the date of the former statutory instrument.

(4) Where the office of President is vacant or the President is for any reason unable to perform the functions conferred upon him by the preceding subsection that function may be performed by the Deputy President.

(5) Any certificate of the President or Deputy President given under subsection (3) of this section shall be conclusive for all purposes and shall not be questioned in any Court."

That is quite a long amendment, but it is in the Errata on pages 4, 5 and 6; and as a result of the insertion of that new provision, Section 5-23 now becomes 5-24, 5-24 becomes 5-25, 5-25 becomes 5-26, and 5-26 becomes 5-27.

In line 9 of Section 5-26 (3) on page 43, 5-26 should read 5-27.

We are still dealing, Mr. Speaker, with Section 5-12 (2) (b) on page 36, and the amendments are as follows:-

Line one -- the figure "1-02" and a comma to be inserted after the word "Sections".

Line two -- substitute 3-08 for 3-14; after "5-01," "5-02" and a comma to be inserted.

Line three – substitute "5-26" for "5-25" and "5-27" for "5-26".

Line five – after the word "(inclusive," the numeral and words "8-01 to 8-03 (inclusive)," to be inserted.

Line six – after "10-01" the comma to be deleted and the words "to 10-04 (inclusive)" and a comma to be inserted.

Now Sections 8-01 to 8-03 which we have just inserted are the sections dealing with the Public Service Commission – the Powers and Functions of the Public Service Commission, and Sections 10-01 to 10-04 deal with the matters of finance to which I referred before. I have a new Section 10-04, but I will deal with that when I come to it; but this new Section 10-04 is going to be entrenched. This is one which will be inserted through us in the Ministry of Finance – that is, myself and the Financial Secretary; but the suggestion for the entrenchment of the Powers and Functions of the Public Service Commission, 8-01 to 8-03 have come from the Law Society and we accepted these amendments.

We now turn from page 36 to page 42, but I think we have already done that, and on page 43 all the re-numbering is done there as well. The next page is page 54 which deals with the office of the Director of Public Prosecutions whose office shall be a public office. After the word "office" delete the full stop and add "and who shall be appointed by the Governor-General by instrument under the Public Seal acting on the advice of the Judicial and Legal Service Commission" This places the Director of Public Prosecutions on the same footing as the Puisne Judges. The whole Section 6-19 (1) reads as follows" –

"There shall be a Director of Public Prosecutions whose office shall be a public office, and who shall be appointed by the Governor-General by Instrument under the Public Seal acting on the advice of the Judicial and Legal Service Commission."

This is also a suggestion from the Law Society, an amendment which is accepted by the Government.

On page 61, Mr. Speaker, dealing with the acting Judges of the Supreme Court in the proviso to Section 7-03 (2), in line 2 -- after the word "office" delete the full stop and add "by writing under his hand addressed to the Governor-General". The proviso therefore reads as follows:-

"Provided that he may, at any time, resign his acting office by writing under his hand addressed to the Governor-General,"

In Section 7-06 (1) on page 62 the same thing applies:

"he may at any time resign his office by writing under his hand addressed to the Governor-General;"

And then it goes on:

"and

(b) the Governor-General, acting in the case of the Chief Justice on the recommendation of the Prime Minister or in the case of any other Judge on the advice of the Judicial and Legal Service Commission, may permit a Judge who attains the age of sixty-five years to continue in office until he has attained such later age, not exceeding sixty-seven years, as may be agreed between them."

5.55 p.m.

On Page 67, you will remember that we entrenched an amendment; therefore 8-01, 8-02, and 8-03 deal with the powers and authority of the Public Service Commission.

We then come to Page 83, Section 10-03 (5), lines six and ten - for the word "into" substitute "in" wherever it it appears. That deals with "introduce into the General Assembly" and it should read "introduce in the General Assembly". The word "into" appears on two occasions in lines six and ten. "Into" is substituted by "in".

There is a very long amendment on page 84. It is one which I erroneously referred to and this is dealing with the finances. This again reiterates the autochthonous position of our Constitution. This is in our existing Constitution. As far as we are concerned, we are satisfied that there is no misunderstanding with section 10-04 as it stands, but in order that there should be no mistake about it, we are deleting 10-04 and we are replacing it by clause 38 of the existing Letters Patent *mutatis mutandis*. It should therefore read as follows:-

"All public monies raised, or which shall be raised, by authority of any law of the Island, shall be issued by warrant under the hand of the Minister responsible for finance or under the hand of some person authorised by him in writing and disposed of for the support of the Government of the Island, or for such other purposes as shall be particularly appointed by such law, and not otherwise."

On Page 87, Section 10-07 (4), line three - delete the words "appointed day" and substitute " day of 1966." That is what we have to decide.

On page 89, Section 10-10 (2) (b), last line - for the word "Public" substitute "Police". It is to be "Police Service Commission" and not "Public Service Commission". This is another amendment from the Law Society.

On page 92 - and this is the last page in the document - dealing with "Oaths" there is an amendment and there is good reason for that. In line seven - after "as" delete the word "a" and substitute "Prime" and after "/" insert the word "Minister".

I have had a long correspondence over that. The Government is very concerned about the reckless untruths and misstatements which were made by members of the Opposition about transactions or other matters which were alleged to have taken place in Cabinet. That is why I said that there are people in this country who deserve to be in gaol.

We had a long correspondence with the United Kingdom Government explaining that members of the Opposition had broken all the rules of the Constitution, and it was pointed out to us that the provisions of our Oaths of Allegiance did not sufficiently bind members of the Cabinet to the oath in the way it does in Great Britain. In the other Commonwealth countries all that they used to say was:-

"I .....do swear to Almighty God that I will be faithful to Her Majesty the Queen, Her Heirs and Successors" or something like that.

Now, we are amending it that you may say:-
"I , being appointed Prime Minister/Minister/Parliamentary Secretary, do swear that I will to the best of my judgment, at all times when so required, freely give my counsel and advice to the Governor-General (or any other person for the time being

lawfully performing the functions of that office) for the good management of the public affairs of Barbados, and I do further swear that I will not on any account , at any time whatsoever, disclose the counsel, advice, opinion or vote of any particular Minister or Parliamentary Secretary and that I will not, except with the authority of the Cabinet and to such extent as may be required for the good management of the affairs of Barbados, directly or indirectly reveal the business or proceedings of the Cabinet or the nature or contents of any documents communicated to me as Prime Minister/Minister/Parliamentary Secretary or any matter coming to my knowledge in my capacity as such and that in all things I will be a true and faithful Prime Minister/Minister/Parliamentary Secretary.

So help me God."

The amendment is inserted as well.

The ridiculous situation that we have found ourselves in is when we had certain purveyors of lies and speculators in evil, certain things taking place in Cabinet or that were not taking place, were brought out. We found ourselves in this position that I could have got up and said that this thing did not take place or that this thing took place in order to refute what those very people were going around saying; but then I would be disclosing a secret. They went around saying to the Leader of the Opposition that this thing had taken place or had not taken place because they were in debt to him politically, financially or otherwise.
6.05 p.m.

You get the Leader of the Opposition getting up and saying that it is an open secret that such-and-such a thing took place in the Cabinet. I could have called any of them damned liars or anything that would have been parliamentary, but as a lawyer I realised that if you say that something did not take place in Cabinet you are saying what did take place. I wrote to some of the various experts in the U.K. and we were advised that there was not much that we could do about it, as a result of the rather inadequate Promissory Oaths Act which we have in this country. This follows the U.K. Oath of Allegiance and it is one which we intend to embody in the Constitution.

I do not have to warn other Ministers that from the date of Independence if they are so misguided as to get up in the Legislature and say that something did or did not take place in Cabinet it would not be a question of resignation. The Director of Public Prosecutions would be in duty bound without any direction to prosecute them under the Promissory Oaths Act. There are some people who are so indiscreet or malicious that they should never aspire to be Cabinet Ministers because they cannot keep their mouths quiet and they will only put themselves in trouble after Independence. I mean members on the Opposition side, of course.

Mr. Speaker, in introducing any matter of this kind in this Chamber, we usually postpone the Preamble. We have prepared a Preamble, but the customary procedure would be to circularise members of the Assembly, and the Preamble would be put after the approval of the House is given to the Constitution itself.

