

THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION OF 1966 - 71

HOUSE OF ASSEMBLY

Tuesday, 22nd October, 1968.

Pursuant to the adjournment, the House of Assembly met at 12.15 o'clock today.

PRESENT

His Honour J. E. T. BRANCKER, Q.C., F.Z.S., (*Speaker*)
 Mr. K. N. R. HUSBANDS, J.P.; Hon. E. W. BARROW, B.Sc., LL.D. (Hon.), (*Prime Minister*); Mr. J. W. CORBIN, J.P.; Hon. G. G. FERGUSON, (*Minister of Trade, Tourism, Cooperatives and Fisheries*); Mr. R. ST.C. WEEKES, J.P.; Mr. W. R. LOWE, J.P.; Hon. N. W. BOXILL, (*Minister of Communications and Works*); Mr. J. B. YEARWOOD, J.P., (*Chairman of Committees*); Sir G. H. ADAMS, C.M.G., Q.C., B.A., D.C.L. (Hon.), (*Leader of the Opposition*); Mr. W. C. B. HINDS; Mr. C. A. E. HOPPIN, J.P. and Mr. J. B. SPRINGER.

Prayers were read.

PROTEST BY SIR GRANTLEY ADAMS
 AGAINST SPECIAL MEETING

Sir GRANTLEY ADAMS: Mr. Speaker, before the business of this House begins, I want to enter a strong protest against being summoned here today. Nothing is to be gained by coming here earlier than the 29th October, and, if it is a question of time, there could easily be inserted a section stating that "this Bill shall be deemed to have been passed from October 1," and we could have had until the 29th October to come here.

Of course, as long as the Government tells the Speaker to summon a meeting of the House because of the necessity of doing Government Business, the Speaker is bound to say "yes". I protest, because it may happen again. Merely to get these things through to carry out the Budgetary Proposals, you could do them at any earlier time and say — if you want to get over the four-month Rule — there used to be a four month Rule — you could even say that this Bill is deemed to have been passed, as I say, at any earlier date, to keep within the Rule. I would not ordinarily make a protest in public, except that it may happen again and it should not happen with all of this eternal heat under which we are sweltering.

Mr. SPEAKER: I have noted the hon. member's point.

LEAVE OF ABSENCE OF THE MARSHAL

Mr. SPEAKER: I have received a letter from the Marshal of the House asking that he be excused from his duties today and stating that he has nominated the Deputy Clerk, with the Deputy Clerk's consent, to act for him today. If the House is in agreement, will someone please move the necessary motion.

Mr. YEARWOOD: Mr. Speaker, I beg to move that the Marshal be given leave of absence from the duties of this House today.

Sir GRANTLEY ADAMS: Mr. Speaker, I beg to second that.

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

Mr. SPEAKER: In view of the leave of absence which has been granted to the Marshal, he has nominated, should the House approve the Deputy Clerk to perform his duties today. (Hon. N. W. BOXILL: The Deputy Clerk has been demoted!)

Mr. SPEAKER: At the moment it would appear that the Deputy Clerk is acting for everybody.

Hon. E. W. BARROW: Mr. Speaker, I do not think that it is proper for the Marshal to designate his locum tenens. If the Deputy Clerk indicate his willingness to serve the House during the absence of the Marshal, I would be pleased to move that the Deputy Clerk be allowed to act in the place of the Marshal, if the Deputy Clerk so desires.

Mr. HUSBANDS: I beg to second that.

Mr. SPEAKER: I have been informed by the Deputy Clerk that he would be perfectly willing, if it meets the pleasure of the House, and I would remind hon. members that, when an officer is asking for leave of absence, he intimates who would be willing to perform his duties, if such a person is agreeable to the House.

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

LETTERS FROM MRS. KENNEDY re RESOLUTION OF SYMPATHY

Mr. SPEAKER: I have the honour to inform the House that I have received a letter from Mrs. Joseph P. Kennedy which reads as follows:-

"Hyannis Port,
Massachusetts,
October 1, 1968.

My dear Mr. Speaker:

May I extend my sincere thanks to the House of Assembly of Barbados for the copy of the Resolution which expressed its sympathy over the death of my son Robert Francis Kennedy.

Mr. Kennedy and I deeply appreciated this tribute of respect, admiration and affection in his memory.

Sincerely yours,
(Sgd.) Rose Kennedy
Mrs. Joseph P. Kennedy."

This letter was addressed to:
The Honourable J. E. Theodore Bracker
Speaker of the House of Assembly, Barbados,
In care of Embassy of Barbados,
Washington, D.C.

The first Order of the day stands in the name of the Hon. and Learned Prime Minister.

SUSPENSION OF STANDING ORDERS

Hon. E. W. BARROW: Mr. Speaker, before we move into the Orders of the Day, I beg to move that Standing Orders Nos. 5, 14, 16, 18, 19, 40 and 45 be suspended for the remainder of this day's sitting.

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

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

Hon. E. W. BARROW: Mr. Speaker, there are certain Bills for which we intend to give notice, and I will ask permission to give notice of these Bills.

DEATH OF MR. FRANCIS G. TALMA

Before we do so, Mr. Speaker, it has come to our attention that the Hon. Minister of Health and Community Development and this Community have lost the brother of the Hon. Minister of Health and Community Development, the late Mr. Frank Talma, who served in the Public Service in this Island for well over 30 years before his retirement a short time ago. Many of us in this Chamber have had to

deal with the late Mr. Frank Talma in a professional capacity. He had a very quick wit and ready sense of humour; he was somewhat philosophical about the rigours of the Government Service, if not resigned to the strenuous nature of his duties which he performed without complaint.

I think it would be fitting for us, in the circumstances, to express our condolences and sympathy with the widow and relatives of the late Mr. Talma — (Mr. SPEAKER: "Francis Gordon Talma.") — Mr. Francis Gordon Talma, and to ask that a letter to this effect be sent to his relatives.

Mr. SPEAKER: The Hon. Prime Minister has moved an Address to that effect.

Sir GRANTLEY ADAMS: Mr. Speaker, I beg to second the motion made by the Hon. Prime Minister. I do so with some feeling, because not only did I know Mr. Talma in his official capacity for many years through the Courts in those days, but I had much contact with him. I was one of the fortunate people who were personal friends of Mr. Talma. An affable, straightforward and more honest man you could hardly find anywhere. It was a source of sorrow to all his friends and to other people who knew him only officially that he has passed away.
12.25 p.m.

If every Civil Servant gave the satisfaction to people with whom he had to deal that Mr. Talma gave, then we could boast of having one of the finest Civil Services in the world.

Again, I add my own personal sympathy and most sincerely second this motion of sympathy.

Mr. SPEAKER: I beg to associate myself with the expression of sympathy tendered by the Hon. and Learned Prime Minister and the Learned Leader of the Opposition. I can add that I too knew the late Mr. Talma for many a long year and valued his friendship. I greatly mourn his loss.

Let hon. members stand in their places for two minutes to indicate the passing of this Address in the customary manner.

Hon. members stood in their places.

I will request the Deputy Clerk to ensure that copies of this Address are sent to relatives of the deceased as soon as possible.

We will now proceed with the business which is on the Order Paper for today.

Mr. MOTTLEY entered the House and took his seat.

PAPERS LAID

Hon. E. W. BARROW: Mr. Speaker, I beg to lay the Economic Survey for the year 1968.

GOVERNMENT NOTICES

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

A Bill to amend the Liquor Licences Act, 1957.

A Bill to amend the Commercial Travellers and Transient Traders Act, 1935.

Hon. E. W. BARROW: Mr. Speaker, I beg to give notice of the following:-

A Bill to amend the Legitimacy Act, 1930.

A Bill to amend the Registration of Business Names Act, 1940.

A Bill to amend the Bills of Sale Act, 1893.

A Bill to amend the Registration Office Act, 1961.

A Bill relating to the registration of members of certain professions, to the payment of fees for such registration and for matters incidental thereto and connected therewith.

A Bill to amend the Registration of Newspapers Act, 1960.

A Bill to amend the Rum Duty Act, 1906.

A Bill to amend the Petroleum Act, 1882.

A Bill to amend the Brewery Act, 1950.

These Bills have all been circulated, and they are consequential on the Budgetary Proposals and Financial Statement which was laid, I think, in June this year. The reason for the Special Meeting for the consideration of these Bills is that the Statutory time during which the proposals have validity is close to expiration, and it is now considered necessary that the Bill be enacted so that the proposals may continue with the force of the Law of the land.

I shall ask leave to deal with all of these Bills in all their stages today.

Sir GRANTLEY ADAMS: Mr. Speaker, in as much as the Prime Minister was not here when I said it, I wish to ask for his benefit what was to prevent us meeting on the 29th and saying that these Bills should be deemed to have been passed on October, 22nd or October, 1st or any such date to get over the Statutory period?

Hon. E. W. BARROW: Mr. Speaker, I do not share hon. members' views that you can have a hiatus between the expiration of the validity of the Bills and then make them retroactive. It was retroactive legislation which caused the West Indian Nation to break up, and I do not want to break up the Barbados Nation.

BILLS READ A FIRST TIME

On separate motions of Hon. G. G. FERGUSON, seconded by Hon. N. W. BOXILL, a Bill to amend the Liquor Licences Act, 1957, and a Bill to amend the Commercial Travellers and Transient Traders Act, 1935, were read a first time.

Hon. E. W. BARROW: Mr. Speaker, I beg to move that a Bill to amend the Legitimacy Act, 1950 be read a first time.

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

Sir GRANTLEY ADAMS: Mr. Speaker, may I suggest to the Prime Minister to read them all at the same time instead of wasting time. All of us want to get away early.

Mr. SPEAKER: I am happy to hear the Leader of the Opposition saying that we all want to get away early.

Hon. E. W. BARROW: I would like to stick to the procedure unless the other side indicates that they have no objection.

Mr. SPEAKER: I think that the indication is clear.

Hon. E. W. BARROW: I think the difficulty is that if they object to a particular Bill on the ground that it was not circulated, the whole thing would be thrown into confusion. Since, however, the hon. member has indicated for the first time that he is willing to save time — the first time in his parliamentary career — I beg to move that a Bill to amend the Legitimacy Act, 1930, a Bill to amend the Registration of Business Names Act, 1940, a Bill to amend the Bills of Sale Act, 1893, a Bill to amend the Registration Office Act, 1961, a Bill relating to the registration of members of certain professions, to the payment of fees for such registration and for matters incidental thereto and connected therewith, a Bill to amend the Registration of Newspapers Act, 1900, a Bill to amend the Rum Duty Act, 1906, a Bill to amend the Petroleum Act, 1882, and a Bill to amend the Brewery Act, 1950, be now read a first time.

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

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

Hon. G. G. FERGUSON: Mr. Speaker, I beg to move that a Bill to amend the Liquor Licences Act, 1957, be now read a second time.

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

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

Hon. G. G. FERGUSON: Mr. Speaker, I beg to move that Your Honour do now leave the Chair and the House go into Committee on this Bill.

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

The question was put and resolved in the affirmative without division, and the House went into Committee on the Bill, Mr. YEARWOOD in the Chair.

Clauses 1 to 3 of the Bill were called and passed.

12.35 p.m.

Clause 4 was called. It reads as follows:

"4. This Act shall be deemed to have come into operation on the 3rd July, 1968."

Hon. G. G. FERGUSON: Mr. Chairman, I beg to move that Clause 4 stand part of the Bill.

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

Sir GRANTLEY ADAMS: Mr. Chairman, I suppose if I were one of those who say: "I told you so, some time or other you would be found out", I would draw to the attention of the House, especially those hon. members who were loudest in attacking me for saying that I believe in retrospective legislation, that sooner or later occasions arise when legislation has to be made retrospective. All that I been cursed throughout the West Indies for was to say that academically you could make a tax retroactive, but no Government would normally do it. That is to be found in *Official Gazettes* or what would correspond with *Official Gazettes*; but those who quote against my saying: "Retrospective, you are taxing people for a time when they were not taxable," seem to forget my words. I take this opportunity of saying it because, apart from saying it on the floor of the Federal Parliament in Trinidad, I have not in public said it before. I was very careful to say that no Government ordinarily does it, but it may be necessary sometimes to do it.

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

The Schedule was called.

Hon. G. G. FERGUSON: Mr. Chairman, I beg to move that this be the Schedule to the Bill.

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

Mr. CHAIRMAN: The question is

Mr. HUSBANDS: Mr. Chairman, while we are on the Schedule, we have Item 3 "Retail Licence". The duty payable in respect of licences is set out and it is the sum of \$100 in the case of a retailer. My observation here is in respect of the amount of \$100, and I should like to move a reduction of that. I think that one should remember the instances of a very small retailer in a poor agricultural district, the sort of man who sells liquor and can open his business place on Mondays, Fridays and Saturdays hoping to get sales for cash but on the

remaining days, he usually has to sell on credit. The margin of profit is extraordinarily small and his clientele, the number of customers he has, is small. He does his trade in a very poor district, and I think that \$100 for an annual licence to sell liquor on a retail basis is rather steep *per se* for a shopkeeper in Boscobelle, the Baltic, Lonesome Hill, Black Bess, the Mount and Gays. I know what I am talking about; I know almost every rum shop in my parish, and every rum shopkeeper in my parish. I know the size of his trade. I am watching the smiles on the face of the Hon. Prime Minister. One can easily gauge what I am saying even by paying casual visits. I do not think that a shopkeeper in Gays or the Baltic or Black Bess could really hope to pay \$100 a year as a licence. Surely, the retailer in Baxters Road, when he pays \$100 a year, and the retailer in Lonesome Hill when he pays \$100 a year — they all have licences, it is true; but one finds it very, very difficult having a very small business, a business which does not even flourish during the holiday time — it may be sometimes an election time, but that is not dependable; that is only regularly in every five years.

