

THE House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1966 - 71

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HOUSE OF ASSEMBLY

Tuesday, 2nd June, 1970,

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

PRESENT

His Honour Sir J. E. T. BRANCKER. Q.C. F.Z.S., (Speaker); Mr. L. E. SMITH, J. P.:

Mr. E. ST. A. HOLDER, J.P. Hon. C. E. TALMA, (Minister of Health and Community Development); Hon. J. C. TUDOR, C.M.G. M.A.. (Leader of the House); Mr. J. W. CORBIN. J.P. Hon G. G. FERGUSSON, (Minister of Trade and Tourism 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); Mr. C. A. E. HOPPIN, J.P. and Mr. ELLIOTT MOTTLEY

Prayers were read,

Mr. HINDS entered the Chamber and took his seat

MINUTES

Mr. SPEAKER:

There are no Minutes available for confirmation.

PAPERS LAID

Hon. J. C. TUDOR:

Mr. Speaker, on behalf of the Hon. Prime Minister, I am commanded to lay The Civil Establishment (General) (Amendment) (No. 4) Order, 1970.

GOVERNMENT NOTICES

Hon. N. W. BOXILL:

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

A Resolution to approve the compulsory acquisition of land at Synagogue Lane, St. Michael, for the purpose of highway improvement.

Hon. J. C. TUDOR:

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

A Resolution to approve the compulsory acquisition of land at River Bay, St. Lucy, for the provision of a Beach Facility.

Also, on behalf of the Hon. Prime Minister, I beg to give notice of the following: -

A Resolution to approve the Civil Establishment (General) (Amendment) (No. 4) Order, 1970.

A Bill to grant an additional sum of money out of the Consolidated Fund and appropriate the same for the service of the Island for the year ended the 31st March, 1970.

I also beg to give notice that Reply to Parliamentary Question No. 98, asked by the hon. junior member for Bridgetown is ready.

BILLS READ A FIRST TIME

On the motion of hon. J. C. TUDOR, seconded by Hon. C. E. TALMA, a Bill to grant an additional sum of money out of the Consolidated Fund and appropriate the same for the service of the Island for the year ended the 31st March, 1970, was read a first time.

Mr. J. M. G. M. ADAMS entered the Chamber and took his seat.

THE JURIES ACT, 1970.

Mr. SPEAKER:

The first Order of the Day under Government Business stands in the name of the Hon. Leader of the House, and it is to resume Committee on a Bill to consolidate and amend the law relating to Juries.

Hon. J. C. TUDOR:

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

Hon. C. E. TALMA:

I beg to second that.

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

Hon. J. C. TUDOR:

Mr. Chairman, I beg to move that Clause 4 be recommitted.

Hon. C. E. TALMA:

I beg to second that.

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

Hon. J. C. TUDOR:

Mr. Chairman, you will recall that when we were discussing this Clause, although it was passed, hon. members opposite did raise a very valuable point about the age of eligibility for jury service. We have reconsidered this, and I propose therefore to move the deletion of the words "25 years" appearing in paragraph (a) of Clause 4(1) and substitute the words "21 years".

I beg to move that Clause 4 as amended stand part.

Hon. C. E. TALMA:

I beg to second that.

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

Clause 5 was called.

Mr. J. M. G. M. ADAMS:

The point about Clause 5 is this. The difference in definition between "felonies" and "misdemeanours" is in any case being somewhat eroded. The Constitution contains provisions - and I think the Representation of the People Act contains provisions - by which a much simpler test - a test of imprisonment for a period of twelve months - is imposed. For example, Mr. Chairman, it might well be thought that a man who was persistently guilty of drunken driving is not a person fit to sit on a jury - a man persistently guilty of drunken driving, driving while disqualified, driving while uninsured. All these are serious and drastic offences if carried out deliberately, and undoubtedly show a more wicked mind than a child who steals a balloon at the age of fourteen or fifteen. Although these are offences for which you can go to prison for quite long periods of time, they are neither misdemeanours nor felonies. It may also be thought that someone who under the Public Order Act is a persistent breaker up of political meetings, thrower of stones or a persistent inciter of racial hatred, and as such has gone to prison for the statutory two years in the case of inciting violence, is not a person fit to sit on a jury, and yet under this Act he would be allowed to, because inciting violence is merely a summary offence and not a misdemeanour. 12.25 p.m.

As I suggested to hon. members, the law of felonies on the other hand by no means consists of only serious offences. I mentioned to hon. members that it is still a felony in Barbados to send a letter threatening to kill or maim a cow or cattle. I do not believe that hon. members really think that if you write to a man saying "If you do not stop your cow from grazing on my pasture, I am going to chop off its head" that that is a more serious offence than getting on a public platform and inviting people to burn down Broad Street, but yet it is a felony, and one that is often committed, because people threaten to maim animals a good deal more than may generally be realised. For all I know, some lawyers who write letters while unaware of these provisions of the law advising people that if they do not stop their sheep and cows from trespassing on their clients' pastures, their clients will take what steps they see fit and may destroy the animal - even that might be construed as a threat to kill or maim an animal, and that would be felony.

I would suggest to hon. members that a test other than the one set out in sub-clause (a) be adopted in clause 5. The fact that it was in the old Juries Act of 1891 is only to tell us that the old Juries Act is obsolete and should be brought up-to-date in this particular respect. In those days a great deal of respect was paid to the definition between felonies and misdemeanours - a historical definition, going back to the old days when all felonies were punishable by death and misdemeanours by imprisonment - but we no longer have that today, and I would suggest that since apparently we have again available today the assistance of the Parliamentary draftsmen, we invite them to set a different test.

If hon. members want other examples of felonies that perhaps we would not view as quite such serious offences today, it is a felony to forge a marriage licence; it is a felony to forge a summons - a 'Blue Paper' as they call it - to get somebody to Court, even though all that may happen as a result of your forging the summons is that a man may attend Court and lose a day's work, and it still carries life imprisonment. Is it to be suggested that somebody who is a "lerk" perhaps - again this is a quite easily imagined practical joke - as a "lerk" you can take a rubber stamp and put at the bottom some Magistrate's name and you send it to somebody to get him to come to Court, and when he gets there he finds there is no case - is that really as serious an offence as drunken driving? It is a felony to set fire to a Church - I think we can agree with that; it is a felony to damage any machine used for sowing, reaping, mowing, threshing, ploughing or draining. Hon. members do not perhaps need any explanation as to that. If you take a hammer perhaps and stop a man from ploughing what is your land and put a slight dent in one of his instruments, if you want somebody to take his tractor off your land and you take a hammer and hit the tractor, that is a felony. It might be \$5.00 in damage and no more, and hon. members may well feel that that is not anything that should be treated as if it is one of the most serious offences that could be carried on.