Before I sit down I should like to make it clear that any sensible amendments which would improve the Constitution and make it a more democratic document than it is would be welcomed by the Government, and this is a matter of free conscience. In a matter like the Constitution any members of the House whether absent or present can in this House, in this Place, make any proposals to the Government, and the Government will give them the same mature consideration that we give to the submissions made by private practitioners, the Law Society as a body and the members of the Chamber of Commerce. We cannot do anything more than that. They have had the opportunity, but this Government will never show so much contempt for the Parliamentary institutions of which we form an integral part, or debase the Constitution by discussing it in Cheapside, Bullens Alley or Watkins Alley and not have it on record of the Legislature. That is this Government's contention, and we are prepared to defend that contention. We are not prepared to defend our Draft to the death if something appears to us to have some element of commonsense or justice; but we do not intend to keep this debate down to the gutter where the Opposition now has it.

They can keep it there, Mr. Speaker. They will emerge from the gutter and with the grime on them they will get on the plane. I do not want any dirty person sitting down in a plane with me; so I advise them to make use of the facilities we have at Graves End and have a bath and get the dirt off them.

When they get to London they must realise that Mr. Lee is no school master for this Government. I want to make this clear. The Government has accepted, as you can see, a large number of amendments from people who are not even elected representatives of the people. You would not want me, Sir, to reiterate what Mr. Lloyd George said at the time the Irish Constitution that "we are going to follow the example which has been set in the framing of every Constitution throughout the Empire. The Constitution is drafted in this Island by the territory, the Imperial Parliament taking such steps as may be necessary to legalise these decisions."

Mr. Speaker, I beg to move that this Resolution do now pass *(Cheers)*

Hon. G. G. Fergusson: I beg to second that.

Mr. WALCOTT: Mr. Speaker, after the Hon. Premier has given a long dissertation on this Constitution I do not think I should do more than move the adjournment; but I know that the motion should be seconded in its formal sense and I think that we should take the opportunity to place on record not only our satisfaction at the way in which the Premier dealt with the matter, but the conspicuous inability of those who adorn this Chamber to participate in a useful exercise.

If I were a dictator I would make it a condition of entering this Chamber that a member should have some elementary lessons in parliamentary conduct and understanding. Governments cannot be run by fools, the uneducated and unlearned. There are too many uninitiated people practicing politics. Fortunately it is a crime for any unregistered or quack doctor to practice on the human body, but it is nothing wrong for a bunch of fools to send a whole nation into misery.

Those who have stayed away must have seen the writing on the wall, that the time is coming when outside of this Chamber is the place for them. They go into the market place. They are reducing the Constitution debate of this country to the Market Square. May be in these days they hear so much about the European Common Market that they believe that any market place is an appropriate place to discuss serious matters. But the European Common Market in itself is not a debate on markets, but a debate with the parliamentarians of the six European Countries.
6.15 p.m.

The Premier did not emphasise this, and it is for him to do it, but I am going to do it; I think we have demonstrated and will continue to demonstrate that there are people in this Island whose main intention is to create a damaging image of the Hon. Premier and his Party to the extent that they do not care if they damage the whole country. I have enough positive evidence by the number of threatening letters I have received from time to time which could form a picture gallery in any museum. Underlying all of them is the theme that the Premier and myself and the Hon. Minister of Education are collaborating. I was to have died on 1st March, 1966. But I am like Saint Paul; I die daily. In public life you die daily with the evil around you and sometimes the monumental ignorance you have to wade through, and this number of threatening letters coincides with the speeches you hear, and the innuendos you get coming out of the mouths of some of their satellites

about who should be destroyed; and some of them accidentally use the same type of language that is found in their poison pen letters.

Now I find in Barbados that too many Barbadians are unwilling to speak out boldly against wickedness and ignorance. They are two twin brothers. It is difficult for an ignorant man to be other than wicked, and sometimes things are done more out of ignorance than out of evil-mindedness. Those who pretend that they represent people and who have been placed in a position of responsibility are completely unaware of what their responsibility involves, and this whole exercise of independence and the debate throughout this country is a classic example of the stupendous ignorance we have to deal with in political matters. They have absolutely no political sagacity whatsoever, because if they had they would realise that even the recently independent nations of East Africa, Kenya, Uganda, Tanganyika find it difficult to federate even after becoming independent. Why? To federate is a political exercise for the leaders; so you must find a common community of interest with the other territories with whom you going to federate before you can begin to talk. Some of them speak about federation as if it is welding two bodies of steel together in some engineering shop, and all you need is a good welder to join Barbados with St. Lucia or Dominica by applying the torch, removing the sea and bringing the land together so that it is one bit of land. They forget you have to deal with persons who are political leaders, and you have to ask if they have the same political faith or the same political philosophy. If you want a classic example of the difficulties, take our little island where some of them pretend that they possess the same Socialist philosophy as the members of the Government, and yet they cannot find a common area of agreement. How much more can we find a common area of agreement with people who live in another territory?

Some of the members who belong to this Chamber have said so much against and about the Premier in a derogatory manner that even in their letter to you, Mr. Speaker, they had the impertinence of writing about some spurious authority which the Legislature would give to the passing of this Draft Constitution. They are absolute political dunces. They are talking about Parliament giving spurious authority. As the Premier has rightly said, not only do they want rule by the minority, but without understanding politics whatsoever they want to project in a community like this that in political issues there must of necessity be two sides. The Hon. Premier likened it to a cricket or football match. This is no cricket or football match with two opposing parties, and therefore to have good politics you must of necessity have opposition to commonsense, and commonsense must be reduced to the ridiculous farce where it must be opposed on a political issue in order to demonstrate that you are giving the Opposition a chance.

I think in my political career I have dealt with the Leader of the Opposition. The Leader of the Opposition is not the Leader of that Party. He has been used by that Party as a physical demonstration to project an image that is damaging to the body of politics and society in this country as a whole. I make that analysis to show that it is easier to get a man in any colonial territory like the Leader of the Opposition in this melodramatic role which he plays than ever to get the hon. junior member for Christ Church standing on a political platform and demonstrating with sincerity and purpose a belief in the cause of the working class man. The reason for that is that when men like the Leader of the Opposition become the standard bearers of the rich, they are no longer poor, but are brought out of the realms of poverty and adorned by those who sit in rich places. 6.25 p.m.

Men like the hon. junior member for Christ Church should get on a public platform as was done when we had a demonstration here by the late A. E. S. Lewis who went to a premature grave based on the strength of his conscience in associating himself with the working class movement in a positive manner. Because of that, he paid the supreme price.

I met the Hon. Leader of the Opposition at a meeting when we were discussing this matter and to have become the leader of the Opposition, he needs to be thankful. All that he has got is this old time political vote-catching technique. He has no projections for the removal of poverty, but repeats the same injunction, that philosophy, that "the poor shall always be with us and had it not been for the grace of God, there would I have been." He has made that benediction; therefore you can have millions of poor people. You find him making use of all these meaningless phrases.

The time has come when people must be bold enough to have ideas; and as regards this amalgamation of nothingness, if I had my way about it I would hurt a lot of people. Who ever engineered this idea that in Barbados this little composition on this side of the Table calling itself the Opposition has any right to go to London, creating unnecessary expense on the public purse? The Opposition is comprised of two little groups of four members each, and you get mathematicians and the newspapers writing quite a lot of ignorance saying that the Party which lost the last elections got more votes than the fifteen members of the D.L.P.. I should like to flog all those who write these things until they write the right thing. I told a man so and he said that somebody at Oxford had written it and he is a mathematician. I do not mean to attack mathematicians, but the question of voting is not difficult mathematics for one to work out. You have double member constituencies and you have the overlapping of votes. According to how you worked out this, you are giving my votes to my losers, and when you have finished counting up you are saying that my losers got more votes than I got!

Some years ago, they appointed a man as Elections Officer to control elections and he came up with the mathematical calculation to prove that by the number of votes polled, they would be bigger than the total population of Barbados, including the people in the almshouse, the little children and the people in Glendairy. They came to this conclusion by multiplying one vote by four. He then added them all together and said that so many people voted for those who were elected and then you add up all of the votes for the losers together and you said that more people voted for the losers. He produced a conundrum of a larger number of votes in the parish than the population of the whole parish because you had this mass ignorance that in St. Michael of the candidates who lost the election, one got 10,000 votes, another 22,000, and another 7,000 and another 4,000 and the man who won the election only getting 23,000. When you added up the votes of the people who went to the poll, you only got 20,000. He produced more votes than persons. Therefore, you got this sort of thing, this nonsense which was written in the newspapers.