I really think that there should be some reduction in the annual licence fee for these small retailers in the poor rural districts of this island; and what I say for St. Peter equally applies to every other parish in the Island. There are other small villages where the retailer will find it very, very difficult. Never mind that such a retailer can pay the licence or that the licence can be paid in four instalments a year; never mind that he can pay \$25 at the end of every three months; it is still \$100 a year. It is only during the crop season — and I have mentioned the days of the week: Monday, Friday and Saturday; for the remaining days of every week, all the selling is done on credit, or 99% of the business is on credit. I really think that there should be a reduction in cases like that. When one compares the volume of trade done by such retailers as I have described, and that done by the hoteliers, I think that the proportion is not a very fair one. It is not a very understandable one, and therefore I formally beg to move a reduction by \$75 in the case of the small retailer, leaving a fee of \$25. (A Pause).

Mr. CHAIRMAN: Is the hon. member still addressing the Chair?

Mr. HUSBANDS: Yes, Sir. I was listening to asides which are proving helpful. I have made my observations, and I hope that the Government will see to it that some reduction be made on this score.

Sir GRANTLEY ADAMS: Mr. Chairman, at the risk of seeming to repeat what the hon. member who has just sat down has said, I ask the Minister to persuade his colleagues. Now can anyone defend a hotel up to ten bedrooms paying \$100 and a retail shopkeeper, \$100? Some shopkeepers have one door it is a little shop. There may be a side entrance by which you can enter at night, or in the back when the front is supposed to be closed; but how can that be defended? You hit at everybody on an equally fair

footing. A man who is likely to sell as much rum or other things — a hotel of ten bedrooms includes the sale of champagne — and you put that on the same footing as a one-door shopkeeper! Mr. Chairman, I have the utmost pleasure in supporting the hon. member as much as any human being can support another, in moving the reduction to \$25.

12.45 p.m.

It is not necessary to say anything more than that. I do not know how many hotels have up to 10 bedrooms. If you made that \$100 for the hotels \$200, \$300 or \$400, it does not matter. They will put it on their guests. Imagine a one-door shopkeeper selling a 10¢ rum for 15¢ or 16¢ and telling his customers: "Well, they are taxing me the same as they are taxing the hotels!" Need I say more?

Mr. HINDS: Mr. Chairman, this matter, I think, deserves the consideration of every hon. member in this House. When one takes a look at the petty shopkeepers with one door, one will find that some of the proprietors are just able to keep two or three bottles of liquor on their shelves. Believe me, Sir, I feel that they have proven themselves throughout the years to be, perhaps, greater economists than the Minister of Finance might claim to be. How they do eke out an existence is very difficult to be determined in figures at any stage and in any place.

When it is borne in mind that these shopkeepers for the most part, are people who are trying to keep their doors open because they have, perhaps, children they are trying to educate, and some of them may find themselves having to pay \$100 a year in taxes and at the same time trying to educate maybe two or three children and having to pay \$35, \$40 or even \$70 a term, it is difficult to understand the position. It may be argued that if you cannot pay the tax, you must go out of business. That may be the attitude of the Government; but it may be better, if the Government is viewing it in that light, to approach it in an entirely different manner.

One knows that, in the case of the country shopkeepers particularly, they exist on crediting their customers for the most part, and during the lean period when they are getting only three days' work per week, as the Government has now seen fit to give certain people at least three days' work per week, it is known that the worker likes his rum-drinking; he likes to take a snap of rum, whether he can pay for it or not. If some of the people who are carrying on these small businesses are forced out of business, it would be a serious matter. One may not know here, but it may be found that a large amount is owed to them. It may be a case where one man owes a shopkeeper \$3, \$4 or \$5, and when everything is totalled you may find that 20 or 40 of his customers owe him similar amounts. If the small shopkeeper is forced out of business, one does not know what may happen to that poor man's family.

Very often a man may have a cow, a few sheep, and a pig or two in his back yard, and he feels that,

while he is attending to them and he has a one-door shop where he can put a bottle of liquor and retail it, that would help to make ends meet. In other words, if he is forced into a position where he has to rear a pig until it reaches the age when the butcher will buy it from him — we know that most of these shopkeepers do that. They rear an animal in the yard, and when the time comes to pay their licences, they sell the animal and pay the licences in order to avoid being reported. They do not pay their licences from the amount of liquor that they have been able to sell. I am not referring to those who sell most of it to themselves. That is the trouble with some of these small shopkeepers.

I am quite in favour of the very substantial reduction that has been moved by the hon. senior member for St. Peter in respect of those small country shopkeepers. I say so whether it be a country shopkeeper in Boscobelle, St. Peter, Date Tree Hill, the Castle, one in St. Joseph or in St. Philip. I know how difficult it is for these shopkeepers.

I am sure that you, Mr. Chairman, are sorry that you are in a position where you cannot lend a voice from the floor of this House in support of this reduction. I am urging upon the Minister of Finance to give some consideration to what has been said in respect of these poor shopkeepers. We feel that there are some shopkeepers in the parish of St. Michael, in the City, and in the suburbs, who could be expected to pay a little more. In other words, there is a necessity for the grading of the licence fees, depending upon the distance one is from the main hub of activity, so to speak, and I am asking the Minister of Finance to give consideration to what has been said.

Mr. MOTTLEY: Mr. Chairman, while I am in sympathy with this reduction, I do not like the words "country shopkeepers". This is a question of my representing the City of Bridgetown for a number of years. I note here the words "Duty payable in respect of Licences. A Wholesale Licence \$500; A Retail Licence \$100." I am wondering if, in view of the fact that for the past ten years the question of rating for trade purposes of shopkeepers comes directly under the Commissioner of Inland Revenue, this could be so amended to read:

"Retail Shopkeepers a rateable value" just as we do with Hotels. There are some shopkeepers in the country who can pay \$100, and others who cannot pay \$100.

12.55 p.m.

I am in sympathy with the amendment, or with an amendment of some sort, but I would like to hear the Minister of Finance. I throw it out maybe not for his benefit, but just to remind him that shopkeepers are no longer rated by the Vestry System, but they are rated by an officer connected with and attached to the Commissioner of Inland Revenue. From that it can be seen that every shopkeeper in the Island — because the officer must visit these places and must

know what type of business is being carried on and rate them accordingly.

Even though, according to the law, returns must be made, there are many shopkeepers, as we know shopkeepers, who make no returns. The officer has got to go and look. He pays a visit when the shopkeeper least expects, and he puts down what he thinks he should put.

Well, this is never objected to — two objections you had in ten years in the whole Island. Therefore I am saying that while I am in sympathy with it, you cannot just say "retail shopkeepers in the country areas." This could not make sense because, I repeat, some retail shopkeepers can pay \$100. Some cannot pay \$25.00, and therefore I would prefer to hear the Minister of Finance who is responsible for this give us an idea if it can be done like the hotels — 10, 25, 50, 100 beds.

This can be done because, I repeat, they are now rated directly by an officer under the Commissioner of Inland Revenue, and therefore he knows right away what they can be rated at, and it can be sent down for the purposes of licensing.

If a certain man is doing \$1,000 in business at the end of a year, are you telling me that he cannot pay \$100? All shops are rated, even blacksmiths' shops, under the Act by the Officer of the Department of Inland Revenue. Let us take one of these shops in Suttle Street, someone making \$25 a year. You do not want to, say, pay \$100 for a licence. That is how I feel about the whole matter.

Mr. HOPPIN: Mr. Chairman, I do not support the views of the last speakers, especially most of them from the Opposition. I have calculated this \$100 a year on a 30 day basis and it works out at approximately \$8.34 a month, or something like 27 cents a day. Take the price at which some shopkeepers sell a snap of rum. A snap of rum is sold today for 25 cents, and some shopkeepers in the country even charge you 30 cents. I do not feel that this licence is exorbitant.

There has been talk about one-door shops and holes in the wall. I have known some holes in the wall do very good business, and I do not see why they have been asking for a reduction of \$25, and even in some instances \$75. I feel that the Government is giving the shopkeepers an opportunity to look into his business on a three-months basis; that is, if you realise that you cannot meet the requirements for a year you pay your licence quarterly. If in three months' time you realise that you have not been successful, go out of business or close it down. The opportunity is there.

I do not agree that this should be reduced, and therefore I support the \$100 that the Government has charged per year for the retail licence.

Sir GRANTLEY ADAMS: Mr. Chairman, I wish the member would state whether a hotel with ten

bedrooms works out at more or less than 27 cents a day or what. Why does he not deal with that argument of the Opposition, that it is unfair to put it on the same basis as a hotel with ten bedrooms?

Hon. E. W. BARROW: I have listened very carefully to the arguments. There is a popular superstition in this country that the people of Barbados are ignorant and illiterate and do not understand their politics. If members on the other side think that by getting up here and making unfounded statements — unfounded statements are the order of politics, but bad arithmetic I could never excuse — that this is going to win them some kind of support and put them back in power, they are mistaken. I do not know if they think that these are the old days when shopkeepers used to canvass votes, and that this will drum up for them a whole army of support.

They stand by the argument that the Liquor Licence duty should not be increased at any time at all. I understand that that is their argument because if you say that you want it reduced, it should not be increased because the poor are always with you and there is some mythical class called poor shopkeepers. I have not seen them.

I said in the Budget Proposals that the fees payable under the Liquor Licences Act have not been changed for over 11 years. Since then the scale of rates of Key-scale workers in the Government Service have risen by over 175%, and the key-scale workers are the people who go into the small one-door, hole-in-the-wall shop.

That is eleven years ago. If you say now that after eleven years, ignoring the rise in the standard of living and the purchasing power of the ordinary man in the street in this community, that after eleven years of our endeavour and part of their endeavour, that a one-door shopkeeper cannot pay 27 1/2 cents a day when he makes 378% profit on the 26 ounce bottle of rum, something is radically wrong.

What was revealing, what was particularly revealing was that the member for the City said that they did not pay any income tax, that they did not normally make returns. We all know that. You in the City Council would know that better than anybody else. You cannot get them to pay income tax and they make no returns.

The Valuation Officer go around and assess them. No matter what the assessment is, they do not make any complaint and they do not file any protest. One or two who might keep books and are on the borderline, whose shop was painted up and might be slightly what he considers over-assessed may put in a kind of feeble protest to the Commissioner of Inland Revenue; but by and large, there are 4,000 in this Island, 4,000 shopkeepers, and they will not do what the law requires them to do; and I am not satisfied that they pay their fair share of income tax.

Do not let us fool ourselves. It is you and I and the key-scale worker who will have to pay this; so

if the argument is that you are making rum expensive for the key-scale worker, I say that liquor is a luxury, and school meals are more important than liquor. If you want to drink to pay for the school meals, well then, you have to pay for it; but do not tell me about the small shopkeeper because, No. 1. he is not going to file an income tax return, and No. 2, he is not going to file it because if he was operating so much on the margin you would be sure that he will pass it on to the consumer.

There are 4,000 of them, and you cannot get a return out of 800 of them — neither a trade tax nor income tax returns.

Let us come to the equation between hotels and the one-door shops. The licence for a hotel with up to 10 bedrooms was \$50 a year. I said in my Budget Proposals \$100. It is not \$100 for other hotels. For the first time I have introduced a progressive scale so that some of the hotels have to pay \$1,500 whereas before hotels of that size would pay \$100 while the one-door shopkeeper was paying \$50.

Let us be honest now and see what the proposals are. They are on page 21 of the Budget Proposals and I want to read them. I said:-

"The fees payable under the Liquor Licences Act have not been changed for over 11 years. The Act under which we are operating is the Act of 1957. I now propose to make the following increases in the Schedule to the Liquor Licences Act of 1957."

A general wholesale licence was \$300. It is now \$1,500 per year.
1.05 p.m.

They are not small one-door shopkeepers. They are General Traders, Perkins and Goddard and Sons and people like that; they are the people who are paying \$1,500. I understand, incidentally that some of them want to pool their agencies and say that they are only one agent with all the distributing outlets; but the minute they do that, I will introduce legislation not only to separate them again but also to increase the fee a little more so that they will understand their responsibility to this community. I know that they had a meeting saying that they are going to pool all the agencies and say that they have one wholesale. That is what you call monopoly capitalism rampant in Barbados. I keep an eye on all of these things; do not let us shed any crocodile tears for the small one-door shopkeepers.

Let us examine the total position and see whether the Government was being fair and putting the burden where the burden should go. The wholesale licence fee was \$100, and it is now \$500. The retail licence fee was \$50 eleven years ago and it is now \$100, and as the hon. junior member for St. George has pointed out, it is an increase of 27¢ a week and you can make that out of two "snaps" of rum. The Hon. Leader of the Opposition has mentioned that we are charging them the same as the hotels, and in his subsequent

statement he has adverted to the fact that it was a ten-room hotel. Sir, let me tell you about these ten-room hotels. I do not know a ten-room hotel in Barbados which can sell as much rum in a whole week as one of these one-door shops in Vine Street or up by the Paddock, which can open 24 hours a day and night. A ten-room hotel may have a bunch of teetotallers in it, but very seldom visitors in it call for the occasional beer. Do you think that a ten-room hotel in Barbados, which is only a glorified boarding house, could sell as much rum in a whole week as one of these shops which are opened all day and all night, selling through the window, through the back-door and some of them with the doors wide open? Do you seriously think that any ten-room hotel in Barbados could sell as much rum in a whole week as one of these benighted, as they say, poor unfortunate, one-door shops? The answer is "No" obviously. Nobody in a ten-room hotel could afford to sell anybody a bottle of whiskey for \$28. That is nonsense. It may be that some of the luxury hotels down the coast which have to pay \$1,500 may do that. (ASIDES). If the people do not know how to get into a bus or a taxi and buy the rum somewhere else. I would almost tell you what I do. I take my rum in my bag when I travel. (ASIDES). Why should I pay my tax in another country? I pay my tax in Barbados. (ASIDES). Why should I pay any hotel \$28 here or in Thy Kingdom Come, for any bottle of rum? I am not paying any hotel that. I take my rum with me and that is the right policy. You will be surprised to know that the owner of the Distillery has to buy his. (ASIDES).