Injury to a wharf. If you knock a brick off the wharf in Bridgetown you are guilty of a felony. It is only a misdemeanour for poisoning fish, exhibiting a false signal, which although it can be tried by a Magistrate, due to a mistake by the Parliamentary draftsmen in 1961, exhibiting a false signal at sea is a felony. The hon. junior member for St. Michael perhaps could assist us with the seriousness of that offence, but exhibiting any false light at sea in such a way as to lead to the destruction of a ship is a felony, although, as I said, it may be tried by a Magistrate. Sending, delivering or uttering any letter in writing threatening to burn a house or other building or any heap of trash, cane tops or corn stalks or to kill, maim or wound any cattle - that is a felony. I do not think that we are going to consider in this House today that the distinction between felonies, misdemeanours and summary offences is so squarely founded on logic in this year of 1970 as to "warrant the House of Assembly passing a Bill selecting felony as the most serious offence, selecting mis-meanour as the next serious and exempting summary offences altogether, and for that I would ask the Leader of the House if he would suggest to us another form of words, preferably the form used in the Constitution relating to sentence to imprisonment of a period of 12 months or more.

Hon. J. C. TUDOR:

Mr. Chairman, this is one of the two Clauses of the Bill specifically reserved for further study, by the Cabinet; the other one, of course, is Clause 28. I am advised that while the Crown Law Officers agree that in modern legislation the distinction between felonies and misdemeanours is outmoded and perhaps of purely historical significance, they nevertheless feel that at the present state of our law we should not attempt to abolish this distinction here because the distinction exists in so many of our laws - so I am advised - that unless you are actually codifying the criminal law there would be no point changing it here and leaving it unchanged in other legislation. 12.35 p.m.

They, therefore, advised me that they should not, at this stage, attempt to abolish or qualify the distinction here, but to leave this matter for a further study inasmuch as it does not seriously inhibit the working of this Bill. In the light of that, I do not think I can engage with the hon. member in finding a formula to modify the sense of the Clause, but I would suggest, as I am advised, that we let it stay as it is.

Mr. J. M. G. M. ADAMS:

Sir, I regard the Ivce given to the Leader of the House, which I am sure was asked for and accepted in good faith, as unmitigated laziness on the part of the Crown Law Officers. It is simply not true that the law is riddled with phrases such as these. After all, is the English Law codified? You will certainly find in English Statute Law many cases where a distinction is made between felony and misdemeanour, but it does not mean that you must introduce a distinction into every new Act. You could as well say that we should have had it in the Constitution, rather than talking about 12 months imprisonment.

Sir, I ask the question: Is there any hon. member in here who believes that a man who sends a letter threatening to kill a cow is more morally guilty and less capable of serving on a jury than a man who gets on a political platform and incites violence and goes to prison for two years for it? Or even a drunken driver? Must drunken drivers sit on juries now, Sir? If it is going to be this sort of bar at all, should it not include some reference to the period of time and the extent of punishment imposed on a malefactor? All the Judges and all the Courts assess offences not on the basis of whether they are felonies or misdemeanours or summary offences, but on the basis of the amount of punishment that this particular offence warrants. That should be the test, and it is laziness on the part of Crown Law Officers; they do not wish to be troubled to think out a test based on the amount of punishment the Court saw fit when dealing with the original offence, and therefore they say "Leave it, it is only the Juries Bill." Do you know how it is going to affect this Bill, Mr. Chairman? Let me tell hon. members and suggest that the Leader of the House puts this to the Crown Law Officers. It is going to affect the Bill, because practitioners have already agreed that we are going to start insisting that the Crown make known to us all the convictions of a potential juror, so that we can challenge for cause, if necessary. That is how it is going to affect it, because a lot of people with convictions who are not caught with this Clause - a lot of

people with summary convictions before Magistrates who are not caught by this Clause - will find themselves on the Jurors list. We will be asking for those convictions and causing more trouble for the Crown Law Officers to have continually to be looking at every juror's name to see what convictions he, in fact, has. That is how it is going to affect this Bill, if the Crown Law Officers want to know.

I do not think that we in this House of Assembly should put up with this sort of laziness. I have not seen in any modern statute phraseology such as this - certainly not since I have been in this Honourable House - and I think you will have to search quite a long way back in the recent legislation that is passed based on classifying a man as wicked merely because he is felon. A felon can stand for the House of Assembly even while he is a felon - in other words, while he is serving a sentence as long as the sentence is not 12 months, I think I am right in saying so, but we will have to check on that. Certainly a man can be convicted of stealing and stand for the House . of Assembly, if he has a fine to pay but has not yet paid it. All of these things are considerations; so much more in these circumstances would some sensible test be arrived at.

When the Representation of the People Act was being passed, they recognised that it was the severity of the punishment imposed by the Court which should impose the disqualification on potential candidates and members of the House. It is the severity of the punishment and not the mere fact of punishment. There are hon. members in here who have been convicted of crimes carrying moral turpitude of some sort or another while they are members of the House, but yet the Representation of the People Act did not seek any such test as this one. They sought a sensible test, in the circumstances. I suggest that the Minister should put it back to the Crown Law Officers, and ask them to find something that would better satisfy members.

Mr. CHAIRMAN:

The question is that Clause 5 stand part. Hon. members in favour will please say "Aye", and those against will please say "No". I think the "Ayes" have it.

Mr. J. M. G. M. ADAMS:

Divide; I did not hear anybody vote.

The Committee divided and voted as follows:

AYES:

Hon. J. C. TUDOR; Hon. C. E. TALMA; Hon. G. G. FERGUSON;

Hon. N. W. BOXILL (seated and covered):

Mr. Chairman, when the question was put, I did not hear about any division. The hon. member did not vote against it; therefore, he cannot call for a division. He is merely wasting time.

AYES. Hon. N. W. BOXILL; Mr. LOWE; Mr. CORBIN; Mr. HOPPIN and Mr. SMITH - 9.

AYES Mr. HINDS; Mr. HOLDER; Mr. J. M. G. M. ADAMS and Mr. St. JOHN - 4.

Mr. CHAIRMAN; I am advised that 9 hon. members voted "Aye" and 4 hon. members voted "No.". I, therefore, declare the "Ayes" have it.

Clauses 28 was called,

Hon. J. C. TUDOR:

Mr. Chairman, Clause 28 was the second of the two Clauses referred for further consideration. Again, my advisers have drawn to my attention that in the United Kingdom the number of peremptory challenges is 7; in the Associated States the number is 4, and they advise that we should retain the number set out in the Bill that is, 7.

I beg to move that Clause 28 stand part.

Hon. C. E. TALMA:

I beg to second that.

Mr. J. M. G. M. ADAMS:

Mr. Chairman, the real point in this - because it is an act of policy to decide how many challenge sit

shall be - surely it is in subclause (2), and you give the Crown an unfair advantage if you allow them to indict five or six prisoners so as to reduce the number of challenges available to each prisoner. We have always had this provision in our law in the days when the number of challenges was 20. Sir, at this moment, I am engaged in searching the Times Newspaper for the proceedings of a trial going on in connection with a Prison riot in South England in which each of the 48 prisoners jointly indicted is exercising his right of 7 challenges, and the Judge has had to tell the prisoners that he has a whole yard full of jurors waiting. The prisoners are are challenging each woman and so on. 12.45 p.m.