One of our colleagues said that unfortunately, there is no medical prescription for ignorance. You cannot send a man to a pharmacy and prescribe to give him Phensic or Cafenol or any anti-biotics that would remedy ignorance; therefore, unfortunately, we have to live in a democracy with it. Since the projection of independence came up, we have had this unleashing of ignorance which has caused people outside of Barbados who gave Barbadians credit for being an educated people to be now wondering what it is now that the Barbadians are eating. In this exercise which we have been discussing, by the actions of members of the Opposition, they cannot imagine that there could be this lot of ignorance over independence. It is damaging to our country, and our friends on the other side have lost the debate and the battle on Independence.

Sir, I am going back prior to the debate in this Chamber on independence. One of the former Ministers who left the Government told me: "You will never win the debate in the House on independence." At that time he was satisfied that the House was the correct place to determine whether you should have independence or not. They went throughout the island holding meetings, and when the debate came to an end and they found that the Party in power won the debate in no uncertain manner, then they started

with their suggestion that you should have elections first. They said that after independence and the present Premier was in power, there would be no election.

Mr. Speaker, look around us. The Hon. Premier would be a fool to imagine that he can look at the present members of the Barbados Legislature and state that after independence, there would be no election.
6.35 p.m.

That was as damaging a statement as anyone could make about our image.

Then they put in the question of Elections. As I said on the last occasion even the Chamber of Commerce which has always boasted that they are non-political, said that they liked the draft Constitution. They said that it is a good draft and they have made amendments, but they too are calling for Elections, - before what?Before Independence?

Mr. Speaker, analyse it. Are there any conflicts between the holding of Elections and Independence in the Barbadian context? Here in the Barbadian context an Election has to be held in the normal course of things; but Independence is not a 'must' in the normal course of things. Independence is a projection by the Government in power and it is a projection that has taken our opponents by surprise. Their way of approaching this Government is to oppose the Government by mistakes. They are just like some boys who like to copy. They look into your book, and right or wrong they are writing also; so when one has to go out of the class both must go. But they are not projecting anything.

What do they have to say? They say they wanted Federation. Do you believe, Mr. Speaker, that the Labour Party as a Party should have the brass, the affrontery and the shamelessness seeing what has taken place with Federation to invite this country to form a Federation after the painful exercise that the first Federal Prime Minister has produced, with all the opportunities that destiny gave him?

If ever there was a man to whom destiny was kind it was kind to the first Prime Minister of the West Indies. But if every man could have been born dumb he would have been a better Prime Minister because he would not have been able to make those empty, meaningless, stupid, anti-Federation speeches that he made and kill the whole idea of Federation under his very feet.

He is accusing someone of dictatorship. After having had to deal with him so long I could give lessons on dictatorship when the hon. junior member for St. Peter was in here. I know that on a number of occasions he cried like a baby at the hands of his new Dean. We all remember specifically when the then Premier said that he wanted to restore the lost dignity of the Chair, and he did it by removing him from the Chair and elevating Dr. Cummins. These are examples we can show when the time comes.

Mr. SPEAKER: The hon. member would, of course, make it clear to which Speaker he is referring.

Mr. WALCOTT: You, Sir, were never removed. You were installed.

Mr. SPEAKER: I am grateful for that assurance.

Mr. WALCOTT: The hon. member wanted to run for Elections. The whole Party said that this is the man who should run, but the man who believes in the tenets of democracy said to his whole Party that if they ran him he will get up and speak on the other man's platform. I was a fledgling in those days but now resentment was boiling in me to see that one man can say that for a whole body of men.

The Premier is being accused by this gentleman of being a dictator and he has promised to remove this country from dictatorship; but that is playing the game that the business people have been playing and are still playing, the game of economic dictatorship - the game of ostracism, keeping us, as they say, in our places economically. Those people who are accusing the Premier of dictatorship are not saying what they are going to do to stop this type of economic dictatorship which we see in this island. Here in this island there is a mass of people on one side and a minority of people on the other; and the disparity of living between the two is as great as that between the developed nations and the developing nations. Those of us who try to erase this find that we meet this strong opposition from these political mocking birds.

It is time that we must be blunt in our statements and not hide anything or be even willing to make believe that we do not want to call a spade a spade. The Premier is being accused of being a dictator. If he had gone to London without stating what the Constitution was, they would have said: "We do not know what the Constitution is." When they went to England on the Federal Constitution they had meetings and meetings on closer association. They had private meetings and public meetings, but no draft came here. We approve in principle the idea of a Federation. No members of the Opposition and no political party at that time had a greater majority standing in the House than the present Government possesses. The present Government has 15 out of 24 members. So far as the Opposition is *vis-a-vis* the whole membership of the House, they cannot claim any greater representation than the one they have.

The Government has placed this draft Constitution before Parliament who are the ones to decide. But Parliament is no longer sovereign, apparently; it is subsidiary. They forget that you get your authority to be in Parliament from the outside. We do not get our authority to be in Parliament by privilege, class or birth. Our authority comes from the electorate: but each time you get the authority of the electorate the minority wants to say: "No; you do not have the authority; we have the authority." They are now saying that they are in a better position to know how the Government could make its plans than the Government itself, because the members of the Government are so incompetent.
6.45 p.m.

I would like to make it quite clear that in some matters the Premier is more tolerant than I am. I believe I am a man who is not given sometimes to being as rash as he is, but I make no apology for saying that when you have to choke a man, you should choke him to the death. I realise that in this political area in which we are dealing now, they are leaving no stone unturned from the point of view of damage. They are not debating or discussing anything, but they have said that the Premier is going to put us in gaol and people would not be able to go about freely. What has surprised them - and they are not willing to say it - is that the Draft Constitution is so liberal in content that they have nothing really to say. It is not a document for criticism; it is a document for tidying up if you want to do something about it. They do not want us to see what they are writing, but will keep their issues until examination day to see who has come first, as if the Conference is being held at their instigation. The Government has a responsibility; and if the Government walks out there can be no Conference because the Secretary of State cannot meet them; so the reverse is really the situation. They have the idea that Mr. Lee or somebody is waiting until they go. If this was not a public affair, I would like to show then how powerful they are by refusing to go to London and let them go and tell Mr. Lee.

The Salvation Army is a very good organisation that we respect. It is doing an excellent work in this community, but some political leaders seem to be gradually following the Pentecostal style of holding meetings and begging for things to take them into Glory. They are going to boycott Parliament where you do not have to pay to enter and to where they have been elected. They want to fleece the pockets of the people in being sent to London, but the gravamen of their argument is that they must go to London, and

they are so silly about these matters that they want to tell the Secretary of State that we do not want independence, or if we are going to have independence, let it come in 1980. They do not understand the trend of the world today. Great Britain has its hands full with Rhodesia, and Mr. Ian Smith is giving the Prime Minister of Great Britain the biggest dance he has ever had by a minority Government. I do not want to be unkind to any of them, but I know that if it had been a Government of black men over the majority, there would be no question of not using force. As much force was used against the Kikyuans in their own country for the minority of people living in Kenya as if it had been a war. Somebody has to tell the British that they cannot go on with the preservation of the white English as against the African where they were born in their own country.

Mr. Speaker, we have some Kenyans in this Assembly and they are projecting in this Island the same sort of idea; and when you press them on why they do not want Independence for Barbados and having Barbadians become self-reliant and coming to terms with themselves, they ask the stupid question whether we can afford it, like the old time concept about marriage. The Barbadian concept is that you should not marry unless you own a house, but you can have an unmarried woman have nine children for you in a house, and when you die, they can say: "So-and-so was my father." This is the sort of slave mentality injected in Barbados which has permeated our society, and that is why you find among the working classes in this island the idea that this is not an exercise that was meant for them, but meant for people who can afford it.