Mr. CHAIRMAN: I would like to remind hon. members that when one hon. member is speaking the others should be silent.

Hon. E. W. BARROW: Mr. Chairman, I did not know that there was a law which says that you must buy your rum in the dearest place and drink it in the cheapest place. I buy it in the cheapest place and drink it in the dearest place. To get back to the point, Mr. Chairman, the licence for a ten-room hotel used to be the same as that for a retail shopkeeper, that is, \$50. That was eleven years ago and we have put it up to \$100. Thereafter you will see that the licence for a hotel of over ten rooms was only \$100, up to 1,000 rooms apparently and there is now a progressive increase because the larger the hotel, the more expensive the drinks tend to be. Therefore, we feel that it is right that they should not pay the same kind of liquor licence as a small shopkeeper pays. As far as I am concerned, I do not think that we have anything to be apologetic about in this regard.

There is one amendment which I should like to make to the occasional licence in respect of which there has been an oversight. The occasional licence is for people who hold dances and that sort of thing, which used to be \$5. That is No. 6 in the Schedule to the Bill. You will find that in the Budget Speech, a copy of which I have in my hand, the increase was from \$5 to \$10. That is in respect of the occasional licence, and in the Schedule to the Bill which we are now considering, they should have \$10. I should like to move that the Schedule as amended stand part.

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

Mr. HUSBANDS: Mr. Chairman, I regret that this debate which I initiated has taken this turn. I did not think that this would have become involved in income tax and trade tax. If the Government finds it difficult to get the small trader, to whom I have made reference, to pay his income tax or his trade tax — I do not want to believe that the Government is telling the community that this is now a means of collecting such income tax and trade tax, through the raising of the licencing fees. That is a rather indirect way of doing business, one which I cannot really appreciate. It seems to me that this matter has got involved with income tax and trade tax, but it should not be so. I stood up here and said in plain language that from my observations, from my talk with the small retailer in the rural districts of Barbados, I cannot see him paying \$100 a year as the annual licence fee. I stated that blandly and I have not heard anybody deny it. That is undeniable. This is not for the purpose of getting a vote in the next two or three years. Whether I am returned to the House of Assembly or not, it is my candid observation that the small retailer in Boscobelle, Date Tree Hill, Black Bess and places like that cannot and does not, do sufficient trade during the year to pay this licence.

1.15 p.m.

The man can only open his doors on Monday evenings, Friday evenings and Saturday evenings. After that he has to shut down. On Monday, Friday and Saturday the people will buy liquor cash, and the remaining days of the week it is credited.

The argument that the standard of living in this country has been raised since 11 years ago does not deny the fact that even now, in 1968, a retailer in such districts as those mentioned cannot stand the burden when he has the imposition of a \$100-a-year licence tax to pay. The Hon. Prime Minister will not get up here and deny that. Do not tell me that a 10-room hotel sells less rum than certain shops around the Garrison. What I am saying has nothing to do with that. That may be perfectly true, and I am not going to deny it. I want to know if the Hon. Prime Minister can deny what I have said. I do not have to deny what he has said.

It may be perfectly true that the average 10-room hotel does not sell as much rum as any shop in Baxters Road that may be opened 24 hours a day. That may be perfectly true, but I am speaking in respect of the small retailer who has had a 100% increase. I am saying that, in spite of the rise in the standard of living of the people of this country, the retailer to whom I have referred is still under a great difficulty when he has to pay this tax, inasmuch as he can pay it quarterly. Seeing it that way, I moved a reduction in the licence fee.

If the Government in its wisdom and in its observation thinks that I am electioneering and trying to put something on it in this House to get a vote, then I am in sympathy with it. I know that the Gov-

ernment knows as well as I do, because every member in this Chamber represents a constituency where there can be found the type of small retailer to whom I have referred. It is that man that I think is bearing a burden. It is not to say that "this man does not pay trade tax, or income tax, and *ipso facto* let me get at him now by increasing the licence fee." Mine is a straightforward proposition. I know this to be true over a long period of time. I am not posing an argument; I am stating an observation, and this is a different thing altogether; therefore, I am not going to be dissuaded from my purpose by any threat that I have been electioneering. I remain as firm as ever in my resolve that I am right, and I am seeking to remove what I think is a grave imposition on the members of this community, the volume of whose business does not justify the increase that has been proposed.

Sir GRANTLEY ADAMS: Mr. Chairman, unlike the last hon. speaker, I am not going to take notice of the infantile sneer about electioneering. Every time a member of the opposition opens his mouth to say something against anything done by the Government, if you choose to use that type of argument, you can say that he is electioneering. I think that that sort of thing is much too cheap to be raised on the floor of the House, let alone by a Prime Minister. You say that it is electioneering and the member is arguing in order to get more votes. In the heat of an election some people do that sort of thing on a public platform to a number of people to whom they think that is the best argument to use.

Over here the Opposition puts its whole case. How can you defend \$50 in the past, and \$100 now for retail shopkeepers; \$50 in the past for hotels, and the same \$100 now? If the hon. member feels that he has made out a case that the fees were too low, again he uses the silly, sneering, argument that we, in effect, do not want to raise taxes. That is what he actually said. Who but a child would say that? Nobody says that we do not have to raise more money.

The hon. Member says that we must tax rum in order to find money for school meals. Who would differ from that? It is wrong, absurd and a childish argument to suggest that because we said you have not put the additional taxation fairly on two classes of people, when you compare two classes of people — how can we be honestly accused of not wanting to raise taxes? It is not as if the scale of taxation is uniform. Of course, it may have been wrong in the past to charge a shopkeeper \$50. I ought really to pass by again the silly, infantile, sneer that I corrected what I said at first, and in my second statement I referred only to 10 bedrooms. I referred to a hotel with 10 bedrooms when I first mentioned hotels. I was reading at the time.

Mr. Chairman, Retail Licence \$50, now \$100; a hotel up to 10 bedrooms \$50, now \$100; but it is not uniform when you go down the line. A Proprietary Club Licence was \$100 and it is now \$500. Surely that \$500 — it was not just doubled as in the case with

the Retail Licence — represents what the draftsman, or the Cabinet, felt was a fair thing to charge a Proprietary Club. Just as you felt that \$50 for a Retail Licence was not enough and therefore make it \$100 so you said to yourself — here is even a worse instance: a Proprietary Club Licence was only \$100 and make it \$500. That is what you have done, and that is what is in the Bill.

If you find that there was a mistake in the past and a Retail Licence shopkeeper had to pay only \$50, then ask yourselves how can anybody reasonably defend — even if what the hon. member says is true, that a hotel with 10 bedrooms is only a boarding house — or how can anybody say that because here and there you may find a Retail Licence Shopkeeper, if I may use that expression, who cannot feel having to pay \$100 — are you going to use the same argument? Apparently, you have not been using it in the case of hotels. How can anybody reasonably suggest that you can put a retail shopkeeper, whether in the country or in town, on the same footing as a hotel? That is the argument which the Hon. Prime Minister has not answered.

I thought the Hon. Prime Minister was going to say: "I have a case for increasing the \$50 for a Retail Licence up to \$100, the hotels ought to pay more." and suggest to the House to agree to making this \$100, \$250 and \$1,000. It is too late to do that now. "I will keep the Retail Licence at \$100, but in the case of a Hotel Licence, I am not putting that on the same footing as a Retail Licence; I am making it \$150, \$200, or something like that." That is a fair argument.

1.25 p.m.

The fair thing to do is to raise the hotels' rates. If you say it is only reasonable to leave the retail licence at \$100, we would agree with you if it follows that you raise the hotel licence beyond the \$100 at which you now have it. Is that too much to ask? What hotel proprietor will say that he cannot afford it? Shopkeeper after shopkeeper is saying that they cannot afford it.

Because some shopkeepers may open for 24 hours a day, you are just encouraging them to break the law because he has to raise the \$100 whereas before he only had to look for \$50. Hotels are cropping up here and there in this Island and are being filled. How can anyone begin to say that I will be hard on the retail shopkeepers because they can afford to pay, but soft on the hotel proprietors because a hotel may only be in some cases a glorified boarding-house?

Is it reasonable to say that it is not a profitable concern to have hotels in this Island? Is it reasonable to say that a retail licence should be \$100, but that a hotel licence should not be \$200? We know on this side of the House that there are some hon. members — and they do not want to sneer. I do not know that I have ever indulged in just sneering of saying that you are a coward — but surely some hon. members facing us agree with our argument.

If you are going to keep this at \$100, persuade the Prime Minister to raise the licence of the hotels from \$100 to at least \$150. I repeat that the percentage increase in this list is not uniform. Druggists are raised from \$10 to \$25 — more than doubled — and the retail shopkeepers and hotels have been just doubled. They are raised from \$50 to \$100.

Take the restaurant licence. Can anyone honestly feel that a restaurant does not sell more than a retail shopkeeper? The man who is having a meal and having a drink — there are more people likely to be in that position in a restaurant than in the case of a man who finds that he has to break the law by opening 24 hours. I do not know any of them, but I take the word of other speakers whether on the Government side or the side of the Opposition, who say that this is what happens.

For the last time I appeal to the Prime Minister that if he wants to show that he is hitting at whoever is best able to hear it, and if he intends to keep the retail licence fee where it is, even at this last moment, raise the tax for hotels in order that it may not appear that a retail licensed shopkeeper is on a footing with a hotel, even though it only has ten bedrooms.

The question that Item 3 of the Schedule be reduced by \$75 was put and the CHAIRMAN declared that the "AYES" have it.

A division was called for and taken as follows:

AYES: Mr. HINDS, Mr. CRAIG, Mr. HUSBANDS and Sir GRANTLEY ADAMS — 4.

NOES: Hon. E. W. BARROW, Hon. G. G. FERGUSSON, Hon. A. DaC. EDWARDS, Hon. N. W. BOXILL, Mr. LOWE, Mr. SPRINGER, Mr. CORBIN, Mr. WEEKES and Mr. HOPPIN — 9.

Mr. CHAIRMAN: The question is that in Item 6 of the Schedule the figure "5" be deleted and the figure "10" substituted therefor.

Sir GRANTLEY ADAMS: That is a mistake. He did not make a formal motion.

Hon. E. W. BARROW: I would like to enlighten the hon. member. I made a motion that the figure "5" be deleted and the figure "10" substituted. It was seconded by the Hon. Minister of Trade. I should point out that it is normal to put that the words proposed to be deleted stand part, but I do not think it was necessary because you would have to go through three Resolutions before you got down to approving the Schedule. The idea was to put the motion as it was put rather than go through a circuitous procedure.

The question that the Schedule be amended was put and resolved in the affirmative on the declaration of the CHAIRMAN that the "AYES" have it.

Hon. G. G. FERGUSSON: Mr. Chairman, I beg to move that you do now report the passing of one Bill in Committee with amendments.

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

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

AYES: Hon. E. W. BARROW, Hon. G. G. FERGUSON, Hon. A. DaC. EDWARDS, Hon. N. W. BOXILL, Mr. LOWE, Mr. SPRINGER, Mr. CORBIN, Mr. WEEKES and Mr. HOPPIN — 9.

NOES: Mr. HINDS, Mr. CRAIG, Mr. HUSBANDS, and Sir GRANTLEY ADAMS — 4.

1.35 p.m.

Mr. SPEAKER resumed the Chair and reported accordingly.

Hon. G. G. FERGUSON: Mr. Chairman, I beg to move that this Bill as amended be now read a third time.

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

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

AYES: Mr. YEARWOOD, Hon'bles E. W. BARROW, G. G. FERGUSON, A. DaC. EDWARDS, N. W. BOXILL, Messrs. LOWE, SPRINGER, CORBIN, WEEKES, HOPPIN and MOTTLEY — 11.

NOES: Messrs. HINDS, CRAIG, HUSBANDS and Sir GRANTLEY ADAMS — 4.

The question that this Bill as amended do now pass was put and resolved in the affirmative.

A division was taken as follows:—

AYES: Mr. YEARWOOD, Hon'bles E. W. BARROW, G. G. FERGUSON, A. DaC. EDWARDS, N. W. BOXILL, Messrs. LOWE, SPRINGER, CORBIN, WEEKES, HOPPIN and MOTTLEY — 11.

NOES: Messrs. HINDS, CRAIG, HUSBANDS, and Sir GRANTLEY ADAMS — 4.

COMMERCIAL TRAVELLERS AND TRANSIENT TRADERS (AMENDMENT) BILL

Hon. G. G. FERGUSON: Mr. Speaker, this Bill seeks to increase the licence fee payable by commercial travellers and transient traders from \$24 to \$500. The Bill will also make it impossible for a commercial traveller or transient trader to bring an action against any person unless at the time the goods were sold and delivered or the contract made the traveller or trader was the holder of a valid licence.

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

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

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

On motion of Hon. G. G. FERGUSON, seconded by Hon. A. DaC. EDWARDS, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. YEARWOOD in the Chair.

Clauses 1 and 2 were called and passed.

Clauses 3 was called. It reads as follows:—

"3. This Act shall be deemed to have come into operation on the 3rd July, 1968."

Hon. G. G. FERGUSON: I beg to move, Mr. Chairman, that Clause 3 stand part of the Bill.

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

Mr. MOTTLEY Mr. Chairman, this seems to be a Bill with which I agree, but how are you to get at the root of this matter? People land at Seawell Airport and they get permits as visitors on a holiday — I hope that the Minister in charge will tell me a few of these things. A tourist, for that matter, is on holiday and he comes in here and starts off trading. How are we going to get at him? He has no licence or permit or anything at all; he brings in some 60¢ watches and sells them at \$10 a piece. (Laughter). How are we going to get at him. What is the penalty? 1.45 p.m.