The Crown Law Officers should not try to mislead the House by advertising the Leader of the House that this is the law in England and therefore it should be the law of Barbados. It is not the law of England that seven challenges have to be divided between seven people. The law of England is seven challenges. What they have done is to take the old law of Barbados of dividing the challenges and added it to the new law of England, arriving at a kind of bastard challenge authority which will give the prosecution such an unfair advantage that I do not think, if hon. members are given an opportunity of proper consideration, they would really allow to continue. I have not got the most recent English Criminal Procedure Act, but my reason for searching the Times Newspaper is to check that in fact when prisoners are jointly indicted in England, each one has his number of challenges. So I would ask the Minister, even if he cannot give us more than seven challenges for each individual prisoner, let us give each prisoner his full number. Let us have each prisoner with the right to challenge all. There are many cases, Sir, where prisoners are tried together, and the matters are connected somehow, but there are cases, where more than one man can be tried together, and it might be marginal whether or not the Court will order a severance of the trials. The Court may decide to deny, and then the prisoners will have lost the right by arbitrary decision of the prosecutor to a proper number of challenges. Suppose there are ten prisoners, some are not going to get a challenge at all. The minute you have ten people joining together in a riot or something like that and they have trial by jury, some will not get a challenge. How can you apportion ten challenges fairly between eleven people? (Asides.) The hon. member has made a point that is very sound in logic - it is one trial; but the point about challenges is that the challenges are usually personal to the prisoner. Each individual prisoner has his own reasons for a challenge. It is a peremptory challenge. It is not really recognised by the law in Barbados that if you know that a particular juror knew, say, the victim, that that is good cause for a challenge; but you may have seen the victim and a man drinking an evening, and you know that the victim is the juror's friend and so on; it would not be proper just to allow a prisoner to say that the two of them were friends and challenge him for cause, because two men drinking together does not mean that one, if he sits on a jury in a case in which the other has been injured, will necessarily strain his conscience one way or the other. It does not mean that; but a prisoner prefers to be on the safe side.

Hon. members can think of numerous examples. The most obvious example is when, as is practised by lawyers who are active in politics, you challenge the adherents of the other political side. We have seen that happen. We have seen an Assistant Commissioner of Police sit down in Court telling the Crown's Lawyers who to challenge in a case against the hon. junior member for St. Peter, and the basis was politics. This is obviously not a good cause, but this will explain why it is personal to each prisoner. Each prisoner has his reasons for not wanting that juror; so when eight people have only ten

challenges.....

Hon. N. W. BOXILL:

On a point of order, the hon. member is dealing with a case of challenges provided this is an individual challenging, but if a group of people is charged for the same offence, these people will be tried en bloc ; therefore most likely they might have one or two lawyers representing them. Do you expect everybody to have a challenge then? If you have ten people charged do you mean they must have ten challenges each? This could not be fair. Of course, the hon. member would like me to believe that a man in Barbados or under British law is innocent until he can prove himself guilty, but that is a joke. You are guilty until you can prove yourself innocent. If you were not guilty they would not make you post bail; and sometimes you have to fight the Magistrate to get out your client. Let us stop this nonsense and fooling ourselves that a person is innocent until you can prove him guilty, because the prosecutor asks you a lot of hard questions, and if you do not say the same thing twice, you have gone through the eddoes. If one man is charged for a serious offence, and goes before a jury, he has seven challenges; but if ten people are charged, do you want to have 100 challenges? What time would you get through? Do you realise this is the taxpayers' money? We do not want to see justice go through the window, but at the same time justice must not only be done, but must appear to have been done. Why should the prisoner have more rights than the prosecutor?

Mr. J. M. G. M. ADAMS:

Now, Mr. Chairman, I always have respect for the hon. member's views on legal subjects, but he of necessity does not perhaps have the day-to-day experience. The reason why, when people are tried together, you often need a lot of challenges is that if three people are tried together on the same charge, each one may blame the others. You may get three lawyers all bitterly hostile and when you then tell them they have to join together to decide whom they are going to challenge, that is saying something quite meaningless. If the Crown Law Officers were really about their business - I do not mean the present Crown Law draftsmen because according to the Leader of the House this has been going on for eleven years -they would avoid the excess of England. I think most of us can agree that in the current trial to which I have referred that is going on with the prisoners in the Isle of Wight, it is a little bit much that forty-eight prisoners should have managed to get together on each deciding to challenge seven persons and keeping the Court waiting a week or more while they challenge the jurors. That may be excess, but on the otherhand what we have here is foolishness. The Crown Law Officers, instead of being derivative, should have sought a formula by which all persons who appear together by the same Counsel would have a limited number of challenges, but others who appear by different Counsel would have a separate number; so that if three people are tried together, each one with a separate lawyer - because a separate lawyer often does imply a slightly different defence -each one should have his number of challenges. If all three appear by one lawyer, the lawyer is only allowed to challenge as if he has one client, because you cannot put forward alternative defences for more than one man for whom you appear. It is not possible to appear for the two members for St. Thomas and say that if the hon. junior member did not do it, then the senior member did. It takes two lawyers to do that. The Crown Law Officers could work out some system such as that if they wanted to give us a proper deal; but ten are two few. Even if it was back at the old twenty which was regarded in its day as an oppression when

the Juries Act was passed in the 1890s - even dividing the challenges between twenty was oppressive - we would be happy.

Mr. St. JOHN. Mr. Chairman, I am not in favour of limiting the number of challenges, where several people are charged, to a number not exceeding ten. I can see practical difficulties in the administration of this immediately, because it is not beyond the realms of possibility for more than ten people to be charged, and that means that somebody would be deprived of his right to challenge the jury, and if your name on the indictment happens to be the last, it means that all the challenges would be exhausted before it comes around to your turn.

12.55 p.m.

It is my practical experience in these trials that where a large number of people are tried there will inevitably be a large number of defendants' lawyers and agreement is not easy to reach because in many cases, as the senior member for St. Thomas has pointed out, the defence of one person very often involves an accusation of one of his co-defendants as being the person responsible for the crime. Look at what is happening in Trinidad and you will see that as many as 60 people are being charged for treason. (Hon. N. W. BOXILL: They are not being tried together.) Who says that some of them are not being tried together? Why is it necessary to move the venue of the trial from the Magistrates' Courts down to Chaguaramas because they did not have sufficient facilities? Why is it necessary to do that? It is obvious.

Hon. N. W. BOXILL:

On a point of order, it is necessary to do that because some are tried under martial law. Those who mutinied from the Army must be tried under martial law, not in a Court.