Now they want to know if we can afford Independence. We can afford poverty, but we cannot have freedom. Do you know why? There is still prevalent in this island the idea that we must have a reserve force of unemployed available even to do the job of cutting cane. There is a row if you cannot get a cane cutter because somebody has a cane cutter put in a corn jar until he pulls him out to cut his canes, and when he is finished cutting the canes, he can disappear in the atmosphere like a sputnik. Nobody asks what has become of him after, because it is his business or the Government's business.

In Independence we have to come to terms with these problems which have been left with us from Colonial days and which we have never challenged at the very core. That is where our task will lie. We are aware that we are not entering into any easy road on Independence, but we are not looking for Easy Street. If we were looking for Easy Street, we would not enter public life. The only ones in public life who can look for Easy Street are the ones who are indifferent and want to live a life of ease; but those of us who have spent many years in public life will realise that it is no East Street, especially in communities where you have to toil daily with an army of thousands of people at your heels and you have to be thinking momently of how to deal with them.

I think the Premier has been very considerate in that he fave all members of the Community an opportunity to criticise the Draft Constitution, We are not passing a Bill. With all due respect to you, Mr. Speaker, people do not realise that there are lawyers and lawyers, and I do not know what I would do with some of them if I had my own way.

6.55 p.m.

People do not realise that there are doctors and doctors and that there are priests and priests. That is why they have examinations. A lawyer that has just scraped through in his examinations cannot be the same thing as one that ran through. There are runners and runners. "Goot" better known as Mr. Hutson was a runner also. Not long ago, there was an Ethiopian who ran a marathon; he ran it bare-footed, but won it.

I have been saying to the Premier some time ago that I hope he will not fall into this Barbadian trap that many people who have been educated have fallen into. Some people said that he did constitutional law and somebody said: "In diapers". They also said that after he did Constitutional law, all the books were burnt. You get all these fulminations which mean nothing. Therefore, when you tell me that you know what this Constitution means, look and see if there is a one-man Constitution. You hear these stupid ideas coming from the other side that they have the last word in constitutional matters; yet they do not want to help the Government. They talk as if the Government is drawing water out of a well, and the Government finds it difficult to get it out; therefore, the Government has to come to them and ask for help. They had two men who used to go up to Colonial Office and come back and fool us. Colonial Office is an old building in Church Street, London and when you go in there, you find some people wearing some corduroy jackets and some of them have never even seen the Secretary of State. Those people whom I was talking about make a big issue out of this sort of thing that they went up to Colonial Office and had a talk with the Secretary of State for the Colonies. Mr. Anthony Greenwood, the former Secretary of State told me that whenever I come to London I should drop in and see him. They came back here and made a rumpus. They said "I went over to Colonial Office and had a chat with the Secretary of State." They talk as if, when they saw the Secretary of State for the Colonies and had a chat, they had some secret conversation with him. They talk as if the Secretary of State when he is meeting persons other than the Governor, talks anything other than the same pleasantries which he would talk to anybody else. They talk as if when you go up there, the Secretary of State would say: "I really have something which I would like to let Mr. Barrow know."

Mr. SPEAKER: I hope the hon. member is not addressing a member of this House.

Mr. WALCOTT: I am talking of the conversations which they say go on in England. They say: "You know, when Mr. Brancker came up here, he came in and had a talk with us and I know you know something of the law." They come back here and make these kind of statements as if people do not go to England, and they have this sort of country idea that you came back telling some person that you had a conversation with the Secretary of State.

I go to Geneva, I would not come back and say that in Geneva the sun does not shine, or that when you drink water there, you do not have to eat food. That is the sort of nonsense which must be removed from people's mouths, their giving the public the idea that the Secretary of State for the Colonies is going to tell this Government: "You know that I know you wrote the Draft Constitution before you sent and told me anything about it, and since you have drafted it before you told me, I am going to tear it up."

The object of what they want to do is to create the impression that they can perpetuate the dilly-dallying tactics, and that by creating this sort of political monstrosity this amounts to doing something to the Government. That is why they want the Secretary of State for the Colonies to feel that they are not in favour of it.

They talk of having an election first. I can take on both the two political leaders in the Opposition before the Secretary of State. I would let them talk first and I am sure that whenever they are finished, they are bound to end up like fools. For men to engage in these political matters, they must read; they cannot play this by ear. They always play their politics by ear, that is to say, they always hear something. When you come in here, you cannot hear; you are not a lawyer. The two leaders of the two parties of the Opposition remind me of an article which I read about in a newspaper. The columnist went from one point to another and after you had tried to come down to earth with all that he wrote, you were still left in mid-air. That is indicative of Barbadian temperament. Here is a writer writing something on a political issue. The position is that the Opposition was staying away from the debate, and he had not looked for an area of agreement but is keeping himself with an open view. You have not fallen,

but you are not standing. When you read the newspapers here and you look for a body of positive thinking, all that you find is somebody coming out against the Hon. Premier and saying that he is taxing the people too high. There is always some negative thinking.
7.05 p.m.

On this question of Independence they do not feel that there is any question of creating a spirit of nationalism in the Barbadian, and letting Barbadians feel that they have a right to be able to govern themselves, although in one context they will say that the Barbadian is individualistic. If a person is individualistic, that is one of the components of independence. It means that you are thinking for yourself.

In this exercise, all that we are demonstrating is that the Barbadian society after so many years of political tutelage should be in a position to take care of its political destiny.

My view, Mr. Speaker, is that this is not only an occasion for courage, but it is a moment of destiny for us. This is our moment of destiny, and there will be nothing to turn us back from this road of our destiny. No man, no woman, living in a Colonial territory like ours at this stage of our social and political history has any right to begin to talk about the postponement of accepting the vital challenge of governing ourselves. We have been governed by others for hundreds of years, and all that it has left us still is a community of barefootedness, poverty, ignorance and disease. It is still a community with a large number of inmates in the Mental Hospital. It is still a community in which although the national income has risen workers are still poor. That is the challenge you have to accept. That is why I said that this is the moment of destiny. That is what the Premier and all of us have to face, this nonsense about the process of democracy, which is merely an attempt to work against us on our onward road to Independence. Because we are trying to emancipate the people, we hear this hogwash about dictatorship and this contention that in the name of democracy they will not do this or that. But in the name of democracy we do not only have a duty to ourselves, but to posterity; and when you talk about putting people in gaol, gaol was meant for criminals, and therefore the criminal element must be set aside from the law-abiding element.

We are not going to sit down and allow the criminals to take over. We have seen that in many instances the processes of democracy have been misused. We can see that as long as some people can get their end served, they will use any method in pursuing it. I feel that this time we need men of courage in the real sense, men who see these issues standing out in their community.

Why do they keep on talking about dictatorship? They know that in Western democracies dictatorship is one of those sort of terms that can be used to give an impression of sabotage and corruption. When you are not afraid of what is being said, every aspect of your rule is taken as being dictatorship.

The British Parliament endows the Prime Minister with power no less than what the Russian Parliament endows Mr. Kosygin with. The difference is that one is used within the confines of Parliament and the other in the confines of their Party. Mr. Harold Wilson tonight is as much a dictator in the U. K. as Mr. Kosygin is in Russia. The difference is that one is a Police State and the other is a Free State. In so far as the powers reside in the Prime Minister of Great Britain, he has all the powers that Mr. Kosygin or even Castro of Cuba possesses. You cannot run a Government without power and you cannot run a country when you are afraid to rule; and with people who have no respect for the rule of law and order you have sometimes got to be relentless in order to bring those people to their senses.

I can see that there was a gradual inroad into the breaking down of good government in this country by those unworthy elements that exist and are being used by people under the guise of wanting democracy. They want democracy until they get one; but when they get into power, you see what they do. Those of us who have had dealings with the Labour Party for many years have chapter and verse for it.

We have heard what they said about single member constituencies. They said they would not introduce anything that was not suitable to them. But the Government in power must introduce something that is not suitable to them! This pressure for an election is to suit them. Mr. Harold Wilson called an election when it suited him. Why not call him a dictator? The Premier of Barbados must call an election! They do not want an election now; they want to go to London now. When it comes to things like this, the Secretary of State knows how to deal with this sort of element.

When some of the British people pulled out from some of these territories, that is why they leave a lot of blood shed behind. They give the impression to these elements that they can rise up and create all of these things and then they use their Navy to quell them.
7.15 p.m.