That is in the budgetary proposals. It goes from £ 5 to \$500.

Mr. CHAIRMAN: The hon. member, in my opinion, is out of order. You have allowed Clause 2 to pass you which, perhaps, relates to whatever you are saying. We are now dealing with Clause 3 which states:

"This Act shall be deemed to have come into operation on the 3rd July, 1968."

Mr. MOTTLEY: Would you like me to exercise all the rights I have? I know that what you are saying is correct. Do you want me to ask that the Clause be recommitted? I agree with changing £ 5 to \$500. I say that it is unfair competition, and I would like to know whether the Minister has any machinery for dealing with these people who come here and do business. The Minister of Trade will agree with me that —

Mr. CHAIRMAN: I rule that you cannot discuss it under Clause 3.

Mr. MOTTLEY: Mr. Chairman, do not be so strict with your Rulings; you might get yourself in a corner one of these days. Are you afraid of something? I know that I can ask that Clause 2 be recommitted, if you want me to do that. You have had your experience and teaching abroad, and you are very strict now. I beg to move that Clause 2 be recommitted.

Mr. HOPPIN: Mr. Chairman, I beg to second that

Hon. MEMBERS: Let us complete Clause 3 first.

The question that Clause 3 stand part was put and resolved in the affirmative without division.

(Mr. HINDS: An hon. member is on his feet).

Sir GRANTLEY ADAMS: If Your Honour had called on the Speaker who was on his feet to sit down, one could understand; but for a member to be on his feet while you are putting the question shows no respect to hon. members. Call on him to take his seat. Could anything be more irregular than that?

Hon. E. W. BARROW: The hon. member was not on his feet; he was standing on one foot, Sir.

Mr. MOTTLEY: Mr. Chairman, I beg to move that Clause 2 be recommitted.

Mr. HOPPIN: Mr. Chairman, I beg to second that.

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

Mr. MOTTLEY: It is very simple, Sir. "Section 3 of the Commercial Travellers and Transient Traders Act, 1935 is hereby amended as follows:-

- (a) by deleting the words "five pounds" appearing in line 8 of subsection (1) thereof and substituting therefor the words "five hundred dollars".

I said at the beginning that I agree with that, because I felt that it was unfair competition for people to come here with a bundle of things that cost them little or nothing, and do a tremendous amount of business as compared with people who must make their returns for the entire year to the Commissioner of Inland Revenue. Some people get away with murder.

The Clause goes on to state:

- (b) by inserting immediately after subsection (1) thereof the following as subsection (1A)-

"(1A) Where a transient trader required by subsection 1 to obtain a licence before exercising his trade in the Island fails to do so, then the rights of such trader, in respect of any action for goods sold"

Mr. Chairman, all this means is that if a man sells you a suit length for \$25 and it cost him \$6, he does not care if you ever pay him the full amount. I want to know what machinery the Minister has to deal with Syrians and Indians who come into this Island with a suitcase filled with things and start to do business throughout the Island. What machinery does he have to make sure that these people pay their taxes? They come in as visitors or tourists.

I have had experience in this matter. The majority of these people live at Guest Houses in Christ Church and, although they were trading in the Municipality, we found it difficult to collect any taxes from them. When we got the names, things were so confused that, by the time we were ready to deal with them, they were gone. It is all well and good to say that this is in the Budgetary Proposals and it is intended to bring in so much money, unless the Government has the necessary machinery to deal with these people, I do not see how one cent will be collected. I would certainly like to hear the Minister on the matter.

Sir GRANTLEY ADAMS: Mr. Chairman, although the Prime Minister may have something to say because I said something earlier about saving time, I could have said a lot more. I merely say that this Section needs something added to merely saying that a man cannot sue. Why should everybody else be penalised? Suppose he is so friendly with all of his customers that they readily pay him? He never pays the \$500, and he does not suffer at all. He puts the money for what he sells in his pocket. Everybody else in all of these Bills will be fined for not doing certain things. I could have raised this point at the beginning and I could have made a long speech.

Hon. E. W. BARROW: If the hon. member will give way, I will draw his attention to the fact that there is a fine. Under the principal Act there is a fine of £50. I will consider amending that to £500, if you like, but I was merely concerned with the money raising aspect rather than the penalty through the Court. I agree with the hon. member that the penalty should be increased, and I will consider that at another stage. We must get the revenue Acts passed.

Mr. MOTTLEY: We agree that there is a penalty, but the penalty should not remain at \$50. When this Act was passed those people were coming to this Island by boats, but nowadays you have them coming here by planes.
1.55 p.m.

This thing about not being able to sue is in my opinion junk. I say that for this reason. If these people bring something for 60 cents and sell it at \$10 and receive \$5, they do not give a damn if you pay the rest or not. What I want to know is what machinery will you set in operation to see that they take out this licence for \$500?

This is coming into operation retrospectively. I will bet that you did not have two coming and paying \$500, and I bet that over one dozen have come into the Island since then. You have the Immigration Department. That is all right for people who come in for 17 days or two months. These traders want to come in during the crop time when money is circulating and then they go. They do not have to sue anyone.

There are Italian goods which are a good imitation of British tweeds. These traders go into the

country and sell a man in the country a suit for \$25 or \$30. The man pays down half, about \$12 and the thing really costs about \$2.00 a yard. When the trader receives a downpayment he is getting more than the whole cost him.

It may seem to be a help to the ordinary man, but the trader's idea is to get money out of them when they come here. How are you going to get this licence? I know that at present you cannot get any. They go to a hotel or a boarding-house in Christ Church, and next morning they are in a car all over the country, and that is the end of it. How do you get this money? This is retroactive from July.

Sir GRANTLEY ADAMS: Mr. Chairman, I want to save time. I do not know who put this idea in his head. It is possible for any clever lawyer to show that he could not sue if he did not sell as a licenced trader.

I remember Mr. Justice Ward when he was a small boy and I was a small boy also saying that a druggist ordinarily did not mind if he charged you 20 cents and you paid only one penny because he would still have made 18 cents.

Mr. CHAIRMAN: The question is —

Mr. MOTTLEY: No. I object to any indecent haste. I am not opposing anything. I am asking for enlightenment. The Minister of Trade is in charge of this and I ask for enlightenment. Maybe there are means which they have of having the Immigration Department, as soon as a man says that he is trader, reporting that he should pay the licence fee.

I do not ask questions just to oppose something. That has never been in me. So often you hear that these amendments are supposed to bring in more revenue, revenue of which we are in dire need. Suppose I ask how much do you expect to get from this? This came into operation from July. I ask now on the floor of this House that the officers who work under the Commissioner of Inland Revenue have not got money from two of these traders since this came into operation. Do you believe that anyone has paid \$500 and said that I want to sell cloth or watches?

I agree with the Bill; but it does not make sense to me unless you go further and tell me how you propose to implement it.

Hon. E. W. BARROW: Mr. Chairman, the ordinary machinery for law enforcement is there. Every Sargeant in charge of a District Station is aware day by day of the people travelling around and collecting money from agricultural workers, etc. We have not set up a special machinery for collecting this tax.

Last year there were ten people who came into the Island for this purpose. There may have been more whom we did not detect. We are invigilating that a little more closely because we think that they are offering competition to people resident in Barbados, and who have to pay trade tax, company tax

and income tax. We know that there are a lot more circulating in the country that do not come under the Interim Traders Licence, but they are liable to trade tax because they are domiciled in Barbados. Even if they are East Indians or Syrians, they pay their trade tax.

This is specifically for the people who move in from Trinidad, Guyana etc. in the crop time. After the second or third week in January, you will see a big influx. If between July and now you have not got a lot of them, the member for the City knows that they come in at a particular time. If the Law Enforcement Officers are on their toes, it should not be difficult to find out these people and we should collect about \$10,000.

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

On motion of Hon. G. G. FERGUSON, seconded by Hon. N. W. BOXILL, the CHAIRMAN reported the passing of one Bill in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. G. G. FERGUSON, seconded by Hon. N. W. BOXILL, the Bill was read a third time and passed.

BILL TO AMEND THE LEGITIMACY ACT, 1930

Mr. SPEAKER: The next Order stands in the name of the Hon. and Learned Prime Minister and it is a Bill to amend the Legitimacy Act, 1930.

Hon. E. W. BARROW: Mr. Speaker, opportunity has been taken, in the increasing of fees payable to the Registrar for the re-registration of the birth of a legitimated person, to make another amendment to the Legitimacy Act.
2.05 p.m.

It is the considered view that the fees should be prescribed in the law and not left to rules. You will remember that in my Budget Speech I said, Mr. Speaker, that on the question of the late registration of births, at present a fee of \$2 is payable to the Accountant General and I propose that this be amended to \$10. During the time that this amendment was being drafted, which is a simple amendment, it was considered that the provision relating to the non-registerability or the non-legitimation of a person, one of whose parents was married at the time when the illegitimate person was born, should be brought into line with modern legislation, and innocent children should not be penalised for something over which they had no control. I should like to point out with regard to the particular amendment relating to that, although it is not a tax measure, instead of having two bites at the Legitimacy Act, we are doing it here at the same time as the fees on late registration. The Bill will therefore amend the Act of 1930-3 so as to make it possible — I should like to point out that the Objects and Reasons Clause is wrong. It is not any part of the Bill, of course, but in the Objects and Reasons they say that "this Bill seeks to amend

the Legitimacy Act 1930-3 so as to legitimate from the commencement of the proposed legislation, a person whose father or mother was married to a third person when the illegitimate person was born. The Bill removes hardship and inconvenience caused to innocent children.

This amendment which is now being proposed does not *per se* legitimate a person as from the date when we pass the amendment. The amendment only makes it possible for a person so born to be legitimated. I hope that I have made that clear. This amendment does not legitimate a person and therefore, in that respect, the Objects and Reasons Clause is wrong, because it gives the impression that the legitimization of all persons one of whose parents was alive and married at the time when the person was born, is automatic on the passing of the Act. The Act only makes it possible, whereas before there was a specific prohibition against the legitimization and registration of a person so born. I hope that I have made myself clear. I apologise for any mistake in the Objects and Reasons Clause. I really do not read Objects and Reasons Clauses because they do not form any part of the Legislation. I do not like, in introducing a Bill, to get up and recite the Objects and Reasons Clause because I think that hon. members are entitled to fuller explanations than those given in an Objects and Reasons Clause. (ASIDES). This applies to everybody. I honestly feel that hon. members are entitled to more than a recital of the Objects and Reasons because hon. members can read the Objects and Reasons. (ASIDES).

Mr. SPEAKER: Will the Hon. and Learned Prime Minister continue to address the Speaker in silence?

Hon. E. W. BARROW: I was merely pointing out that there is a mistake in the Objects and Reasons Clause and I apologise for it. I am merely pointing out that I do not hold myself responsible for Objects and Reasons Clauses because they form no part of the legislation. I want to make it abundantly clear — and I say again — that it is not correct to say, as the Objects and Reasons Clause says, that this Bill will legitimate from the commencement of the proposed legislation, a person whose father or mother was married to a third person when the illegitimate person was born. As a matter of fact, it is misleading in another respect because I believe that when you register a birth, the legitimization then — I speak subject to correction because I have not read the Act recently; I used to have a little to do with this in my legal capacity, but my recollection is that on re-registration, it legitimates a person from birth or from the date of marriage. Therefore, it is not from the date on which you go to the Registry and say: "Here is the birth certificate of my child; this child was born before marriage; we are now married", and the legitimization is on that date. The legitimization goes back and therefore the Objects and Reasons Clause is again erroneous in that respect, in my humble opinion. I am only giving an opinion. I am not saying it categorically because I have not checked that aspect of it.

Mr. Speaker, having now made myself clear on that — I am not supposed to listen to asides.

Mr. SPEAKER: I am not hearing any at the moment, I am listening so intently to the speaker.

Hon. E. W. BARROW: I have pointed out before that we are bringing this legislation in line with other Commonwealth countries both in the Caribbean and in the United Kingdom. It is good to have, where no detriment is suffered in the community, for the sake of case law and so on, similarly in legislation, and it may also do a lot of good to people who, through no fault of their own — I am not one: so I do not have to worry; it is not done for anybody on this side of the House as far as I know, or for any individual person that I am aware of. It was a proposal put up to us by the legal luminaries through the normal channels, and the Hon. Attorney General looked at it and is satisfied that the Bill should be amended.

What was wrong with it, I do not know. I have heard certain *sotto voce* remarks, but I know that the same person who makes the *sotto voce* remarks never finds anything wrong with the United Kingdom, and I would like to put his mind at rest by telling him that it was passed in the United Kingdom in 1959, I think. It was in 1959, as far as I remember, that this prohibition was removed in the United Kingdom. It has also since been removed in other Commonwealth Caribbean Countries. In view of the explanation which I have given, hon. members are satisfied that this is not a matter of personal legislation for me or for any of my Ministers, and I therefore beg to move that this Bill be now read a second time.

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

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

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

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

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

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

2.15 p.m.

Clauses 1 and 2 were called and passed.

Clause 3 was called.

Hon. E. W. BARROW: I have a little difficulty here, Sir. This Clause states:

"5. No fee for re-registration under this Schedule shall be charged if the necessary in-

formation for the purpose is furnished within the time specified in paragraph 2 but in any other case there shall be paid to the Registrar on the re-registration of each child a fee of \$2."

I do not know where they got this from, because the fee should be \$10. It was 10/- before. If you look at the Act itself it states:

".....shall be charged in respect of such re-registration such fees, not exceeding in the aggregate ten shillings, as may be prescribed by regulations under this Schedule."