Mr. St. JOHN:

You know, Sir, very often in here many people have made statements about the law and about lawyers, but if there is one thing we can see now is very dangerous is that a liking for law and a jealousy for people who have qualified can very often confuse you. There is no charge under martial law against any of the officers except one; all the rest are being charged with treason. There is only one person being charged with being an officer in the army failing to report to his Commanding Officer knowing that a mutiny was going on; all the rest are being charged with offences against the general law of the land. As a matter of fact, a new indictment has been filed and the other information on the file is going to be allowed to be in obedience, and the preliminary inquiry is going ahead; that is why they had to move that.

Sir, I object to ten challenges. A name may come low on the indictment and it is called up, in relation to your being placed on the indictment, so that by the time it gets to you it is exhausted, and the Judge would be in an impossible position because he cannot apportion fairly amongst such persons the number of peremptory challenges. The best way to do it is to put in an exception, 'provided that in any circumstance any accused person by reason of the limitation of ten be not deprived of at least two challenges'. You must put in a limitation of at least two challenges, so that if you have ten you will have ten; in other words, if you have five or more defendants they would have at least two challenges each, otherwise you will reach the situation - and some offences by their very nature, the offence of conspiracy is not one that has been exploited so much here, but immediately as you reach the situation now that there is in existence right through the Caribbean territories, this offence of conspiracy against law and order will be brought into vogue. It was in St. Kitts in 1967; in 1970, Trinidad, and it is reaching the area. Political offences based on conspiracy; so therefore just as you passed the Public Order Act, you are saying that you recognise that offences against the Government or offences against law and order are offences which it is in the contemplation of the Government that something is likely to take place, and because of that fact, if you deprive an accused person of a minimum challenge, if you say that of eleven persons one person will not get any, how can defence lawyers agree to divide when their eleven defendants have ten challenges? That is an impossibility; you must put in a proviso that in any case, notwithstanding the limitation above, the defendant shall not be deprived of the right to challenge at least two jurors.

The marathon trial in St. Kitts was worked differently, but I understand that in some of the Associated States there is a minimum of three; so we feel that if two defendants are charged they have five, if three defendants are charged they have three, if four defendants are charged they have two plus something - I do not know how that will work out. You are putting the Judge in an invidious position, and the defence lawyers in an invidious position. I am saying that a man, once he is charged, should have the basic number of challenges, and his challenges should not be dependent upon the fact that there are so many accused persons that he comes low down on the indictment. I would like to move such an amendment, I did not draw it; I was expecting to come today with a Select Committee Report. I was following the Advocate; so I have not attempted any draft; but I see that you have advisers present, and the gist of what I want to have in the Bill is that in no case shall an accused person be deprived of less than three challenges - 'provided that in no case shall an accused person be deprived of the right to challenge at least three jurors'. If you have six people charged the maximum number of challenges there could be is eighteen, and right now there are twenty; if you have seven, that is twenty one; if you have ten that is thirty; if there are ten people charged together it is obvious that in that cross-section of people that the reasons for challenge are likely to be greater. I really feel that an accused person should definitely be given at least three challenges. (Asides.)

1.05 p.m.

Mr. CHAIRMAN:

Members not addressing the. Chair.

Mr. St. JOHN:

Mr. Chairman, that does not help us. The suggestion that you raise the aggregate to 14 does not help us, because I am still saying that you will have situations where more defendants are charged together than the totality of the challenges; so a defendant may not have any challenges at all. I think that a minimum number of challenges should be assigned to each defendant automatically, so that in no case should a defendant be deprived of his right to challenge peremptorily less than three. Therefore if three people are charged, the principle could not apply, because they would be able to challenge at least three. If four people are charged, they will each get three and there will be two extra challenges. I am trying to get this matter redrafted in such a manner so as to ensure that in no circumstances would a defendant find himself in a situation, because of the number of people charged together by the Crown, where he would be deprived of the opportunity of challenging at least three people.

Hon. N. W. BOXILL:

Mr. Chairman, I find this rather strange. I do not want to be phlegmatic or stubborn in any way, but I cannot understand the hon. member on the opposite side of the House. This bit of legislation was pending for some time; it went before the Law Society and the Bar Association. Why were not these points raised then? Now this Bill was not drafted at the whims and fancies of the Cabinet or myself. This is something that we had submitted to the Bar Association for their approval. The hon. member, I believe, is a member of the Bar Association.

Mr. J. M. G. M. ADAMS:

On a point of order, Sir. Is the Minister aware that the hon. senior member for Christ Church is, far from being a member, the President of the Bar Association?

Hon. N. W. BOXILL:

Mr. Chairman, that makes it even worse. I thank the hon. member for the information, because I did not know that he was the President of the Bar Association. He is the President, and this matter was sent to the Bar Association. It is not something that the Government has submitted suddenly. This matter has been with the Bar Association for months, and it has been bandied about here, there and everywhere. (Mr. ELLIOTT MOTTLEY That is untrue.)

Mr. CHAIRMAN:

Hon. members not addressing the Chair! Please observe the appropriate Standing Order. Let the hon. junior member for St. Thomas proceed.

Hon. N. W. BOXILL:

Mr. Chairman, it is unfair for the hon. member to say on the floor of the Chamber that it is untrue. I think he is the Secretary of the Bar Association. The hon. member knows that what I am saying is true; it went to the Bar Association; it went to the Chief Justice; the experts went through it, and they all agreed to it. How is it that only now they have found out that the challenges should be three? If the hon. member had made this point before, we on this side would have accepted it. I am a layman, as far as law is concerned, but I am not a village idiot where law or anything is concerned. If they had raised this point and submitted it to us, the matter would have been considered.

Sir, it is strange that the other lawyers in the Bar Association with the exception of the senior member for St. Thomas, who I do not think is a member of that Association, saw this bit of legislation and all of them agreed with it. How is it that all of these amendments are coming up today when we are dealing with the Bill? This is really a lawyer's Bill; it has nothing to do with a layman, and I am a layman. (Asides.) Of course, I am a layman. Do you think I could argue about tort with you? When it comes to real sense I will take my hat off to none of you lawyers. I am not talking about common sense; I am talking about real sense, because real sense is not common. When it comes to real sense, I will take my hat off to nobody. Why did not the hon. member raise these points before? As I have pointed out to the hon. member, if you have all of these challenges you will be giving the accused more advantage than you are giving the prosecution. Nine out of ten times the accused is almost guilty. I do not see why we should have this imbalance in favour of the accused more so than in favour of the prosecution.

Sir, the hon. member had an opportunity to raise these points when they were submitting their comments. I have just been asked to inquire from the senior member for Christ Church if the Bar Association had reserved their comments on this Bill. I know what is in the Bill, and I have not seen that the Bar Association had reserved their comments on this part of the legislation.