You have this example in many of the newly independent countries, because they gave grist to the mill of some of the unsavoury elements which existed under the guise of democracy, and we have to watch this. It is not a question of democracy that is at stake, because in the Constitution which the Premier has read out, what more do you want entrenched than the fundamental rights of freedom of the individual? What I would like to see added to this Constitution some day is the citizenship of a person made easier and not expensive, and a breaking away from this old-time English legal system which degrades the communities in which you live. When children are born, they are citizens and you should stop this jazz about legitimacy, and allow children to be born and be respected as citizens. Tell the Churches that they must cut out all this jazz they are talking about, and let there be no fooling. You cannot superimpose a Western European civilisation on people of African descent who have to live in these communities with the heritage they have, without giving them all the things and the traditions they have to deal with, and it is time that we in these colonies start to emerge with something to give the community self-respect in the same way that the African can reckon that everybody is born as a citizen without any reference to these things over which they have no control. Maybe some persons should be made to get citizenship.

The Premier knows, Mr. Speaker, that there are some people in this community who are satellites; they are neither British subjects or any kind of subjects; they have been squatting here, may be, for the last thirty or forty years, and I think that is something we will have to do to help them.

I would like to end, Mr. Speaker, by drawing the Premier's attention to what I consider would be an important exercise in London. Seeing the reaction which the delegation in England is receiving from the Secretary of State on economic aid, I feel that the political idiots we have should be in their places to join in a concerted effort when we go to talk about economic aid. I want to say here and now that I do not subscribe to the political ignorance that exists in Barbados and elsewhere that when you are becoming independent, you cannot seek economic aid. They have not one single clue as to what economic aid with the context of political independence means. Britain is giving aid to many countries, and the United States is giving aid to many countries. If the money spent on the war in Vietnam had been utilised within Vietnam itself for economic aid, all the Vietnamese would stop fighting. We have to be bold and courageous enough to say that economic aid is going to be essential to us. We will have our problems after Independence, because Britain is talking about joining the European Economic Community. Ask the two leaders what exercise they have given to the thought of economic aid. Ask the leaders what thought they have given to the relation with the International Monetary Fund. Ask them whether they think it is working in the best interest of developing

countries. They think this is an exercise not for them, but for the Manager of the Royal Bank of Canada or the Manager of Barclays Bank. They do not realise this is an exercise for politicians and these are the things we should be clear on. They are not willing to see these things, and they have contracted out of a responsibility they have in the Assembly.

The Premier said that those who are calling for an election got bowled out, but I know that during the election as has been the case during elections, they will appeal to the umpire. They cannot bat so well; so they say you are bowling too fast, and they send around their satellites to tell you that you should not tell him so. That is what you and I have done, but they are free to say all things about the Premier and Walcott. The only thing they have not called me is a gentleman. They have said that I am joining with the Premier to take over, but two cocks cannot live in one house. They are still playing standpipe politics, and their association has to be viewed from what they think they can get out of it, that their public life would be conditioned to what they have.

Mr. Speaker, I would be failing in my duty not only as a citizen but as a man who is in an organisation that wields some power in this Island if I did not see the subterfuge, the subversive tactics, and the undermining techniques that are militated against one man at this stage, and I know it will interfere with the body politic. I feel I would be failing in my duty if I did not take the stand I am taking. In many respects, some of us in Barbadian politics take it for granted. I am not taking it for granted. We are at a very serious stage of our existence. I have been reading everything that people have been saying. Only two days ago an employer in the Windward Islands made a speech to the extent of talking about dictatorships. Whenever people like us begin to come to grips with political or economic power, they cry wolf.
7.25 p.m.

When this Government came into power in 1961, they were charged with being "wild boys". From the charge of being "wild boys", it was changed to "joining with the rich." Personally, I would say that when you reach a certain age, whether in cricket, football, politics, dancing, singing or anything like that, you must know when to retire. However, you have some people who have no riddance of themselves and they do not take any introspection to realise that "this is the time for me to come off the track."

I feel that the demonstration which the Opposition has made will in no way damage the Hon. Premier nor his Party but rather enhance our reputation. Like the idiots they are, with no political sagacity, they came into the House today not even knowing parliamentary tactics, waited for us to accommodate them with something, and then they picked up their papers and walked back out like political fools. They have not only demonstrated but manifested beyond any doubt what they are.

Sir, I have great pleasure in seconding this Resolution.

SUSPENSION OF SITTING

Mr. CORBIN rose to speak.

Hon. J. C. TUDOR: Mr. Speaker, I beg to move that this sitting be now suspended until 8.15 p.m.

Hon. N. W. BOXILL: I beg to second that.

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

The sitting was adjourned accordingly.

7.30 p.m.

On resumption,

Mr. SPEAKER: When the sitting was suspended, what took place on the motion before the House was that the hon. junior member for St. Lucy moved, seconded by the hon. junior member for St. Thomas, that the sitting be suspended.

Hon. N. W. BOXILL: Mr. Speaker, I reserve my right to speak later.

Mr. SPEAKER: The question is -

Mr. CORBIN: Mr. Speaker, when the House was suspended, as I understand from Your Honour, the hon. junior member for St. Lucy moved the motion and the hon. junior member for St. Thomas seconded it. The hon. junior member for St. Thomas has given way. I think it is your prerogative to tell me what to do.

Mr. SPEAKER: Well, the hon. senior member for St. Andrew caught my eye; therefore, he may proceed.

Mr. CORBIN: Sir, this is one of the most distinguished times in the history of Barbados. I understand from the Hon. Premier that this Island for 300 years was under colonialism and the time has come now when you intend to make a change in the Constitution.

I have in my hand a copy of the Draft Constitution of Barbados, and the Hon. Premier and the Government have invited all hon. members of this Chamber to make a contribution on the Draft Constitution. Members of the Opposition have boycotted the debates on it. This is something which I never thought they would do because this is a distinguished time. However, the Hon. Premier has invited members of this House to contribute to the debate and if their material is good, I believe this Government would attain what they have in mind.

As regards the action of members of the Opposition, it puts me in mind of undergraduates attending a University and after years of attendance, they boycott their final examination. Every man in this Island is longing to hear what the Opposition has to say on this matter, but where are they? Are we to understand that they cannot measure up to the examination standard, so they have all stayed away? Mr. Speaker, I remember when God guided the people of Israel in an inspiration to go and choose a king, He said that if they chose a king, 'I will give him unto you'. The people went and chose a king.

Why has the Opposition boycotted this debate? I shudder to think that they have boycotted this debate because it has shown me clearly that they have nothing to offer.

Sir, there is to be a change now of this Island's Constitution after 300 years. There are amendments to be made to the Draft, and the Opposition should be here even to say what is wrong, and if they think something is wrong, to get up and debate it.
8.25 p.m.

If the Premier is a dictator, why did he invite them to share in this constitutional debate? If he was a dictator, everything would have been done at short notice. We are building a new building and we are willing to accept any material that is good. That is what we are here for. The fact that they have not come shows weakness on their part; they have no material to offer.

Mr. Speaker, you are a lawyer and you know that in the Law Court when a complaint is lodged there is a defendant and a complainant, and that case has to be taken before the Magistrate, before it can go before the Judge of the Supreme Court. If the case breaks down at the low Court, it need not go to the Supreme Court. Here now we are in our preliminary discussion of this Constitution, and we are asking members to contribute to this debate and they are afraid. They are waiting until they get to the Supreme Court to make their arguments. That will not be needed there at that time. This is the time for reasoning. As the Bible says, "Let us reason together, saith the Lord".

If there is any one who does not have the materials, we are not responsible for his ignorance. As I said in some preliminary speech there is no physician under the Heavens who can give a remedy for ignorance.

What trust or what confidence can the people of Barbados have in these Opposition people? The Leader of the Opposition sent and asked the Government to amend certain things in the draft Constitution and said that if they were not amended they would not come. That is hypocrisy. They should come here and argue it out here and say: "This is wrong and this is right and that is what we are willing to accept." I have been through this draft Constitution as far as my knowledge can, and the Premier has tried to make his own amendments.

The Opposition, Mr. Speaker, reminds me of the time when they brought a woman before Jesus for committing adultery. When the Master sat on the ground and wrote: "Let the man that is without sin cast the first stone," every one walked away. He said to the woman: "Where are thine accusers?" She said: "They have all gone;" and He said: "Go thy way and sin no more".