This is a problem. I do not think that hon. members really appreciate the reason why a fee is charged. It is in the interest of children that early registration should be done. It is in the children's interest, because if their parents should die intestate, the children would not be entitled to succeed, unless you try to stimulate some interest in the parents to have the registration done. After both parents are dead, it is not possible under this Act, or any Act that I know of, to legitimate the children.

I should also point out that very shortly I hope to introduce in this House — I cannot understand why it has not come down before, but about three or four years ago I informed the House that the law of intestacy is quite wrong and outmoded in this country where the eldest child inherits everything, if the eldest child is a male. If there is only one male in the family and there are eight daughters, the male gets all the real property. Since 1925 this has been changed in the United Kingdom. As far as I know, every Commonwealth country now has all of the children participating in equal shares on an intestacy. Where a father or mother dies leaving lawful issue, or legitimated issue, they should all share equally in the property. I do not know why we have continued with this outmoded form of Real Property devolution.

With regard to the fine, do not be worried about the \$10 because we want it to be high. We want to encourage people to re-register their children so that the children do not suffer from late registration, or non-registration. If they leave it until too late something may happen which may not be in the interest of the children. (Mr. MOTTLEY: What about the case where there are four or five children?) This is not a fee for registering late. The fee is increased if you register late, but if you register on time there is no fee. If you register late, you will pay a fee according to the Schedule. Previously it was not exceeding ten shillings. This matter has given me some trouble.

I should point out something that is not in the Act. The Registrar has prescribed his scale of fees for re-registration, but the re-registration is late re-registration. The Act says that no fee shall be charged, and this is being maintained. The fee which the Registrar, under the Act, has prescribed is "one or two children 1d". If you register one child late you will pay 5/-; if you register two

children it will be the same 5/-; if you register three children late you will pay \$1.80, and if you register four or more children you will pay \$2.40, since the maximum under the Act is \$2.40. If you register 18 children you will pay \$2.40.

What we are saying now is that late re-registration is not in the interest of children, and you should pay a fee of \$10, according to the amendment which we have included here. There is a fee of \$2 in the amendment which we have here. I was trying to point out that I have a difficulty. Let me explain what the difficulty is. My intention was that where it says \$2.40, \$10 should be substituted. The \$2 is in respect of a late re-registration of an individual child. It should be more than \$2 for a late re-registration of more than one child. The draftsman, in my opinion, has made a mistake.

The difficulty is that the law prescribes one thing, but still gives the Registrar the authority to say what it should be within the overall maximum prescribed by law. My opinion is that this should read \$10, and the \$2 maximum per child is what the Registrar, by Regulations, makes under the Schedule.

Now the Chief Justice has minuted on this matter that he thinks everything should be in the Act, because once you have this dichotomy, this division of authority, for who is to say how much it should be — you say in the Act that it cannot be more than it is here now, before amendment, \$2.40 if there are 18 children. My proposal in my Budget Speech was that it should not be more than \$10, but this has been misunderstood. In the course of the discussions and so on we said that it should be a maximum of \$2 for each child, but that should not have been in the Bill at all. I would like to delete this "\$2" and substitute "\$10", and I can assure hon. members that I will give the Registrar the necessary directions.

The Chief Justice has said himself that he thinks that everything should be specified in the Act. I am inclined to agree with him, because you get confusion when you leave a maximum in the Act and then let the Registrar, without even any notice to the general public other than the *Official Gazette* which very few of us read, I believe, except our own speeches, be given a discretion within the prescribed limit.

2.25 p.m.

We can either say for the registration of each child a fee of \$2.00 which will meet the Chief Justice's suggestion and not leaving it to the Registrar and then you can add the words "provided that" Let me go back to the original Act. We can use the same words as in the original Act and add the words "not exceeding in the aggregate \$10.00".

I think, Sir, that that would meet both sides, because my proposal was a maximum of \$10.00 if there were 18 children or not. Now, the Registrar is fixing the scale and they have left out the most important part of the Budget Proposals, "not exceeding an aggregate of \$10.00".

If hon. members would accept that amendment which comes straight from the existing Schedule, it would meet my intention in the Budget Speech. Again I want to emphasise that this is not a fee which would have to be paid. It is only a fee which is paid more in the nature of a penalty for late re-registration of a birth in the case of more than one child. Maybe the Leader of the Opposition can help us. That is my suggestion as to how it can best be met.

Mr. HINDS: What I am worried about is that we have for re-registration of each child a fee of \$2.00 not exceeding in the aggregate — we retain the words "two dollars".

Hon. E. W. BARROW: Yes. I did not realise that that was the difficulty. For each child \$2.00, but not exceeding in the aggregate \$10.00. We retain the \$2.00. Inferentially it means not more than \$10.00 in the aggregate.

Sir GRANTLEY ADAMS: I would suggest that you postpone consideration of this Bill. It may be that the Hon. Prime Minister was too busy. After that long speech he is mixing up late registration and re-registration. Re-registration means what it says, that the child is already registered. The birth of the child is registered and where the word "re-registration" comes in, it means that it is legitimated in accordance with the Legitimacy Act and you are registering the fact that it is not a legitimate child.

The Hon. member never said one word in the Budget Speech about re-registration. He spoke as regards late registration, which is a different thing.

Hon. E. W. BARROW: I would explain that I am not confused. The hon. member is confused; I am not.

Sir GRANTLEY ADAMS: I took the trouble to go through the Act.

Hon. E. W. BARROW: Mr. Chairman —

Sir GRANTLEY ADAMS: I am not giving way.

Hon. E. W. BARROW: I will ask the hon. member before he embarrasses himself —

Sir GRANTLEY ADAMS: I insist on not giving way. When he gets up and makes rude and stupid remarks like that, I am not giving way. He said in the Budget Speech "On the re-registration of one or two children a fee of \$1.20 is payable, for three children \$1.80 and for four or more children \$2.40". What does re-registration mean? It is nonsense to say that it means the same thing as late registration. You must know that the child is already born. Let me refer to the original Act. Section 1 of the Schedule says:

"The Registrar of the Island may, on production of such evidence as appears to him to be satisfactory, authorise at any time the re-registration of the birth of a legitimated person whose birth is already registered under the Registration (Births, Baptisms, Marriages and Burials) Act, 1891, and

such re-registration shall be effected in such manner as the Registrar may by regulations prescribe."

Is it not quite plain and obvious that the child is already registered? Now he is re-registered as a legitimate child. The Budget Speech which I have before me speaks of re-registration. I am not giving way.

Hon. E. W. BARROW: The hon. member is getting himself more and more embarrassed in his anxiety to score a point.

Sir GRANTLEY ADAMS: Embarrass me?

Mr. CHAIRMAN: Two hon. members are on their feet.

Hon. E. W. BARROW: I want to explain to the hon. member what it really is; but he insists and persists in his contumacious conduct.

Sir GRANTLEY ADAMS: The hon. member referred to his Budget Speech. You will see that today he makes mention of \$10.00. That is on the question of the late registration of births. Is the hon. member thinking that a village idiot, let alone a member of this House, would believe that late registration and re-registration mean the same thing? Does he think that anyone in here would believe that, even his colleagues?

He has confused himself, but stating what he said in the Budget Speech. Re-registration and late registration are totally different things. That is why I got up as calmly as I thought that I could and suggested to postpone consideration of this so that he could get it clear in his own mind.

Hon. E. W. BARROW: I got up and implored the Hon. Member not to embarrass himself in his own interest. I do not want to be harsh or unduly critical; but there is too much of this business of getting up on trivialities by members on all sides sometimes, with the exception of Ministers — that tendency to show off and score cheap points. The House is plagued with this kind of behaviour.

I am the Minister of Finance and I am also the Minister responsible for introducing this Bill. I am not confused, neither is the Act confused. I pointed out to members how the mistake occurred so that the amendment which is now before us did not fully carry out my intentions in the Budget Speech in prescribing a maximum.

The Legitimacy Act itself does not use the words "late registration". The point is, as I was explaining to the member for St. James and the member for the City, that the law not only said that children should be legitimated, but that they should be legitimated as early as possible; and so, the law has said that as soon as you get married you have six months in which to re-register births.

This is the registration of all legitimated children breathing oxygen, nitrogen, argon and all the

other elements that constitute the atmosphere and living under the Queen's Peace in this Island. Even if they only live for one hour, by the law you must register the birth.

I have to go back to Low Primer now. When a person is born and his parents are not married, the law now provides that you can legitimate that person. That was known in Roman Law as *Legitimato per subsequens matrimonium*. That is something which goes back to the dim recesses of legal history which has been well known and developed in civil courts. That is, legitimation by subsequent marriage.

What, however, the law says is that you have to re-register the birth. You have a birth certificate showing a blank space where the father's name should be. There are many people in this Island who unfortunately were in that position. We now say that if the parents get married the child has to be legitimated. That old certificate is torn up and your birth is re-registered so that anyone going and calling for this certificate will see that your mother's name was so-and-so and your father's name was so-and-so, and the old certificate no longer exists.

What I said in my Budget Speech, although I did not spell it out in words of one syllable for those who think that they are smart, but who are not so smart, is that the law gives you six months after your marriage to re-register the births of these children. The law says that if you do it within six months we are not going to charge you a fee; but the law at present says that the aggregate maximum fee is \$2.40 if you do it after six months have expired; and I am saying that the maximum fee should be \$10.00 in the aggregate.

2.35 p.m.

I have gone back to Lower Primer. I cannot go any lower than that because when I went to an Elementary School, they did not have any classes lower than Lower Primer, even for Lawyers. Therefore, I cannot explain it anymore than that. If I said late registration in my Budget Speech, anyone who is reading the Act and Clause 5 of the Schedule would understand that I meant late registration and the original birth. I am giving a Budget Speech which is setting out the principles and it is then for the draughtsmen to sit down, look at the original Act carefully and put into effect what I proposed in my Budget Speech. When I am making a Budget Speech, I am not drafting legislation. The point which I am trying to make, where the hon. member was wrong, is that there is no registration of an illegitimate child; it is a re-registration. There is no registration under this Legitimacy Act at all. Everything is in relation to the tearing up of the old certificate and making re-registration of birth.

Mr. Chairman, can I make myself any simpler than that? They are always anxious to score cheap points. What I am proposing now is that I think that the draughtsman did not fully carry out the intention of my Budget Speech of putting a maximum as there was before. Where it was \$2.40 we are asking to add the amendment which I have mentioned before, "not

exceeding in the aggregate \$10". We are putting a comma where a full stop occurs at \$2 and adding the words "not exceeding in the aggregate \$10".

The question that Clause 3 of the Bill be amended by using a comma after \$2 and adding the words "not exceeding in the aggregate \$10", was put and resolved in the affirmative without division.

Hon. E. W. BARROW: Mr. Chairman, I beg to move that Clause 3 as amended stand part.

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

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

Hon. E. W. BARROW: I beg to move, Mr. Chairman, that you do now report the passing of one Bill as amended in Committee.

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

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

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

On separate motions of Hon. A. DaC. EDWARDS, seconded by Hon. N. W. BOXILL, the Bill was read a third time and passed.

Mr. SPEAKER: The next Order of the Day stands in the name of the Hon. and Learned Prime Minister:- To move the second reading of a Bill to amend the Registration of Business Names Act, 1940.

SUSPENSION OF SITTING

Hon. E. W. BARROW: Mr. Speaker, at this stage, I beg to move that this sitting be now suspended for half an hour.

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

The question was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the sitting accordingly.

2.45 p.m.

On resumption:

Mr. SPEAKER: Let the bell be rung, Mr. Clerk.

The Clerk rung the bell and a quorum was obtained.

THE REGISTRATION OF BUSINESS NAMES (AMENDMENT) BILL, 1968

Mr. SPEAKER: The next Order of the Day is a Bill to amend the Registration of Business Names Act, 1940.

Hon. E. W. BARROW: Mr. Speaker, in moving the Second Reading of this Bill, I should like to point out that in my Budget Speech I made certain proposals to change the amount paid under the Registration of Business Names Act from \$1.20 and 60¢ to \$20 and \$10 respectively. The objects and Reasons fully set out the provisions of the Bill which are already in force, and I beg to move that this Bill be read a second time.

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

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

Hon. E. W. BARROW: Mr. Speaker, I beg to move that Your Honour do now leave the Chair and the House go into Committee on this Bill.

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

The question was put and resolved in the affirmative without division, and Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. YEARWOOD in the Chair.

Clauses 1 to 7 inclusive were called and passed.

The Schedule was called and passed.

Hon. A. DaC. EDWARDS: Mr. Chairman, I beg to move that Your Honour do now report the passing of one Bill in Committee.

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

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

Hon. E. W. BARROW: Mr. Speaker, I beg to move that this Bill be now read the third time.

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

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

Hon. E. W. BARROW: Mr. Speaker, I beg to move that this Bill do now pass and be cited as the Registration of Business Names (Amendment) Act, 1968

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

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

THE BILLS OF SALE (AMENDMENT) BILL, 1968

Mr. SPEAKER: The next Order of the Day also stands in the name of the Hon. and Learned Prime Minister, and it is a Bill to amend the Bills of Sale Act, 1893.

Hon. E. W. BARROW: Mr. Speaker, this Bill increases fees for the filing of a Bill of Sale and the

Affidavit of execution of a Bill of Sale and entering satisfaction on a Bill of Sale. There are three main amendments or increases proposed by the legislation now before the House. The Bill is self-explanatory, and I beg to move that this Bill be read a second time.

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

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

Hon. E. W. BARROW: Mr. Speaker, I beg to move that Your Honour do now leave the Chair and the House go into Committee on this Bill.

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

The question was put and resolved in the affirmative without division, and Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. YEARWOOD in the Chair.

Clauses 1 to 3 inclusive were called and passed.

Hon. A. DaC. EDWARDS: I beg to move that the Chairman do now report the passing of one Bill in Committee.

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

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

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

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

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

Hon. E. W. BARROW: Mr. Speaker, I beg to move that this Bill do now pass and be cited as the Bills of Sale (Amendment) Act, 1968.