Mr. St. JOHN; Sir, I do not know when the Bill went to the Bar Association. Four years ago I was on the Council of the Bar Association and the Bill did not come then. I do not remember or recall this matter, but in any event the fact that it went before the Bar Association and before the Chief Justice does not affect the validity of the point. The point is that when you have a number which exceed 10 people, it means that this section becomes unworkable because it is impossible to divide 11 into 10. 1.15 p.m.

The situation is brought forcibly to mind lately because of the fact that we have precedents of a multiplicity of people being charged together. All I am saying is that the normal rule would operate, but it should not operate to such an extent that in any situation at all the accused person is deprived of a minimum number of challenges. I say three; if you say two, it is still better than this.

Hon. N. W. BOXILL:

If the hon. member would give way, he said something which I have to challenge. He said it is impossible to get eleven into ten; but it depends on how he is dealing. I can get eleven into ten because if I had ten potatoes and eleven people to share, I would mash the potatoes and give everybody two spoonsfull.

Mr. St. JOHN:

I suppose the hon. member thinks that a human being is a potato; so he would mash them. Are you going to give one the head and the other one the feet? The point is that this would only apply for a greater number than five. This would take some time to draft. Can we defer consideration of this?

Now, Sir, I understand that there was in truth and in fact a comment on this particular section by the Bar Association. I believe your adviser has gone to get in touch with the office to see the correct drafting formula, but what I am suggesting is a reasonable compromise principle that in no case can a deprived person be deprived of a minimum number of challenges. It would be foolish if the Bar Association did not comment on this, because somebody on the Council would have had experience of criminal law. I understand they said that the aggregate amount should be twenty-four; so if there are twelve accused persons, they would have two each. 1.25 p.m.

Hon. J. C. TUDOR:

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

Hon. C. E. TALMA:

I beg to second that. 1.35 p.m.

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,

SUSPENSION OF SITTING

Hon. J. C. TUDOR:

Mr. Speaker, I beg to move that this sitting be now suspended until 2.30 p.m.

Hon. C. E. TALMA:

I beg to second that.

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

On resumption-----

Hon. J. C. TUDOR:

Mr. Speaker, there is no quorum and I ask that the bell be rung.

The bell was rung and a quorum was obtained.

QUESTION TIME Mr. SPEAKER:

It is now Question Time.

Hon. J. C. TUDOR:

Mr. Speaker, I wonder if the otherside would mind finishing the Bill and then doing Question Time, because we only have one question to deal with.

Mr. ELLIOTT MOTTLEY:

Answer the question, first.

REPAIRS TO PARKINSON COMPREHENSIVE SCHOOL

Mr. SPEAKER:

No. 98 which stands in the name of the hon. junior member for Bridgetown, and it is to be found on page, 6, right hand column.

Mr. ELLIOTT MOTTLEY:

Mr. Speaker, To enquire of the appropriate Minister-

Is the Minister aware that the Parkinson Comprehensive School is in a very bad state of disrepair - several window panes and other items being in need of replacement?

2. Will the Minister take steps to have this school repaired as quickly as possible?

Hon. J. C. TUDOR:

Mr. Speaker, the reply is as follows

1. Yes, Sir.

2. Arrangements for repairing the Parkinson Comprehensive School are already in train. It will appear, Mr. Speaker, that in this year's Estimates there is a provision of \$57,000 allocated under Head 39 (3) for the maintenance of buildings, and it is from this provision that this work will be done. The bulk of the maintenance work will be replacement of 96 steel windows on the Eastern side of the main class room block and their replacement with aluminum louvre windows.

GOVERNMENT BUSINESS

Hon. J. C. TUDOR:

Mr. Speaker, I beg to move that Government Business be now resumed.

Hon. C. E. TALMA:

I beg to second that.

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

Mr. SPEAKER:

Government Business is now resumed....

Mr. ELLIOTT MOTTLEY:

Mr. Speaker, is this under the condition that it be resumed until 3.15 p.m.? (Hon. J. C. TUDOR Yes, the notices are not suspended.)

Mr. SPEAKER:

Government Business is now resumed until 3.15 p.m., when Private Members' Business must be taken.

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

JURIES BILL, 1970 Clause 28 was called.

Hon. J. C. TUDOR:

Mr. Chairman, we have reached a compromise on this matter of the peremptory challenges in Clause 28 and, by mutual agreement, I am offering the following amendment to that Clause

I am suggesting that we delete subclause (2) and we substitute the following:

"Where several persons are arraigned together the sum total of the peremptory challenges available to all such persons shall not exceed -2.35 p.m.

"(a) in any such case in which five persons or less are so arraigned, ten, or

(b) in any such case in which more than five persons are so arraigned two for each person, and if the persons arraigned do not join in such challenges, the Judge shall before the commencement of the drawing of the jury apportion fairly among such persons the number of peremptory challenges."

I beg to move that Clause 28 as amended stand part.

Hon. C. E. TALMA:

I beg to second that.

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

Hon. J. C. TUDOR:

Mr. Chairman, I beg to move that Clause 40 be recommitted, because I have a slight amendment to propose.

Hon. C. E. TALMA:

I beg to second that.

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

Hon. J. C. TUDOR:

Mr. Chairman, these are verbal amendments. You will notice in Clause 40 (3) the words "paragraphs (2) and (3)" are used. I want to substitute therefor the words "sub-sections (2) and (3).

Mr. Chairman, I beg to move that Your Honour do now report the passing of one Bill with amendments in Committee.

Hon. C. E. TALMA:

I beg to second that.

Mr. HINDS; Mr. Chairman, in this House we are either right or wrong. The Mace was not in its right and proper place when the House was in Committee, and I would like to have Your Honour's ruling as to exactly what is the true position with regard to the amendments we have just passed and anything we have done in Committee. We have got to see things done in a right manner, and it is nothing to cast off lightly. I am suggesting that we examine ourselves and see if we were right and what is our position. Are we in a position to report that something has been done when it has not really been done? I would like to hear the Leader of the House on this point, because the Leader of the House above all persons knows exactly that the Mace is the symbol of authority.

Mr. CHAIRMAN:

If the hon. member would give way.

The Mace was placed in its proper position.

Hon. J. C. TUDOR:

Mr. Chairman, I beg to move that Clause 28 as amended stand part.

Hon. C. E. TALMA:

I beg to second that.

Mr. HINDS:

Mr. Chairman, that is not fair to me. I was speaking and you asked me to give way, giving the impression that you had something to say.

Mr. CHAIRMAN:

I said we would put it all over again.

Mr. HINDS:

You mean you will regularise the position. Now I have heard Your Honour say so, I am pleased to sit.

The question that Clause 28 as amended stand part was put and resolved in the affirmative without division.

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

On the separate motions of Hon J C TUDOR seconded by Hon C E TALMA the Bill was read a third time and passed

PRIVATE MEMBERS' BUSINESS

Hon. J. C. TUDOR:

Mr. Speaker, I beg to move that Private Members' Business be now taken until 4 o'clock.