They tell us they are for the people. They are not for the people. They would like to see the people live in colonialism until they die. When they look at the Premier, the Leader of this House -

Mr. SPEAKER: The Leader of this House is the hon. junior member for St. Lucy.

Mr. CORBIN: I mean the Premier of the Island. What do they hate him for? They hate him for his works. I remember that when Jesus came before Pilate it was said: "He did good works, but we do not like him because he said he will pull down the temple and build it back in three days." The Premier is a man like Homie Corbin ...

Mr. SPEAKER: Are you using the name of a member of this House? I thought I heard the name Corbin mentioned, not necessarily the hon. senior member for St. Andrew.

Mr. CORBIN: The Premier expresses his opinion to certain people in this island and they do not like him for that, just as Jesus said: "I am the son of God," and they did not like him for that. But I want them to know that the Government of Barbados, like every other Government, is in the hands of the living God, and that the good God of Heaven ruleth in the heart of man and whom He chooseth to rule will rule, as long as he does not make mistakes. When He sees that man's desire and purpose is good, God will let that man carry on.

This Constitution does not prevent Barbados from seeking economic aid from any country of the world. 8.35 p.m.

Independence does not prevent us from seeking economic aid from any country in the world. Even the United Kingdom borrows, and if we borrow it is no sin. We are not here to have a dictatorship established. I am saying Sir, that if anyone we put as head over us fails to carry out our instructions, it is better for one man to die for a nation than for the nation to die for one man. Barbadians are God-fearing, and you will never find a nation in the world like Barbadians; so we should live socially and improve our livelihood.

We have the Constitution before us, Mr. Speaker. Can the Opposition tell any man something that is bad in it? If there is something bad, why not come here and say it? This is a Draft Constitution and not the final document, and we can delete or insert. If the Opposition brings in anything that is good, this Government will accept it; but if it is not good, we will not receive it. They say they are boycotting this debate, but Mr. Speaker, the moon runs until day catches it, and when the sun shines the light of the moon is not seen.

As far as my knowledge tells me, there is none in the Opposition who has anything to offer to this Draft Constitution, because if they had anything to offer, they would come here and say it. The Premier and his Cabinet have drafted this Constitution which you can read from cover to cover, and if there is anything that the Opposition sees that is detrimental to the people of Barbados, they should let us know so that we can amend it. They should not wait until they go to the London Conference to quarrel and make a fuss. We have a majority in this Chamber and the other Chamber, but we are willing to reason. They are making false accusations, but where are our accusers now?

Mr. Speaker, according to what I have read in this Constitution, the Government is doing nothing to hamper the people of Barbados. There are changes in it which the Government would like the Opposition to discuss, but they have failed to be present. There is nothing in this Constitution to hamper the working-class, the middle-class or the upper-class; therefore, Sir, I am contributing all I have to this Constitution. I thank you, Sir.

Mr.SPEAKER: The question is that this Resolution do now pass.....

Hon. C. E. TALMA: Before you put the question, Mr. Speaker, on such important debates, I think it is only fair and right that a few supporting speeches should be made even though the Opposition is not present to participate. We are considering tonight the terms of the Draft Constitution on Independence for Barbados, and I would not care to reopen old issues which have all been resolved. I refer to the Independence Debate which was passed by an overwhelming majority in this Chamber and in the Other Place, and of the other Resolution appertaining thereto in connection with elections. It is for us who are members of the Government Party who would like an opportunity of examining the Draft proposals for the Constitution of Barbados to express our views and sentiments in that respect.

Now this Draft Constitution has been in the hands of hon. members both of the Government and the Opposition, and the public at large, the various organisations like the Law Society, the Chamber of Commerce and other bodies both politic and impolitic; so everyone has had an opportunity during the last few weeks of examining the terms and the various proposals contained in the Draft Constitution. No one can say, therefore, that this Draft Constitution was hastily done or that interested parties were not consulted. As has been expressed here, proposed amendments have to a great extent been debated, though coming from bodies that really are not political as such.

The Hon. Premier in moving the passing of the Resolution dealing with the Constitution, made it clear that he was adopting no less than twenty-five amendments which had been submitted by the Law Society and the Chamber of Commerce and other interested bodies. That in itself is clear and ample proof that the combined Opposition groups and splinter groups have lost a golden opportunity of coming on the floor of this House and making their presence felt by putting forward their points of view, and making certain amendments and improvements as they may have thought fit; but it may well be that our Draft Constitution is an improvement on other Constitutions in the area - I refer to Trinidad and Tobago and Jamaica - partly because it is based on other Constitutions in the area. It may well be, too, that the terms and proposals of our Draft Constitution are so clear, unequivocal and so precise, well written and in easy language, that it may be difficult for any responsible person to find any flaw or fault with them. It is probably for that reason that the Opposition has thought it fit to abstain, but they used the word "boycott", though it may mean that they have no useful contribution to make, and think it wise to abstain from participating in the meeting. 8.45 p.m.

They have lost their opportunity of putting forward their point of view and making any additional proposals in our final Draft. This final Draft is not actually implemented yet.

In other parts of the world, when a Constitution is being discussed, all parties would be very grateful for an opportunity like this to come forward and set out their areas of disagreement so that you would have a knowledge of what is to be discussed at the London Conference. The areas of dis-

agreement would then be discussed and threshed out by the British Government. The Opposition has thought it best to abstain and boycott these meetings, and I think that they have acted in a very irresponsible manner. Barbados has always been prided with very literate and intelligent persons who are capable of grappling with these problems. It seems on this occasion that the Opposition parties are exposing Barbados to ridicule and appear to be irresponsible and unrealistic.

When the Conference on this question is held in England, it may be that the whole matter would have to be debated owing to the non-attendance of the Opposition here, and this matter may be more protracted than it should have been. It may cause a lengthy stay in England. However, Sir, I do not see the terms of these proposals really entail any lengthy debate because the Draft Constitution contains proposals in writing which are now in actual practice. When you study the Draft Constitution, you would see that it is based on what was going on in this Island from May, 1964, and is indeed routine. Whereas our Constitution in the past was based on conventions, this is the first time that the Constitution of Barbados has been written and in such unequivocal terms that the average person can understand.

I will tell the Opposition this The officials of Colonial Office are not concerned with petty squabbles and differences which go on here between political parties; therefore, if they are reserving any petty squabbles for up there, they would not be so well entertained, in that petty squabbles are suitable only for this local Assembly, and the British people have no time to be concerned with that.

Therefore, Sir, it is very deplorable that the Opposition has not seen fit to participate and to take full advantage of discussing these proposals.

They say that the terms of our Resolution should be amended so that the Draft Constitution should serve as a basis of discussion. It is for that reason that it was put before the House and to seek the approval of the Legislature as such. The Party in power has fifteen seats, as was stated; and to say that it does not represent the majority of the people of Barbados, certainly it is not gainsaying a fact. This Party in power represents the views of the majority of the people of Barbados, and indeed the Chamber of Commerce which is regarded as a very reactionary group has come out in the open after deliberations on the Draft Constitution and said that it is a good document with very few areas of disagreement and that body has endorsed it as such. How much more so, should the Opposition party - the Barbados National Party and the other group - endorse the views of the Barbados Chamber of Commerce"

Mr. Speaker, I hardly think a lengthy speech is necessary. The terms are clear, explicit and easily understandable. I personally feel that this is a very good document and its proposals for the freedom of the people would be entertained at every stage, especially so as regards law and justice, in that the administration of law and justice is kept widely apart and the function of law and justice would be implemented in a manner in which it is implemented today. I see no harm whatsoever is done. I think this is a step forward, and we can look forward to having a better Constitution and greater prosperity in the years to come.

Hon. J. C. TUDOR: Mr. Speaker, there will not be very much more to be said from our side except I think it should be made abundantly clear not only that this Government fulfilled its obligations to the people of Barbados, but it has leaned over backwards in doing so. There might be conceivably some misunderstanding on the part of our opponents. They may believe that we have tried to do things our own way and that we have not been scrupulously fair in handling this matter, that we do not know what we are doing and that we can be pushed beyond a certain point.