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

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

3.25 p.m.

Mr. SPEAKER: The next Order of the Day stands in the name of the Hon. and Learned Prime Minister, and it is to move the second reading of a Bill to amend the Registration Office Act, 1961.

Hon. E. W. BARROW: Mr. Speaker, in the Budget Proposals I set out certain revisions in the fees which are payable to the Registrar for Notarial purposes. These fees are already in operation, and they may be found on page 24 of the Financial Statement and Budget Proposals.

The fees have been increased from an average of 100 per cent to 150 per cent in most cases. In most cases the increase is from figures of \$5 to \$10, \$6 to \$15 and \$20 to \$50 for drawing a protest on a Bill and recording same etc.

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

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

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

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

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

Mr. J. M. G. M. ADAMS: Mr. Speaker, is it not easier to give all the Bills the second reading and commit them all at the same time?

Mr. SPEAKER: It might be easier, but it —

Mr. J. M. G. M. ADAMS: I do not know of any rule which it transgresses. I do not know of any rule which says that you cannot discuss more than one Bill in Committee just as you can discuss more than one Resolution especially if the Standing Orders are suspended — Standing Order No. 42.

Hon. E. W. BARROW: I welcome the proposal made by the hon. member. As a matter of fact I would like to see the guillotine and kangaroo introduced, not so much for the liquidation of the Opposition, but for despatching the business of the House expeditiously. I am talking about constitutional terms, and not instruments of torture. I do not know of anything in the Standing Orders which is against it. It does not specifically state that Bills must be submitted to the Committee *seriatim*. This House has been in the practice of submitting more than one Money Resolution to the Committee, and I see no reason why more than one should not be submitted, but dealt with, of course, *seriatim*. If the House is disposed to agree with what seems to be the consensus on both sides, I would be willing.

Mr. SPEAKER: I would be loth to create a precedent without an opportunity of giving the matter consideration. For me to do that of course, there would be the delay which we are all seeking to avoid. If the Prime Minister will proceed with this matter I will then suggest that with respect to the second reading, the second reading of each of the Bills be proposed at the same time. Let the hon. Prime Minister proceed with this first.

The question that Mr. SPEAKER do now leave the Chair and the House go into Committee on the Bill was put and resolved in the affirmative without division, and Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. YEARWOOD in the Chair.

The Clauses of the Bill were called and passed.

On motion of Hon. E. W. BARROW, seconded by Hon. G. G. FERGUSON, the CHAIRMAN reported the passing of the Bill in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly.

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

BILLS READ A SECOND TIME

Hon. E. W. BARROW: Mr. Speaker, there are outstanding five Bills resulting from the Financial Statement and Budget Proposals. All of these Measures are already in force, but in accordance with the provisions of the interim legislation, they have to be enacted before the expiration of the Statutory period. I am therefore proposing, Mr. Speaker, that a Bill to amend the Registration of Newspapers Act, 1900, a Bill relating to the Registration of members of certain professions to the payment of fees for such registration and for matter incidental thereto and connected therewith, a Bill to amend the Rum Duty Act, 1906, a Bill to amend the Petroleum Act, 1882 and a Bill to amend the Brewery Act, 1950. be now read a second time.

I propose to deal *seriatim* with these Bills in Committee.

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

Mr. HINDS: If these five Bills are going to be given second reading at the same time —

Hon. E. W. BARROW: We will go into Committee once, but the Bills will have to be dealt with *seriatim*, Clause by clause and the hon. member will have the opportunity —

Mr. HINDS: What I want to ask is this: will an hon. member be able to make more than one second reading speech? There will be five Bills being given second reading. Will an hon. member be able to make five second reading speeches?

Hon. E. W. BARROW: That is the prerogative of the House. No one can take that away from an hon. member if he wants to speak on the first, second, third or any Bill. He can do so. That is how I see it. I do not think that I will have to call on you, Sir for a Ruling.

Mr. SPEAKER: An hon. member is entitled to as many speeches as there are readings. Of course there is no limit to the time of each speech. Not that I am encouraging hon. members.

The question is that each of these Bills be now read a second time. It is clearly understood that this motion is so put as the result of an indication from the Official Opposition that there is no objection so to do. It also appears to me to be the unanimous wish of the Chamber. I do not declare that this creates a precedent.

Mr. J. M. G. M. ADAMS: Perhaps my points can be dealt with in Committee. I am speaking to the Bill relating to registration of members of certain professions. There is a slight loophole in favour of the Government, that apparently has been left open. The point is intricate, but it does arise in practice, particularly with barristers and sometimes doctors.

Someone may be registered and not domiciled in Barbados. A Trinidad barrister may come here to do a case, and he will have to pay \$50 registration fee. In the following year he may not even think that he will be getting a case in Barbados, but in September or October he gets another case and he will have pay \$120 for practising for the second year; but what I am saying is that the way the Act is drafted he will also have to pay a penalty because he did not pay in January. I do not think that that is what is intended. 3.35 p.m.

I do not know if that is really the intention. I think that what is needed perhaps is some proportionate Clause. For example, a Barbadian Barrister, for reasons of health — this has happened recently — may be away for three months of the year. That might be the first three months. He does not register during that time, and for all he knows, he may never return to practise. But God restores his health and he comes back, and although he was not practising for the first three months, he not only has to pay his registration fee, but he will also have to pay a penalty for not having paid it during the months of non-practice. I am hoping that the Prime Minister will agree with me that this matter could be remedied by having some Clause provided for proportionate payment where an already registered practitioner is not in practice for a certain proportion of the year.

Hon. E. W. BARROW: Mr. Speaker, I would like to make two points on the intervention of the hon. member. The first point that strikes me is that I do not see why a Barbadian barrister should be in a less favourable position than someone who is coming in here, drawing a fee and going back out. That is the first objection which I would have if I were practising. If a person wants the honour and title to practise in more than one place, then he must subscribe to the Rules and Laws of the Country in which he is practising. He is not only practising in his country of domicile, but he is coming in here and probably depriving some up-and-coming young lawyer of a senior or a junior brief; therefore I would not like to discriminate.

The second point which I would like to make is that if the hon. member could get the Bar Association to make a submission as to how this could be amended — it does not have to be unanimous — as long as it comes as a Resolution passed by a majority of the members of the Bar, I would be pleased to pay attention to it.

Mr. J. M. G. M. ADAMS: Mr. Speaker, if Your Honour does not mind my rising on a point of order,

I would like to say that I did not know that the Hon. Prime Minister, too, was aware that no Resolution has got through the Bar Association for twelve months at least, whether by majority or otherwise.

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

Mr. HINDS: Mr. Speaker, I would like to speak, however briefly, on this Bill dealing with the Registration of newspapers. I must say that it affects me as the Editor and Publisher of a newspaper; but I think I should say that we are being asked here today to lend ourselves or our support to the legal repression of newspapers in this Island. I am to say that I know that there are no more than six or seven registered newspapers in this Island, and when you look at the fees expected to be received from this imposition which has come about resulting from the Budget Proposals, one would say that the time has really come when one has got to give very serious consideration to one or two simple facts. One fact is this, that the Public Health Department or the Ministry of Health is presently engaged in a campaign of immunizing people against polio which may never come; but do you know, Sir, that nowhere can we find any attempt being made by the Government to immunize people against lunacy?

Mr. Speaker, I am very serious in making that statement. What do we see here is this attempt at registering newspapers? You have got to bear in mind that the registration of existing newspapers becomes effective during the month of May. We can very well see that from the month of July when the Budget Proposal was made, until the end of April next year, the Government cannot hope to receive one penny from the registration of newspapers. You will realise then that at that time we will be very nearly on the eve of another Budget Proposal, and what will happen then, Heaven knows. Mr. Speaker, even when registration fees are being collected from all the registered newspapers in this Island, it is going to net a mere \$600 or \$700 and not more. What we do see here is this, that newspapers — mine and others — have been very critical of the present Government and we have every reason to believe, judging from statements which have come forth from the mouth of the Prime Minister when he was on the political soap box, that this registration fee of \$100 at this time is the mere end of the wedge. We must say that it is an attempt to stifle free expression, and it is to be regarded as retrogressive legislation when we know that in England since something like 1855, I think it was, any form of tax on a newspaper was abolished. Therefore, Sir, you will find that here is a case where a Government is prepared to use its majority for any reason where any member of the community stands to suffer. Libel laws and so on are all there for the protection of the community who may be offended by a newspaper or anything of that sort. 3.45 p.m.

But what you will find is this, Sir. I can hardly believe that the Minister of Finance has any just reason to advance for his decision to affix a fee of \$100

per annum for the registration of newspapers in this Island.

Sir, newspapers are not money-making concerns, except in the case of such newspapers that lend their support to the Government in power as we may have in this Island. In the case of those newspapers that are published weekly — here is another case where it is not taken into consideration that a daily newspaper must pay \$100 for registration, a bi-weekly a lesser fee, and a weekly must pay least of all. Even then, Sir, one might be tempted to look for, if there is to be seen, any measure of rationality in such an exercise.

What we are saying is this: there is absolutely no necessity — I will go further and say that it is aiming at the freedom of the Press of this country. It is retrogressive legislation, and I can hardly think that the Minister of Finance can advance any sane reason for this imposition. I have said that newspapers do not make money, and are not money-making concerns. I am in the business myself and I happen to know it.

We have seen quite recently that Barbados which, at one stage, had the benefit of a good number of dailies, today finds itself with one daily newspaper functioning in this Island. I am saying that whilst the dailies that have gone out of business, or have been liquidated from time to time, might have suffered from faulty administration, it still goes to reason that we are not progressing as we would appear to be, or would like to make the world believe we are.

When you look at this stark fact that Barbados today — I say that Barbados is showing itself that it can hardly support one daily newspaper in this Island. That is the situation with which we are faced. It might be said that \$100 per year is nothing, but it must be remembered that a newspaper like any other business has to face other methods of taxation. There is income tax, there is trade tax, and there can be company tax depending on the type of organisation that has been set up. All of these things have to be taken into consideration; and when you look Sir, at the fact that the gross intake at the end of a whole year amounts in the eyes of Government revenue to a mere pittance of \$600 or \$700, let us ask ourselves what it is the Minister of Finance is going after.

I am saying that the freedom of the Press in Barbados is being dealt a blow. It is a very serious blow in view of the fact that when legislation is passed here today to make this \$100 effective, there is no stopping in the future. It is \$100 today, and it may be \$1,000 or more in the coming year. What we are arming ourselves against is that we do not want the Minister of Finance to have an opportunity, if he feels that he cannot get at a newspaper that is exposing the nakedness of his Government to the public, to use the forum of this House and his position as Minister of Finance in this country to attack the freedom of the Press.

Mr. Speaker, when you attack the freedom of the Press, you attack the freedom of every living crea-

ture in the Nation. We have to see to it that we do not sit here and, because the Minister is the Minister of Finance, let him start to legislate that even you, Mr. Speaker, will be called upon to pay a fee to sit in that Chair, apart from what you may have to pay as parliamentary dues. It is not good enough, Mr. Speaker,

What is the Government getting? What does this bring in? What would \$600 do to the budget of this country, bearing in mind that you will get \$600 from six newspapers? I know that there are many people who do not, and will not, and cannot, appreciate newspapers.

3.55 p.m.

We are to say that it is not everything that a newspaper publishes which will find favour and the acclaim of every reader. I am the Editor and publisher of a newspaper, and I would be in a very dangerous position if everything I publish on every occasion was finding popular acclaim. I would be a frightened man.

But, Sir, this is what I tell you. Any attempt by a Finance Minister or a Prime Minister, however strong his Government may be — and I warn the Government backbenchers, some of the Ministers, some of the backbenchers engaged however remotely in some form of business that their day will come when, if you go on supporting the Prime Minister or Minister of Finance in taxing everything without rhyme or reason, he will one day turn around on his own.

I am sure, Sir, that dairy-keepers stand threatened at the hands of the Minister of Finance in the coming year. Private Schools stand threatened at the hands of the Prime Minister and Minister of Finance in the coming year. I do not want to say, Sir, that the operators of fishing fleets stand threatened, although they might well be.

But, Sir, some of the Government backbenchers have seen this very day what rum shops are now faced with. The guillotine, the sledge hammer has been brought down. What did the backbenchers do? They dared not open their mouths. So what have we got to look into?

I must tell the House that this registration of newspapers takes effect in the month of May. I did not register my newspaper until after the Prime Minister and Minister of Finance wrote me a letter telling me that I had to pay this \$100 fee because I did not do something during the month of May?

However, I must be fair to him. Although I am not a barrister I argued my case with him and after some weeks he replied to me, after writing me a second time, that he had got some sort of advice — I do not know where he got it — that I was right. He did not say that he was wrong.

But, Mr. Speaker, there have been battles fought in the United Kingdom and elsewhere throughout the years against this encroachment, this attempted encroachment of the right and freedom of the people.

One must bear in mind that most of the struggles throughout the years on the part of newspapers have been against the imposition of a tax. There has been an advertisement tax in years past. There have been things like stamp duty and paper duty and the like, and we well recall that in the year 1712 there was a stamp duty of half a penny on every half sheet of newspaper.

There was a penny imposed on a full sheet, and I think that it was in 1712 that we read about the Bolingbroke Agency. We learned that this tax brought about the closing down or liquidation of many existing newspapers in England during those days.

Now, these taxes as I said earlier, were abolished altogether in 1855; and if this is now 1968, one would see how far back we are throwing ourselves now — further back than in the year 1855. If I could move that further consideration if this be postponed, Mr. Speaker —

Hon. E. W. BARROW: Mr. Speaker, on a point of order.

Mr. HINDS: Arising out of what I said?

Hon. E. W. BARROW: No. On a point of order, arising out of the Standing Orders. No one was listening to what you had to say anyhow.