Hon. C. E. TALMA:

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

2.45. p.m.

GOVERNMENT BUSINESS

Hon. J. C. TUDOR:

Mr. Speaker, I beg to move that Government Business be now resumed.

Hon. C. E. TALMA:

I beg to second that.

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

Hon. J. C. TUDOR:

Mr. Speaker, I beg to move that Order No. 10 be taken next.

Hon. C. E. TALMA:

I beg to second that.

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

Mr. SPEAKER:

Order No. 10 is the instant Order of the Day and it is to move the House into Committee of Supply to consider the grant of sums of money for the service of the island.

COMMITTEE OF SUPPLY

Hon. J. C. TUDOR:

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

Hon. C. E. TALMA:

I beg to second that.

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

SUPPLEMENTARY ESTIMATES 1970-71, No. 2

A Resolution for the sum of \$120,000 was called,

Mr. HINDS:

Mr. Chairman, I wonder if this is the same Resolution....

Mr. CHAIRMAN:

This sitting has not yet been suspended, I can hardly hear the hon. member.

Mr. HINDS:

I have before me a resolution for \$120 and I wonder if that is the same Resolution that other hon. members are doing for \$120,000. (Mr. CLERK It is printed correctly on the inside).

Hon. N. W. BOXILL:

Mr. Chairman, I am asking-leave to take charge of this Resolution.

Mr. CHAIRMAN:

The hon. junior member for St. Thomas is asking leave to take charge of this Resolution; if there is no objection.....

Mr. HINDS:

Is the Hon. Minister to ask leave of this Committee or should he have asked the House leave to take charge of this resolution?

Mr. CHAIRMAN:

He is asking the Committee's leave to deal with it. If there is no objection leave will be granted.

Mr. ELLIOTT MOTTLEY:

There is an objection, Sir.

Mr. CHAIRMAN:

There are two hon. members on their feet.

Mr. ELLIOTT MOTTLEY:

One honourable and one dishonourable, Sir.

Mr. CHAIRMAN:

Would both hon. members sit? If objection to leave is taken this Resolution cannot be proceeded with (Asides.) The sitting has not yet been suspended. 2.55 p.m.

Hon. J. C. TUDOR:

This Resolution, Mr. Chairman - the one for \$120,000.....

Mr. ELLIOTT MOTTLEY:

Who is doing this Resolution, now, Sir? The hon. junior member for St. Thomas was asking leave to do it and objection was taken to it.

Hon. J. C. TUDOR:

You can scarcely object to my doing it. (Asides.) Mr. Chairman, I think Item No. 10 is in my name, so far as I know. The entire Resolution is in my name; it was on my motion that the House went into Committee of Supply, and I cannot see why objection is taken to the Minister proceeding with it. The House is not usually so fractious. (Hon. N. W. BOXILL I am a Minister and I can deal with it.)

Mr. ERNEST MOTTLEY:

Mr. Chairman, the Resolutions are in the name of the Rt. Hon. E. W. Barrow. It is formal for the Leader of the House to move the House into Committee of Supply.

Hon. J. C. TUDOR:

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

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. J.C. TUDOR:

Mr. Speaker, a peculiar situation has arisen while the House was in Committee of Supply. As Your Honour will note, any Item on the Order Paper which the House was deliberating in Committee of Supply is Item No. 10 which stands in my name although the actual Resolution is in the name of the hon. senior member for St. John. While the House was in Committee the Hon. Minister of Communications and Works sought the Leave of the Committee to deal with the Resolution for \$120,000 which also stood in the name of the hon. and learned senior member for St. John, but which concerns his own Ministry, that is to say, the Ministry of Communications and Works. The Committee by a dissentient vote refused leave. I, therefore, reported progress in order that I might ask leave of the House, both for myself and the Hon. Minister of Communications and Works, to deal with these two Resolutions when in Committee of Supply, and I so now do.

Mr. ERNEST MOTTLEY:

What is your request now?

Mr. SPEAKER:

Is the Hon. Leader of the House asking for leave when in Committee of Supply to deal with one of these Resolutions?

Hon. J. C. TUDOR:

Yes, Mr. Speaker. I am asking leave to deal with one of them, and for the Hon. Minister of Communications and Works to deal with the other.

Mr. SPEAKER:

I take it that they will have to be considered by way of two separate requests for leave. The Hon. Leader of the House is asking for leave of the House when in Committee of Supply for himself personally to deal with a Resolution in the sum of \$100,000 from the Consolidated Fund. If there is no objection, leave will be granted.

Mr. ELLIOTT MOTTLEY:

There is objection, Sir.

Mr. SPEAKER:

There is objection to leave being granted to the hon. member. Now, if I, again, correctly understand the Hon. Leader of the House, he is asking on behalf of the Hon. Minister of Communications and Works for leave to deal with a Resolution for the sum of \$120,000, which Resolution stands in the name of the Hon. and learned Prime Minister. If there is no objection, leave will be granted.

Mr. ELLIOTT MOTTLEY:

There is objection, Sir.

Hon. J. C. TUDOR:

Very well, Mr. Speaker. This concludes Government Business for today's sitting.

I beg to move that this House do now adjourn until Friday at 2.30 p.m.

Hon. G. G. FERGUSSON:

I beg to second that. 3.05 p.m.

Mr. ELLIOTT MOTTLEY:

Mr. Speaker, this is the sort of thing you can get in this Chamber. I am speaking on the motion for the adjournment. Here we have an Order Paper setting out ten items under Government Business including under Item 10 two Resolutions in the name of the Prime Minister and two more, making nine in all. We come here today to find that the Prime Minister of this country cares so little about this House that he can afford to absent himself from this country, go off on a lot of joy-rides at the expense of the taxpayers, and ask people to do work for him. We are being paid to come in here and work. The Prime Minister is getting more money than anybody from the Treasury of this country, and it is his duty to come here and do the work, not ask somebody else to do it for him. I am opposing any idea of coming back here on Friday to suit the convenience of the Prime Minister. We are big men around this Table; we are not here at the convenience of the Prime Minister, and if the Leader of the House has no more respect for this House just because the Prime Minister of this country chooses to absent himself from this Chamber to treat us like little children and bring us back here on Friday, I am opposing it. It is time that the Prime Minister of this country knows he should have more respect for this Chamber, and that the members of this House are men and not little boys. If he wants to treat the members of the Democratic Labour Party like that, that is fair enough; but it is unfair for the Prime Minister to bring people from their jobs to work in the House of Assembly and he has no more respect for us than to absent himself. I will not agree to this, and I think it is grossly unfair to the members of this House. It is no wonder that members of the public in the Gallery treat this House with this sort of disrespect, because they have taken the example from the Prime Minister himself. If he had any respect for this Chamber, he would have been in here today. Imagine this country is discussing something so important as a Public Order Bill and not one single sitting has the Prime Minister attended. He is not sick; he is away gallivanting at the expense of the taxpayers in Canada and the United States. If he has no more respect for this Chamber, nobody else can have respect for it, and it is Insulting to the members of the Opposition. If the Government does not care anything about us, that is their business.