I therefore rise to make clear the Government's attitude to the London Conference. First of all, this Government as is presently constituted and led would not take part in any Conference unless the persons who are speaking for Barbados and are participating in the Conference for Barbados are members of either or both Houses of the Legislature. I want to make this absolutely clear, and I think it has to be made known that if the people speaking for Barbados are not going to be either members of this House or of the Senate, the Government will not take part in the Independence Conference.

The second thing which I want to make clear on behalf of the Government is that if the Conference Agenda includes any item which directly or indirectly alludes to the holding of General Elections, the Government of Barbados will not participate in the Conference.

The third thing is that the Agenda for the Conference must be the result of joint consultation between the Government of the United Kingdom and the Government of Barbados with no other parties participlating in the drawing up of the Agenda.
6.55 p.m.

In other words, what we are going to discuss must be agreed jointly between the Government of Barbados and by the Government of the United Kingdom, and nobody else.

The next point – and this is important because it has relevance to this exercise – is that a draft Constitution which is to be the subject of discussion at the Independence Conference must be a draft approved by the House with amendments and no other draft. Any attempt therefore to introduce for discussion at the London Conference a draft which has not been approved by this House, will not, I repeat, will not, be debated or discussed by us, because we feel strongly that the only draft Constitution that ought properly to be the subject of discussion at the Conference must be the one laid on the Table of the House and no other.

I think that the Secretary of State should be left in no doubt. First of all we are not sitting with any one except they are members of the Legislature. Secondly we are not discussing elections at all, and if the Secretary of State was to be misguided as to think that the question of elections could considerably be a topic for discussion, he will have to hold these discussions with whomever he wants to hold them, but he will not be holding them with us.

The next point is that the Agenda of the Conference must be a joint effort based on a joint agreement between the Government of the U.K. and the Government of Barbados. No matter must be produced into the Agenda except with the consent of the Government of Barbados; and the draft Constitution which with amendment is going to be approved by this House is the only draft Constitution we will discuss and no other.

This has to be made clear or there will be a considerable amount of misunderstanding in this island and elsewhere, and it will not be fair to the British Government to leave them in any doubt as to the attitude of this Government. We will not be pressurised by the Opposition party into taking up positions that are not justified in the circumstances.

Everything that is reasonably required to be done will be done. We have done all this work on the draft Constitution without neglecting in any respect the normal day-to-day work of the Government. When the draft Constitution was being prepared, the Estimates for the financial year were being done; while these discussions were going on, plans were going forward for the improvement of the lot of the people of this island. We have done all this in addition to our chores and in addition to the things we have to do in any case and upon which we wish to be judged.

It is significant that although we have produced a draft Constitution not only because it was the sensible thing to do but because we could do it, we have not been considering ourselves so self-sufficient as to be the repository of all wisdom. For six weeks the draft Constitution has laid on the Table of the House. It has been circulated all over the island and has been the subject of much comment. We accepted reasonable amendments from the Law

Society, the Chamber of Commerce and other groups in the same manner that we would have accepted reasonable amendments from the two Oppostition Parties. It is, therefore, too late for them to retrace their steps. After the House has spoken the matter is closed, so far as that aspect of it is concerned.

I do not regret myself the trouble that they have put us to in the last six months, because the people can realise what a bitter thing it is and what it cost them to maintain free institutions in this island. It will not be easy because the people who are benefiting most from the free institutions are the people who will try to undermine them and break them up. But that is no reason why every effort should not be made to maintain free institutions. They have spread a story that the country will become a republic. It will not. It will become a monarchy with all the guarantees which they want to make the outside world think that we did not want to come into this House and discuss. I have every reason to believe that what we have done will be very pleasing to the authorities in the Colonial Office, because no matter how much trouble you may have in the course of negotiations with the British Government, there are certain things they expect to see.

They expect to see people who are emerging from Colonialism into Independence as warmly attached to parliamentary institutions as they themselves are; and no British Government looks with favour on political nuisances who ignore and by-pass their own parliamentary institutions in order to raise the complaint that they have not been fairly treated. The Secretary of State is bound to say: "Why raise these matters with me now and not in your own Parliament?" If they are truthful they are bound to say: "No; we did not take part." The Secretary of State is bound to say that they do not understand their constitutional position clearly. No British Government can be expected to uphold the theory that minority rule in the Parliamentary system must be the order of the day.
9.05 p.m.

The Government Party in power in the United Kingdom was in the political wilderness for thirteen years until the won the General Election in 1964 and again a month or so ago, and they well understand the parliamentary system and are not likely to support the contention that the minority in Parliament must dictate not only the pattern, but the pace of constitutional advancement in the Island; and all British Governments, no matter what their complexion, are upholders of constitutional practice. The appeal, therefore, which the hon. members wish to make against this Government to the Secretary of State must perforce fall on deaf ears, not because of any special favouritism which the Secretary of State may feel for us, but because such an appeal would challenge the very foundations of British constitutional practice.

Another point I want to make is this: I hope the people in this Island will realise, Mr. Speaker, how we have reacted — and when I say "we" I mean the Government — to this crisis. Whenever they sought to throw the people of this Island into a panic by making the people believe that their liberties were in danger, we have sought and succeeded in expanding these liberties. At the very moment when they are staying away from the fulfilment of their parliamentary duties and defecting and running away from the people, at that very moment we are offering them greater and greater opportunities of freedom; and it is nowhere a coincidence that in the very week in which we are discussing the form of Government under which we shall live when we are independent, the Government announces that the Opposition Parties can have time for political broadcasting. This is how we do it. When they are trying to denigrate their country, to bring it down and to make it appear to be less than nothing in the eyes of the outside world, we answer them by giving them and everybody else more opportunities of freedom.

If the country goes independent, it is as well that, if they have any view, they must be able to air them; so between now and whenever an election takes place, they have time on the radio to attack the Government, and we shall answer them, and the people will sit in their own homes and judge between us. We have nothing to fear; we have nothing to worry about; but this is an exercise of how you preserve freedom. When people are trying to attack it, to drag it down and trample it, you have to see in answer to them that you enlarge the areas of freedom.

I have been a member of this House since 1954. Sir Grantley Adams used to occupy the seat where I am now, and I can remember standing over where the hon. junior member for St. Andrew is now sitting and hearing him deny our request for the use of radio time. All this the Barbados Labour Party has done. All those protagonists for freedom now have gone down in black and white on record of denying opportunities for freedom and the expression of members of the Opposition when they had the Government. This is the dictatorship now that they want to make the outside world believe is the Government of Barbados.

Mr. SPEAKER: Do I have the assurance of the hon. senior member for St. Peter that he is not contravening Standing Order 29(5) which says:

"Members shall not read newspapers, books, letters or other documents, except such matter therein as may be directly connected with the business under debate."

Mr. WALCOTT: I am not aware, Mr. Speaker, of what you are drawing to my attention.

Mr. SPEAKER: It appears from here that the hon. member for St. Peter is reading or at least looking at a newspaper, and I merely wanted his assurance that what he appears to be looking at or reading was directly connected with the business under debate.

Let the hon. junior member for St. Lucy proceed.

Hon. J. C. TUDOR: As I was saying, Mr. Speaker, all that we have done in this Island has been the direct opposite to what they have done when they held the reins of Parliament, and therefore the people of this country need have no fear as to the quality of life, so far as constitutional practice goes, which will exist under Independence. They have got a Constitution in which every conceivable liberty that any citizen of a country could want has been entrenched, enshrined and cemented. All the safeguards which make for good living and which protect the individual arbitrarily from oppressive Government are here, and this is nothing which has been forced out of us. This is something which we the Government Party are giving to the people. Do you know what has made this the kind of document it is, Mr. Speaker? When we drew this up, we did not think of ourselves as being the Government of the country; we asked ourselves this: what sort of Constitution would you like to live under if you were not the Government but were in Opposition? We drew it up, therefore, looking at the matter not from the point of view of Government, but from the point of view of people outside of Government; and since we see that if we ourselves were in Opposition we would accept this Constitution, we are content to have it so, because it contains all the liberties which we ourselves would be happy to have if we did not control the reins of Government. The Courts will be free, and this is something that does not obtain in a lot of countries.