Mr. HINDS: Mr. Speaker, I can get this Prime Minister to listen to everything I have to say.

Hon. E. W. BARROW: I am on a point of order, Sir.

Mr. HINDS: I can send him to Westbury Road to see —

Mr. SPEAKER: As things have gone so well so far today, may we not conclude in similar vein?

Mr. HINDS: The trouble with him is that he was born somewhere between St. George and Nestfield, St. Lucy.

Mr. SPEAKER: I would not like to have to suspend the Sitting until next Tuesday in grave disorder. In any event the House is due to meet next Tuesday.

Hon. E. W. BARROW: I was on a point of order.

Mr. HINDS: On a point of order what?

Mr. SPEAKER: The Hon. Prime Minister has risen and said "on a point of order".

Hon. E. W. BARROW: On a point of order arising out of the Standing Orders.

Mr. HINDS: It is a fraudulent point of order. I am not giving way.

Mr. SPEAKER: As soon as a member rises and says "point of order", I have to listen to that point

of order to determine whether it is valid or invalid, and every other member must sit. There should not be two members on the floor and there should be no member on the floor when the Speaker is speaking. The Hon. and Learned Prime Minister has said "on a point of order" and I will listen to that point of order.

Hon. E. W. BARROW: Mr. Speaker, you will remember that we suspended Standing Orders at the beginning of this sitting. It is now my understanding that hon. members would like to have this sitting suspended — for reasons with which I think Your Honour will be familiar: with due respect, in my case, in respect of a Government Business appointment; and in the case of other hon. members because of certain circumstances — that we should have this sitting suspended until 7 p.m.

Mr. SPEAKER: I do not regard that as being a point of order as made by the Hon. and Learned Prime Minister; but the intimation which he has made is helpful, and may I suggest that if it is the feeling of hon. members that we would like to be absent from this House at the moment because of a certain duty which certainly the majority of us would like to perform, if the junior member for St. Peter were now to move that further consideration be postponed, and if that motion were passed we could resume this evening later.
4.05 p.m.

An intimation has been given that 7 o'clock is in the minds at least of the hon. members on my right. Will the hon. member care to move — he is under no obligation so to do — that further consideration of this matter be now suspended, and if that motion is passed, the hon. member will resume his address?

Mr. HINDS: Mr. Speaker, I am more than reluctant to move any such motion. If the Hon. Prime Minister is to benefit by half a second to go anywhere, let him get up and go where he has got to go.

Mr. SPEAKER: But there are other hon. members, too, who would benefit.

Mr. HINDS: I agree that other hon. members would benefit, but it is his method, his approach to problems in here. He thinks that other people have come in here on wheel barrows and forgets his own nasty nakedness outside. That is the trouble.

Mr. SPEAKER: Oh! Dear, dear! This sitting now stands suspended until 7 o'clock p.m. on account of grave disorder.
4.10 p.m.

On re-assembling,

Mr. SPEAKER: When the sitting was suspended, the hon. junior member for St. Peter was addressing the Chair.

Mr. HINDS: Mr. Speaker, I was saying that one of the reasons why we might be tempted to say that a

registration fee is now imposed on newspapers is due to the fact that the Government in power today has not yet learned to appreciate the value of a newspaper; hence, every effort must be made to extinguish any newspaper or all of them for that matter. It is the surest way of preparation for the coming of a dictatorship. The moment that there is no Press and there is silencing of organs which are critical of a Government, that is the first step to the setting up of a dictatorship in any country. Let it be clearly understood that we, on this side of the House, are prepared to do everything that is lawful and right, whether newspapers are silenced in Barbados or else, to see to it that we do not have more of these dictatorial trends than we have seen in the past, or rather, at present.

Mr. Speaker, newspaperdom is something which has a correspondingly long history attached to it. The history of it is rich; it has a wealth of experience; and arising from it all there have been laid down dicta which, from time to time, bear very valuable relations to the present-day life of any community. We must bear this in mind, that one of the Chief functions of a newspaper is to portray as much as possible of the life of the community of yesterday and relate it as closely as possible to the present day. What Barbados must begin to consider is this; let us, for a single moment, wake up to find that there is no newspaper being published in this community for one week! I am to tell you this, that the community would feel that it has lost the greater part of its life. If there were no newspapers published in Barbados for a week or a month for that matter, you will find that residents of St. Peter would feel that they are completely out of touch with residents of St. Philip or those of St. Michael.

7.05 p.m.

In other words, he would cease to realise that he is living in a small world. The boundary, so to speak, would be wide open. Why? Because in one part of the Island he would not know what is going on. If we did not have Radio or Television Services in the Island, we would feel that we are all dumb sheep and actually dead. What this Government must do is to begin to learn that it is by the watchful eye of newspapers — not those newspapers that are complimentary to the Government and even bend over backwards occasionally to compliment the Government when it ought not to be complimented, but it is through the watchful eye of a newspaper that is critical of the Government that the Government can be urged to do its best for the benefit of the community; that is, if the Government is prepared to appreciate it.

We have heard lots of threats to the existence of the newspaper in this country. I have heard that the Government has plans for taking over the only daily newspaper in Barbados today. Exactly how it intends to go about it I cannot say at this stage, but I am in a position to say that the day when the only daily newspaper in this community is run by the Government, the very next step will be to extinguish every other organ of public opinion in the commu-

nity and usher in a dictatorship. That is what we have to fight against.

Now, Sir, I have said earlier that the registration of newspapers — we might call it by that name at the present moment. What is the reason behind it? That is what I would like to know. It is not a case where we have seen any sort of progressive scale of registration fees. It only covers a period of one year for the present, \$100, but what is a back of it all? There are very many avenues that Government could have tapped to realise \$600 a year. What must irk some people is that even if the Government was getting \$600 a year from newspapers, exactly what would be done with the \$600? Surely, Sir, the hon. junior member for St. Andrew, who is not now in his place I very much regret, Sir — I know how he would feel at this moment that so much money is being frittered away on these joy-rides, and all he is left to do is to show himself as an excellent herdsman in this community. I know how he must feel.

You will understand, Mr. Speaker, that when a situation such as this presents itself, that you are laying the axe at the root of the people's freedom, because, as I have said earlier, the freedom of the Press is the freedom of the Nation and of every member of the community. The moment that taxes are applied to the Press — you have to pay this fee or that fee — the Press ceases to be completely free. You might soon hear, Sir, that you must have Press censorship in some form or fashion. All of these things we have to guard against, and it is not good for us to sit idly by and accept these things just as they come.

We fully realise that unless some members of the Government Party should muster sufficient courage to be men; unless members of the Government Party should cast behind their backs a fat salary at the end of each month and all of these perquisites and stand up like men; until that day you will find, Mr. Speaker, that things such as this — I am sure that sitting on the Government benches here there are to be found hon. members who feel within themselves, and who have expressed elsewhere, that a \$100 registration-fee on newspapers is not something which a community ought to feel proud of.

I would say this, Sir. If there is any dissatisfaction with any section of the Press by any member of the community, there are laws that provide ample and adequate compensation for redress to any member of the community who feels himself wronged in any respect. But the functions of a newspaper are not appreciated by the Government, and more so by the Head of the Government. That is why we are here debating, at this stage, the imposition of a \$100 registration fee.

We are saying now, and we have said before, that it cannot be justified; no case can be made out for it in any respect. I know that I cannot accuse the Hon. Minister of Finance of applying the spite weapon. I could not say that at all; but surely, Sir, when

one recalls what the said Hon. Minister has had to say from the political platforms, and then to find that this Hon. Chamber is used to put into effect what had been hackneyed about on the political platforms with regard to newspapers — what one must remember is that on each occasion that the Prime Minister made a threat, he was not sufficiently careful as not to mention a particular newspaper by name.
7. 15 p.m.

He spoke out in such a way that one had to understand that he held something somewhere in his mind for certain newspapers; and we are saying now that this \$100.00 registration fee is merely the thin edge of the wedge being driven in; but we must insist that whatever fees, or whatever imposition be brought to bear upon the Press, that it is for the Press in this community to assert its freedom.

I should not turn back, Sir, and this is what I say: if its vigilance has caused it to be paying a \$100.00 registration fee, it should be more vigilant in the future, and I urge upon the Press, upon all the communications media to attack the Government right and left vigorously. That is the only way that the Government will be kept on its toes, and the community itself will know what the Government is doing, and more so be brought face to face with what the Government has failed to do.

I know, Sir, the opportunity will present itself for me to say more on this matter as time goes on, and I think that I have said enough at this particular moment.

Mr. SPEAKER: The question is that these Bills be now read a second time. Hon. members in favour with, please say "Aye"; those of a contrary opinion will please say "No", I think the "Ayes" have it, and I hereby declare each and every one of these Bills duly to have been read a second time.

On the motion of Hon. G. G. FERGUSSON, seconded by Hon. A. DaC. EDWARDS, Mr. SPEAKER left the Chair and the House went into Committee, Mr. YEARWOOD in the Chair, with an instruction to the Committee to deal seriatim with a Bill to amend the Registration of Newspapers Act 1900, a Bill relating to the registration of members of certain professions, to the payment of fees for such registration and for matters incidental thereto and connected therewith, a Bill to amend the Rum Duty Act, 1906, a Bill to amend the Petroleum Act, 1882 and a Bill to amend the Brewery Act, 1950.

BILL TO AMEND REGISTRATION OF NEWSPAPERS ACT, 1900

Clause 1 was called and passed.

Clause 2 was called.

Hon. G. G. FERGUSSON: I beg to move that Clause 2 stand part.

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

Mr. HINDS: Mr. Chairman, Clause 2, paragraph 2 says that: "There shall be paid to the Registrar by the printers and the publishers for the time being of every newspaper on the filing of the return under subsection (1) a fee of one hundred dollars."

Now, Sir, under the Registration of Newspapers Act, 1900 it is very carefully set out what a newspaper is, and it goes on to tell you in Section 2 about occupation, place of residence, proprietor and the like. But this Bill tells us that the fee shall be paid by the printers and publishers.

What the authors of this Bill or the draftsman seemed not to realise is that there are many printers of a newspaper who are not the publishers of the newspaper. This Bill purports to tell you that the fee must be paid by the printers and publishers who operate the newspaper, so to speak; but it does not tell you that at all; but I have had enough to do with matters of this sort to know that the very news vendors at the street corner, the messenger boy in the office who rides on his bicycle and delivers the paper at your door, he too is the publisher of the newspaper.

So, if this Bill tells you about printers and publishers, are we to understand that the Government intends to collect \$100.00 from each of these, from each of the agents of newspapers published in this island? It tells you about collecting from the printers and publishers, but you will find printers who are not publishers.

I would very much like to be informed. The Prime Minister who is thought to be some authority on matters of this sort happens not to be in his place, and I only hope that the Hon. Minister of Trade can offer some sort of explanation as to the points I have raised on Clause 2.
7.25 p.m.

Hon. G. G. FERGUSSON: Mr. Chairman, the hon. member has mentioned and made it quite clear that the printer need not be the publisher. I would think that, in this case, either one could be charged whether he is the printer or the publisher, and the same thing could apply to a libel on his newspaper. If he prints a newspaper the very boy who delivers the newspaper could be sued for libel and not necessarily the Printer. Therefore, either one whom you choose to prosecute or agree to bring the case against, you would be in a position to bring the case against. That is as I would see it. It need not be the publisher or the editor who has committed libel; the boy who delivers the newspaper is equally as liable as the publisher or the editor.

Mr. HINDS: Mr. Chairman, with all due respect to the attempt made by the Hon. Minister of Trade to explain this matter perhaps as well as he could, is he suggesting that during the month of May next if no newspaper in Barbados is registered, if the Registrar feels like doing it, the first boy that turns up to deliver a newspaper at his office door, he can ask the

boy his name and charge him with not registering his newspaper as a publisher? I appreciate the Hon. Minister's limitations; this is a matter of law with which he is not familiar, and therefore I do not want to make it appear difficult for him; but really and truly this point definitely needs being cleared up by somebody who is familiar with the law. It is no easy matter. We know from the Act that during the month of May newspapers must be registered. You have here in Section 3 of the principal Act, 1900, it tells you how

Mr. CHAIRMAN: I do not think that the hon. member is in order to deal with Section 3 of this Bill because we have not got there yet. The hon. member has ample time to deal with that when we get there. We are now on Clause 2.

Mr. HINDS: Mr. Chairman, I appreciate your willingness to help the other side in this instance, but what I am saying is this; you ought to remember my saying that Section 3 of the principal Act — and words "principal Act" have a strict definition — I said that Section 3 of the principal Act sets out

Mr. CHAIRMAN: And what I have said is that you have ample time to deal with Clause 3. We are now dealing with Clause 2 of this Bill.

Mr. HINDS: Mr. Chairman, a Bill has Clauses, an Act has Sections. I have specifically stated that I am referring to Section 3 of the principal Act. Any Third Standard boy would understand that. I am not dealing with Clause 3 of the Bill; I am dealing with Section 3 of the principal Act, 1900-1.

Hon. A. DaC. EDWARDS: Mr. Chairman, I suppose that I can cast a little light on the fears of the hon. member. If he looks at Section 3 of the principal Act 1900-1, he will see that: "It shall be the duty of the printers and publishers for the time being of every newspaper to make or caused to be made to the Registrar in the month of May in every year a return of the following particulars according to Schedule A of this Act, that is to say, the title of the newspapers the names of all the proprietors of such newspapers together with their respective occupations, places of business, if any, and places of residence." The hon. junior member for St. Peter has quoted a part of the amendment. He has said that according to the Amendment here, the Crown Law Officers or the Parliamentary Draughtsmen have put in here: "There shall be paid to the Registrar by the printers and the publishers for the time being of every newspaper a fee of one hundred dollars"; but I think that he has missed the point. It does not mean that the boy in the street who sells the newspaper is made to pay the one hundred dollars, because if the hon. member were to continue down the same Section he will see this; "There shall be paid to the Registrar by the printers and the publishers for the time being of every newspaper," and this is what modifies it, "on the filing of the return."