Mr. Speaker, I have no doubt that the Leader of the House is accustomed to being treated like a little child by the Prime Minister. He referred to him as a Fourth Form boy already, but we are not Fourth Form boys in here, and we object to this treatment. If you set work to be done, let the Prime Minister come here and do it. He had gone on record as saying that he would rather go into a whore house than come in here with members of the Opposition. We are coming here and I will let it be known that if the

Prime Minister does not come here on Friday, I am again going to object to any Government Minister taking charge of any thing that is in the Prime Minister's name. He is getting paid to work; let him come here and do the taxpayers' work.

Mr. SPEAKER:

The question is.....

Hon. N. W. BOXILL:

No. no. Why are you so in a hurry to put the question now? You are never in a hurry to put the question when it should be put.

Mr. SPEAKER:

Only I would know that. No member from the floor would even though he may so think.

Hon. N. W. BOXILL:

I am entitled to think anyhow, and I always think correctly. I have never heard so much stupidity in all my life as I have been hearing this afternoon. First we come here to do the people's business. The two Resolutions before this Chamber came under the Prime Minister's name because the Prime Minister is Minister of Finance. I am supposed to take charge of one of these Resolutions because I am being pestered by people who did not get their backpay. (Mr. ERNEST MOTTLEY We did not not know that.) You didn't try to know.

Mr. HINDS:

Mr. Speaker, on a point of order, is the hon. member who has just sat down entitled to speak on the contents of any Resolution at this stage?

Mr. SPEAKER:

He is not entitled to speak on the contents. He is entitled to speak in support of or . objection to the adjournment.

Hon. N. W. BOXILL:

I do not know where hon. members on the opposite side get the misguided idea that the Prime

Minister has to bein here every Tuesday. The main point is that the people's business is being done and it is being done by this side of the Chamber. Any Minister in here is capable of taking charge of any Resolution that comes before this Chamber, and you yourself can vouch for this as you have seen displayed here when we were dealing with two important Bills last week - the Juries Bill and the Public Order Bill. There is no need for the Prime Minister to be here. This idea about the Prime Minister having to come here is nonsense. If the Prime Minister dies, would the country stop running? Here it is we have come here for money for poor people, and the people who are objecting to these poor people getting their money are the same people who were in a big hurry to run to the Treasury.....

Mr. HINDS:

On a point of order...

Mr. SPEAKER:

The hon. member has risen on a point of order.

Mr. HINDS:

I have already drawn to Your Honour's attention that the hon. member has no right speaking on the contents of any matter before this House, and I am asking Your Honour to direct the hon. member to desist from doing this.

Mr. SPEAKER:

The hon. member is only entitled to speak and give his reasons for supporting or opposing the motion for adjournment. The hon. member can say why he supports or opposes the motion without going into details.

Hon. N. W. BOXILL:

I am not going into any details. That is why we had to move the adjournment. If you stop hon. members from jumping up like Yo-yos and interrupting speakers on frivolous points of order, this would not go on.

Mr. HINDS:

On a point of order, I take objection to what the hon. member has said about members jumping up like yo-yos. (Hon. N. W. BOXILL Who the hell you think you are to be taking objection?)

Mr. SPEAKER:

Has the hon. member concluded?

Hon. N. W. BOXILL:

No, Mr. Speaker. I have not concluded,

Mr. HINDS:

On a point of order, direct that he withdraw those remarks about who the hell people think they are. I am not sitting until he sits down.

Mr. SPEAKER rose.

Mr. SPEAKER:

The expression "who the hell" is not unparliamentary.

Mr. HINDS:

"Who the bloody hell" is unparliamentary then? Mr. Speaker, what are you getting on with? Nonsense? There is no wonder that the people in the Gallery behave like this.

Mr. SPEAKER:

Do not draw my attention to people in the Gallery.

Hon. N. W. BOXILL:

May I continue, Mr. Speaker?

Mr. SPEAKER:

On the motion which is before the House.

Hon. N. W. BOXILL:

I am on the motion for the adjournment. This is exactly the reason why the Leader of the House had to move that the House be adjourned until next Friday, because we came here specifically to do the people's business, and when members on the other side say they did not know this was what we were doing, they asked me and I told them what it was. In a sotto voce remark it was asked across here, and I replied that this was to do with the backpay, but hon. members on the opposite side came in here with one thing in their minds.

Here it is; Mr. Speaker, all of us were in a hurry to know when the Clerk had got through - not the Ministers because we are not being paid from the House - but the members who are paid by the Clerk were hounding down the Clerk to know when they were going to get their backpay. These are the people who are looking for their money.

Mr. ERNEST MOTTLEY:

I take objection to that. You might have run and drawn yours, but I have not gone yet. He said that members over here were hounding the Clerk to see when the backpay was ready. That is a lie, and if you say "goddam" is not unparliamentary, it is a goddam lie. I can say that here and you can go to the Treasury and find out. He must not say that members on this side were hounding down the Clerk. 3.15 p.m.

Mr. Clerk, have I ever hounded you down? What the hell do you mean by that? (Asides.) You should not say so.

Mr. SPEAKER:

I am informed that it is inaccurate to say that any hon. member was hounding down the Clerk.

Mr. ERNEST MOTTLEY:

In other words, he is a liar.

Mr. SPEAKER:

We use certain expressions in Parliament and not others.

Mr. ERNEST MOTTLEY:

According to your ruling "blasted" and "hell" and those words are not unparliamentary, and I will always abide by your ruling. When somebody is a blasted liar, what can you say?

Mr. SPEAKER:

Is the hon. member making a speech?

Mr. ERNEST MOTTLEY:

So long as the Clerk says it is untrue.

Hon. N. W. BOXILL:

I am taking objection to the hon. member calling me a blasted liar; he has to withdraw that.

Mr. SPEAKER:

The hon. senior member for Bridgetown, I am advised, said of another hon. member, and the hon. member was on his feet, that that hon. member was a blasted liar; I ask the hon. member to withdraw that.

Mr. ERNEST MOTTLEY:

Did you get that from the official report. Mr. Speaker?

Mr. SPEAKER:

The official record reads as follows

"Mr. SPEAKER:

I am informed that it is inaccurate to say that any hon. member was hounding down the Clerk.

Mr. ERNEST MOTTLEY:

In other words he is a liar.

Mr. SPEAKER:

We use certain expressions in Parliament and not others.

Mr. ERNEST MOTTLEY:

According to your ruling "blasted" and "hell" and those words are not unparliamentary, and I will always abide by your ruling. When somebody is a blasted liar, what can you say?"

Mr. SPEAKER:

The hon. member has not, according to this record, referred to any other hon. member as being that to which exception has been taken.