I do not want to detain the House, Mr. Speaker, but I just want to emphasise that they can push us just so far and no further. We are satisfied that for the running of good Government everything that has been expected of us we have done, but there are certain things we are not going to do. We are not going to sit down and discuss anything to do with the future of Barbados with people who are not members of this House or members of the Senate; we are not going to sit down to discuss elections, because we feel that the question of elections — since there is going to be an election this year anyhow — is a matter for the Premier of this Island to decide; we are not going to discuss any Agenda but the one which has been mutually agreed to by the Government of the United Kingdom and the Government of Barbados, and therefore no Opposition Parties may in-

troduce anything on the Agenda which has not previously been agreed to by us, or else there would not be any Conference; and we are not going to discuss any Draft Constitution but the one which this House has with amendments approved.

I think, Mr. Speaker, that as long as these four points are clearly taken and understood, a lot of good can come out of this Constitutional Conference. If these points are not taken in by the hon. members who have absented themselves, I think they are in for a very dusty time. *(Cheers).*

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

9.15 p.m.

COMMITTEE OF SUPPLY

Mr. SPEAKER: The next Order of the day is Order No. 2 which stands in the name of the Hon. Leader of the House: To move the House into Committee of Supply to consider the grant of sums of money for the service of the Island.

Hon. J. C. TUDOR: 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.

MR. SPEAKER left the Chair and the House went into Committee of Supply, MR. BATSON in the Chair.

SUPPLEMENTARY ESTIMATE 1966-67 No. 1

COMMISSION OF ENQUIRY

Hon. J. C. TUDOR: Mr. Chairman, I think that all hon. members are familiar with the subject matter of this Resolution. However, the Commissioners are engaged in the preparation of their Report, having completed some part of it and it would be necessary for the Chairman of the Commission to return to the island in order to confer with his colleagues who live here. Therefore this amount of money, $1,650 is to cover an additional fee to the Commissioners, subsistence allowance, hotel accommodation and return air passages to Grenada for the Chairman and other incidental expenses of the Commission.

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 motion of Hon. J. C. TUDOR, seconded by Hon. C. E. TALMA, Mr. CHAIRMAN reported the passing of one Resolution in Committee of Supply.

Mr. SPEAKER resumed the Chair and reported accordingly.

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

Hon. J. C. TUDOR: Mr. Speaker, this completes Government Business for today.

SPEAKER'S RULING RE BILL TO REPEAL WEST INDIES HOSPITAL FUND LIMITED ACT, 1964

Mr. SPEAKER: Before any motion is made for the adjournment, I take this opportunity to give a ruling which I promised this Chamber a few weeks ago. It is in connection with a matter which is now on the Order Paper. I gave careful consideration to the matter and this is my ruling:- 9.25 p.m.

RULING

On the 5th October, 1965, the hon. senior member for Bridgetown, (the hon. Leader of the Opposition) gave notice of a Bill to repeal the West Indies Hospital Fund Limited Act, 1964 (1964-20). This Bill was read a first time later the same day.

On 15th March, 1966, the said hon. member moved, seconded by the hon. junior member for Christ Church, that this Bill be now read a second time. During the debate on the Second Reading, the Hon. and Learned senior member for St. John queried whether the Bill was properly before the House on two grounds: namely (1) that there were financial implications therein; and (2) that it was a Bill which reflected on a vote of the House taken during the current session. On such matter, my Ruling was sought.

I will consider with the second point first.

Standing Order 26(4) of the House reads:-

"It shall be out of order to reflect on any vote of the House or attempt to reconsider any specific question upon which the House has come to a conclusion during the current session except upon a substantive motion for rescission."

The West Indies Hospital Fund Limited Act, 1964, passed this House on 18th February, 1964, was debated by the Other Place on 7th March, 1964, and was again considered by this House on 23rd March, 1964, when amendments of the Other Place to the said Bill were agreed to. The Bill received Royal Assent on 26th March, 1964, appeared in the *Official Gazette* of 6th April, 1964, and, in accordance with Section 18 thereof, came into operation by Proclamation of the Governor contained in the *Official Gazette* dated 4th day of June 1964. It appears - from the record set out above-that all votes taken by this House with respect to the said Bill were taken not later than on 23rd March, 1964. As the House was prorogued on 31st March, 1964, and a new Legislative Session was opened by His Excellency the Governor on 5th May, 1964, no vote in connection with the said Bill can be deemed to have been taken 'during the current session'. However even if the West Indies Hospital Fund Limited Act, 1964, had been considered by the House during the current session, the Bill which is now before the House would not, in my opinion, be out of order, I deem a Bill - which has as its object the repeal of another Bill passed during the current Session - to come within the ambit of "a substantive motion for rescission'.

As to the first point, that there are financial implications in the Bill which is now before the House, the law governing the introduction in this House of measures involving financial provisions is embodied in section 6 of the Financial Administration and Audit Act, 1964 (1964-23), of this Island which replaces Section 4 of the Executive Committee Act, 1891 (1891-22) - now repealed by the Executive Committee (Vesting of Property and Transfer of Functions) Act, 1964 (1964-12); and is expressed in detail in Standing Order 59(1) of this Honourable Chamber. For purposes of convenience, I shall cite the relevant passages *verbatim:*

Section 6 (1) of the Financial Administration and Audit Act:

"Saving of certain rights of General Assembly.

Nothing in this Part shall be construed as restricting, or in any way interfering with, the right of individual members of the General Assembly to introduce any bill, resolution, or any other measure of legislation where such bill, resolution or other measure of legislation does not create any charge upon the revenue of the Island or does not provide for the expenditure of public moneys."

Standing Order 59 (1) says:-

"Except on the recommendation of the Cabinet, the House -

(a) shall not proceed on any Bill (including any amendment to a Bill) which makes provision for imposing or increasing any tax, for imposing or increasing any charge on the revenue or other funds of the Colony; and for compounding or remitting any debt to the Colony; and

(b) shall not proceed on any motion, the effect of which is that provision shall be made for any of the purposes aforesaid."

It is clear from the passages quoted above that the emphasis is upon imposing - or increasing - any burden upon the Revenue of this Island, or compounding or remitting any debt due to the Territory whereby the Treasury of the Island may suffer.

Now the provisions of the West Indies Hospital Fund Limited Act, 1964, make certain taxes payable into the Treasury upon the sale of tickets or chances in lotteries and sweepstakes conducted by the Company, and such impose taxation on the winnings of prizewinners in such lotteries and sweepstakes. For the twelve month period after the day upon which the Act came into operation, certain lump-sums - in lieu of the stipulated tax - were also due to the Treasury of this Island. There cannot therefore be any doubt that the Treasury has benefitted - and indeed might expect always to benefit - from the continued operation of the Act. This fact is incontrovertible. However, the question to be decided - in my opinion - is not the influx into the Treasury of continued benefits, but whether repeal of the said Act 'imposes or increases any tax' (which manifestly it does not), 'imposes or increases any charge' - here I must interpolate that the word "charge" implies a lien or other legal incumbrance, and must be strictly interpreted in its legal meaning - 'on the revenue or other funds of the Island' or 'compounds or remits any debt due to the Island'. To this, the answer emphatically must be in the negative. In fact, Clause 3 of the Bill to repeal the West Indies Hospital Funds Limited Act, 1964 expressly saves the provisions of the West Indies Hospital Funds Limited Act as to the collection of monies already due under the Act, hence the question of 'compounding or remitting any debt due to the Island' does not arise. *En passant* I may observe that Subsection 3 of Order 25 of Schedule 2 of the Barbados (Letters Patent Consolidation) Order 1964 provides with regard to the Senate, that "the Senate shall not -

(a) proceed upon any Bill, other than a Bill sent from the General Assembly, or upon any amendment to a Bill, which in the opinion of the person presiding, makes provision for any of the following purposes -

(1) for imposing or altering any tax;

(11) for imposing or altering any charge on the revenues or other funds of the Island; or

(111) for compounding or remitting any debt due to the Island."

The word "alter" it is to be noted appears neither in the Financial Administration and Audit Act, 1964 nor in any relevant Standing Orders of this House.

In the result, I do not rule that this Bill cannot be considered; accordingly it may be further proceeded with, at the pleasure of this House.

THE ADJOURNMENT

Hon. J. C. TUDOR: Mr. Speaker, I beg to move that the House do now adjourn until Tuesday, 3rd May, 1966, at 2.30 p.m.

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

The question that this House do now adjourn until Tuesday next 3rd May, 1966, at 2.30 p.m., o'clock was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.

9.30 p.m.