Section 3 of the principal Act says that the printers and publishers must file a return. The Amend-

ment here is saying that on the filing of this return, the printers or publishers of the newspaper must pay this fee of one hundred dollars. Therefore, it does not mean that you can go into the street and tell the boy who is selling the newspaper around the corner that he has got to pay this fee of one hundred dollars. We must read the whole section and interpret it in the context in which it is written.

Mr. HINDS: Mr. Chairman, I feel that it might take quite a number of years before these budding lawyers, these up-and-coming lawyers, can set about to expound the law in the manner in which the hon. senior member for St. Andrew has just set about to do. The principal Act 1900-1 at nowhere tells you what is a printer or what is a publisher. I agree that the same Act falls short of such a definition as to who is the printer and who is the publisher because it tells you that the printer and publisher shall do so-and-so during the month of May and make his return and so on; but it does not tell you, nor does the amendment seek to tell you, who is the printer or who is the publisher.

7.35 p.m.

It is rather strange, Mr. Chairman, that in the principal Act you are told who is the proprietor, what is a newspaper, what is a place of business, and all of those things, but there is no definition in the principal Act for the publisher and the printer who are called upon to pay the \$100 fee, nor does the amendment mention anything about it. I am telling you, Sir, that, in the absence of a good lawyer, I am satisfied that there has been an error in the drafting of this Bill. I would advise the Hon. Minister, although he need not adhere to my pleadings because he has his numbers, that even if this Bill is passed as it is, we are open for criticism at some other level. I would like wherever possible, to avoid any such criticism.

I feel that you, Mr. Chairman, have your Clerks-at-the-Table who are all members of the Legal profession, and some very useful advice could be given even to the Hon. Minister. I realise that nothing I may say can stop the passing of this Bill at this stage.

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

Clauses 3 and 4 were called and passed.

THE PROFESSIONS (REGISTRATION FEES) (AMENDMENT) BILL, 1968

Hon. G. G. FERGUSON: Mr. Chairman, the next Bill relates to the registration of members of certain professions, to the payment of fees for such registration and for matters incidental thereto and connected therewith, and I beg to move that Clause 1 stand part.

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

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

Clause 2 was called and passed.

Clause 3 was called.

Hon. G. G. FERGUSON: I beg to move that Clause 3 stand part.

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

Mr. HINDS: Mr. Chairman, I am particularly concerned with this registration fee on medical practitioners and on druggists. My concern is for the benefit of the poor people who have to seek medical attention from those doctors from time to time. It is known that no medical practitioner in this Island is going to bear the cost of this registration. There are no two ways about it. Even the hon. member who is now sitting on my right (Hon. A. DaC. Edwards) will bear with me that even in the case of veterinary surgeons, the registration fees imposed on them will be passed on to the people who have to make use of their services from time to time. In the case of the veterinary surgeons, this is a time when Government is seeking to encourage animal husbandry in this Island, or dairy farming, or whatever you might call it, and at the same time you are increasing the registration fee paid by these veterinary surgeons.

Mr. Chairman, we have not seen an influx of veterinary surgeons during the past three or five years in this Island. There is still a shortage of these officers, and you cannot get their services when you need them. This is not the time, to my mind, to be imposing these increased registration fees on these people. The poor people who keep a sheep or a goat may need the services of the veterinary surgeons, and these increased fees will be passed on to them. This is what we do not like.

The poor people have to call on the services of the doctors and the dentists. Mr. Chairman, you know that there are many people who walk along the street with numerous bad teeth in their mouths. They know that a bad tooth is no good company. They work all day, and at night when they would be glad to rest their weary heads, they have to suffer a lot of pain from bad teeth. They cannot get enough money to pay the dentists for extractions, and they have to keep the bad teeth in their mouths for months and years until, eventually, their health is ruined. When you put a dentist in a position to charge additional fees for his services, exactly what Government is doing to the poor people of this country.

We appreciate the fact that nothing we say can move hon. members on the other side of the House. They were once poor; they once mingled and mixed with the poor; they have every right to know of the sufferings of the poor, and I feel that it is their duty at an hour such as this to draw to the Government's attention that this type of legislation is making it increasingly difficult for the poor people to live. 7.45 p.m.

Sir GRANTLEY ADAMS: Mr. Chairman, Sir, frankly I thought that the meeting was over. I thought

that everything was concluded, but seeing the lights on, I thought it was my duty to come in, and I seem to have come in at the appropriate moment.

I am asking the Minister in charge of the Bill at the present moment to take what suggestions I make, what criticisms I make not in the spirit in which the Prime Minister seems to have taken them earlier, that you are making points because you are in the Opposition and you have to say something, or because you are catching votes.

Seriously, the points that I am putting before the Committee, I am putting because it would be absolutely wrong for me to see them, and not only keep quiet about them, but not to try to persuade even those who are at times impossible to persuade — members of the Government.

We are not infallible. Even the Pope is infallible only in matters of morals when he speaks *ex cathedra*; and there is a great difference among Roman Catholic theologians as to how many times, if ever, the Pope has made an infallible utterance. Even the Pope can make mistakes, but the Prime Minister seem to think that he cannot.

What I put to him this afternoon was put after careful thought and reading of his Budgetary Proposals, and he turned a deaf ear.

Mr. CHAIRMAN: I would be grateful to the hon. member if he would say what he is speaking on.

Sir GRANTLEY ADAMS: I am too old a parliamentarian —

Mr. CHAIRMAN: I would be grateful to the hon. member if he would say what he is speaking on.

Sir GRANTLEY ADAMS: I am speaking on the Clause that is being discussed now. Does the Chairman think that I come in here and do not ask before hand what the Committee is dealing with? (ASIDE) (Do not shout at the Chair!) He should not shout at members. He always does. At my time of life having that sort of thing thrown at me in the middle of a speech!

Mr. CHAIRMAN: I said that I would be grateful if the hon. member would state what Clause he is speaking on.

Sir GRANTLEY ADAMS: I am in order to deal with what was being spoken on.

Mr. CHAIRMAN: I am saying that you are completely out of order.

Sir GRANTLEY ADAMS: Why am I out of order? The hon. member who has just sat down was dealing with this Clause and I am dealing with it. I am saying that after careful consideration of this Bill I am pointing out things that I consider to be wrong, and I am asking the Minister in charge not to do as the Prime Minister did earlier this afternoon, but to take my suggestions seriously.

Only this Chairman could find that out of order. I am not going to sit quietly any longer under alleged correction like that. It is insulting even to be spoken to by this Chairman, let alone to be corrected.

As regards what is contained in this Bill, I can well understand that you need higher taxation; but we are saying that even the Pope can make mistakes and the proposals might not have been seen by the Cabinet as by those who come with an unbiassed mind. We come with an open mind and we look to see whether it carries out what the Cabinet or the Budget Proposals intended.

I say that this particular Clause has obvious mistakes. I ask hon. members on the other side not to think that we on this side say something because it affects us personally or because we are trying to catch votes. There are some obvious mistakes in this Clause.

For one thing, not because I am a barrister — but because of the argument which I will give you, barristers should not be in it. A barrister cannot sue for his fees. It is an honorary profession, and if a client does not pay him he can never get it; and if he walks out of a case the client cannot do anything to the barrister, unlike a doctor.

A doctor may make a mistake in surgery and you sue him for damage. A barrister is not working for money. The theory, and it is not only a theory, is that a barrister is a member of an honorary profession and he cannot sue for a half cent, and the client cannot sue him for doing his case badly.

You can always sue a doctor for doing a case badly, and unfortunately there has been a lot of it recently in England. I say unfortunately because I think that it is hard lines on a doctor after he has tried his best and makes a little slip that he has to pay a couple of thousands of pounds damages.

Barristers should not be in it. Barristers' fees are gifts not only because of the medieval theory, but actual practice in the Law Court. A Barrister can do a case as badly as possible, and the only thing you can do with him is to tell other people not to give him work. That is not true of a doctor or a contractor or anybody else in this Bill.

Everybody else in this Bill, if he does not do his work properly, can be sued and he can sue for his money. It is wrong to put barristers in it.

No. 2. It does not take a lawyer to see the mistakes in the Clause that speaks of a man who holds out as having the professional skill to do work. The way in which it is drafted, any lawyer who knows the interpretation of words in a Court knows that what you have here excludes certain people because they are not mentioned — certain people who might do some kind of work such as building bridges etc. who are not mentioned.

The clause says "any man who holds himself out." I believe the Minister is listening. "Any man

who holds himself out as having professional skill in some particular class or classes of work such as the construction of bridges, buildings, canals, docks, drainage works, harbours, railways, roads or other works which he undertakes to superintend or for which he prepares plans or specifications."

I do not wish to repeat what the hon. member who has sat down has said, but I want to point out that in drafting a Bill of this sort you cannot be too careful as to what you put in and what you do not put in.

I did not hear all the argument of the last hon. member, and we on this side do not specifically object to certain inclusions or the nature of the offices except that earlier in the day we pointed out two classes of people who are likely to earn considerably different sums of money, but who have to pay the same rate of tax. There are other things with which I will deal specifically.

I suggest that a barrister is among the type of people who should not be put in. A solicitor — a solicitor can always sue, but a barrister cannot sue. He cannot be sued for bad work or for neglecting his work. A Barrister can take your money and never come into court, and you cannot get it back unless he chooses to give you back. You cannot get it back by law.

A druggist is like a doctor. If he makes a bad prescription, you can sue him for damages. It is not necessary for me to repeat the argument which I have put at length, and loudly, I am afraid. I shall not go any further now: but I wish that the Minister would take seriously the points that I have made and reconsider it because as I have said, just as you do not have to pay income tax on a sweepstake because it is not money earned, similarly, unlike the druggist fees paid to a barrister are not money earned. It is money that your clients give you. It is not necessary to repeat that.

The question that Clause 3 stand part was put and resolved in the affirmative without division.

7.55 p.m.

Clauses 4 to 12 inclusive were called and passed.

Clause 13 was called. It reads as follows:

"This Act shall be deemed to have come into operation on the 3rd July, 1968."

Hon. G. G. FERGUSON: Mr. Chairman, I beg to move that Clause 13 stand part of the Bill.

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

Sir GRANTLEY ADAMS: Mr. Chairman, I beg to move that Clause 4 be recommitted for one reason only.

Mr. CHAIRMAN: We are now dealing with Clause 13 and I suggest that we finish that first.

Sir GRANTLEY ADAMS: Do not shout, Sir.

Mr. CHAIRMAN: I am not shouting. (Hon. N. W. BOXILL: Why don't you sit down and behave yourself?)

Sir GRANTLEY ADAMS: Has Your Honour heard that hon. member shouting at me? (Hon. N. W. BOXILL: No, I did not shout).

Sir GRANTLEY ADAMS: No, you did not shout but

Mr. CHAIRMAN: The sitting has not yet been suspended.

The question that Clause 13 stand part of the Bill was put and resolved in the affirmative without division.

The Schedule was called.

Hon. G. G. FERGUSON: Mr. Chairman, I beg to move that this be the Schedule to the Bill.

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

Sir GRANTLEY ADAMS: Mr. Chairman, as regards the Schedule, I can speak on that without having to ask for a recomittal. You are fixing a penalty for a barrister or a doctor or any professional man who does not pay in January of any year, the Registration fee for that year. A barrister comes here and he practises. He is entitled to be registered because he is actually practising. He then decides to stop practising. I am not referring to myself; there are no thoughts crossing my mind of practising, and the same thing applies to doctors. I know of actual cases of doctors who come back here having been doctors in Barbados and gone away and spent a lot of their lives away. They come back here and decide to retire, and then some patients, in the case of doctors, and some clients, in the case of lawyers, persuade them to come back into practice. No provision is made for a practitioner who comes to practise after January. If he does not register by January he is fined, although in January, February, March and April he may have no intention of practising. This is an omission and I suggest to the Minister to bring it to the notice of the draughtsman.

Some lawyers pass through Barbados and have been called to the Bar and, in some cases, they have come up here and done a case or two. There seems to be a lot of interchange nowadays or some interchange. For instance, the hon. senior member for St. Thomas and the hon. senior member for Christ Church seem to be frequently in one of the smaller island practising and there are also some Trinida-

dians and other people — I know one lady in Dominica, for instance, who is a member of the Barbados Bar and she may have done a case here; but, as I say, a medical practitioner or a barrister who is suddenly asked to heal some patient or take a case in March or April breaks the law because he was not registered in January. In short, you should make provision that those who want to practise can apply for permission to pay the tax in some month other than January. It is a simple matter. As I say, nobody is infallible and it may have escaped the notice of the draughtsman.

The question that this be the Schedule to the Bill was put and resolved in the affirmative without division.

RUM DUTY (AMENDMENT) BILL

Clauses 1 to 3 inclusive were called and passed.

PETROLUEM (AMENDMENT) BILL

Clauses 1 to 3 inclusive were called and passed.

BREWERY (AMENDMENT) BILL

Clauses 1 to 3 inclusive were called and passed.

Hon. G. G. FERGUSON: Mr. Chairman, I beg to move that you do now report the passing of five Bills in Committee.

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

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

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

On separate motions of Hon. G. G. FERGUSON, seconded by Hon. N. W. BOXILL, the five Bills passed in Committee were read a third time and passed.

8.05 p.m.

ADJOURNMENT

Mr. SPEAKER: In view of the fact that this is a Special Meeting for the consideration of certain measures, and of the fact that each of these measures has now been dealt with, this sitting of the Chamber is now adjourned until the date and time to which it had previously been adjourned, namely, Tuesday of next week at twelve o'clock noon.

8.12 p.m.