Mr. ERNEST MOTTLEY:

I am satisfied about that, but if the hon. member would like me to feel down in my mind that - I do not think he is bearing any malice, would he like me to withdraw it still? I will withdraw, but there was nothing to withdraw.

Mr. SPEAKER:

Let the hon. member proceed.

Hon. N. W. BOXILL:

Mr. Speaker, as I was saying, the reason for the adjournment is that poor people are waiting to get their money; everybody knows when your father, Mr. Speaker, sent you to , school, spent all his money on you, then you grew into a 17 or 18 year old lad and somebody asked you if your father had ever given you the \$5 that your grandfather had left for you, and you go home and ask your father for the \$5 despite the fact that your father was spending his money on you all the time. Why then should we in this Chamber get our money and try to deny the man in the street from getting his? This is all it is, and this is the reason why we have to come back here Friday, because members on the opposite side feel that the people who work at Highways and Transport should not get their back pay.

Mr. ELLIOTT MOTTLEY:

On a point of order, that is a misrepresentation.

3.25 p.m.

On a point of order, Sir. 1 was the only member who spoke, and it is untrue of the Minister to say that is the reason why I object to it. That is imputing improper motives to hon. members.

Mr. SPEAKER:

The hon. member has made his point.

Mr. ERNEST MOTTLEY:

On a point of order, Mr. Speaker. For a member to impute improper motives to another hon. member is unparliamentary and he should withdraw the remark.

Mr. SPEAKER:

Mr. Clerk, please get the exact words to which objection has been taken.

Mr. CLERK handed Mr. SPEAKER the words sub-mitted by the Reporter.

Mr. SPEAKER:

According to the official record, the hon. junior member for St. Thomas said

"This is all it is, and this is the reason why we have to come back here Friday, because members on the opposite side feel that the people who work at Highways and Transport should not get their backpay."

I rule that that contravenes Standing Order 26 (7), and I ask the hon. member to withdraw it and let us proceed.

Hon. N. W. BOXILL:

Mr. Speaker, I beg to withdraw the remarks. The people on the opposite side wanted the people at Highways and Transport to get their backpay, and that is why they would not deal with it this afternoon. I am extremely surprised and shocked to think that members on the opposite side would take a decision like this when they know - the Senior Member for the City asked me what the Resolution was for and I pointed out the matter to him. (Asides.) The hon. member heard what I said. I am surprised about this, because hon. members on the other side are always saying that we are not mindful of the wishes and needs of the people.

Mr. Speaker, the delay in paying out the backpay is no fault of the Government. The money was in the 1969-70 Estimates, but when you have a crowd of people in various categories to pay, it is difficult to get through the matter quickly.

Mr. HINDS:

On a point of order, Mr. Speaker. Is the hon. member within his rights, or is he contravening the Rules of this House?

Mr. SPEAKER:

He is still within his rights; he is giving his reason for supporting the motion.

Mr. HINDS:

He is discussing the merits of the motion

Mr. SPEAKER:

No. He is going no further than a certain hon. member who is not in the House at the moment.

Hon. N. W. BOXILL:

Mr. Speaker, the motion before the House is the adjournment. (Asides.)

Mr. SPEAKER:

Let the hon. member continue his reason for supporting the motion for the adjournment.

Hon. N. W. BOXILL:

Mr. Speaker, when I leave this Chamber - I am hoping that when we adjourn and go downstairs, the people down there who were waiting to find out something about their money will understand the position. I hope they will realise who wanted them to get their money. That is all I have to say. (Mr. ERNEST MOTTLEY You hope the people will beat us.)

Mr. HINDS:

Mr. Speaker, I am objecting to being brought back here on Friday at 2.30 p.m. As if to show the sincerity of the Government in a matter of this sort, we had what we might term marathon sittings of this House just a few days ago. We had the marathon sittings on a matter which, to my mind, ought to have taken second, third or fourth place to what we came here to do today. We are now to hear of the feelings of the people who are waiting downstairs; we are to hear a lot more, but the addendum to the Resolution bore no such information about this. 3.35 p.m.

What we are saying is simply that nobody is coming back here tomorrow. The suggestion is not to come back tomorrow or the day following. This can wait until Friday, urgent as it might appear to be, and as shocked and distressed as the Minister finds himself at learning that we cannot proceed today. Each and every member on this side of the House left his business and came here to do the people's business, and it is no fault of ours whatsoever that we have not been able to proceed with any business. Nobody can deny the fact that the Prime Minister as Minister of Finance, with a number of Resolutions standing in his name, has a right to be here to pilot his Resolutions or Bills through the House, and if the Prime Minister can find himself joy-riding about the place and doing all sorts of nonsensical things....

Hon. N. W. BOXILL:

Mr. Speaker, on a point of order, I am asking that the hon. member withdraw that remark.

Mr. SPEAKER:

I do not regard the word "nonsensical" as being unparliamentary, but I would ask the hon. junior member for St. Peter to concentrate.....

Mr. HINDS:

I am concentrating. The Prime Minister has given us that he would prefer to be in a whore house. He has said it.

Mr. SPEAKER:

Anyhow that does not need repetition now. Will the hon. member just give way for a moment? I understand that exception is being taken to the proposed adjournment until Friday afternoon of this week. I will say that there was an intimation from the Hon. Leader of the House as to whether either His Honour the Deputy Speaker or myself could guarantee to be available earlier, and we both were unable to give that guarantee. I only mention that in fairness and to clear the air.

Mr. HINDS:

Mr. Speaker, what Your Honour has just said only gives us to understand how the Leader of the House does his business. That is what the Leader of the House should have gone into before he tried to fix the date for Friday. Our view is that the House should be adjourned until next Tuesday. We came here today intending to do what could have been done. Whether it was on behalf of poor people or wealthy people is not our concern. It is the people's business that had to be done and we came here for that purpose; but what we are objecting to is that because of the situation which has arisen here today, the Leader of the House, without even finding out whether it would be convenient to Your Honour in the first place or to the Deputy Speaker in the second place, set out to do this. I cannot impute any improper motive to the Leader of the House, but what Your Honour has just said shows, when the Leader of the House is going to do something wrong, how he goes about it. We feel that in fairness to this side of the House, the sitting of the House should be adjourned until next Tuesday.

The question that this House do now adjourn until Friday, 5th June, 1970, at 2.30 p.m. was put and resolved in the affirmative, the House dividing as follows:

AYES Mr. YEARWOOD:

Hon. J. C. TUDOR; Hon. C. E. TALMA; Hon. G. G. FERGUSON; Hon. A. DaC. EDWARDS; Hon. N. W. BOXILL; Mr. LOWE; Mr. CORBIN and Mr. WEEKES - 9.

NOES:

Mr. HINDS; Mr. ELLIOTT MOTTLEY; Mr. HOLDER and Mr. St. JOHN - 4. 3.43 p.m.

Mr. Speaker adjourned the House accordingly,

