

THE House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1966 - 71

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HOUSE OF ASSEMBLY

Tuesday, 19th May, 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.; Hon. K. N. R. HUSBANDS, J.P., (Minister of Agriculture, Science and Technology); Mr. E. ST.A. HOLDER, J.P. ; Hon. J. C. TUDOR, C.M.G., M.A., (Leader of the House):

Mr. J. W. CORBIN, J.P.; Hon. R. ST.C. WEEKES, J.P. (Acting Minister of Health and Community Development); Mr. W. R. LOWE, J.P.; Hon. N. W. BOXILL. (Minister of Communications and Works); Mr. J. B. YEARWOOD. J.P. (Chairman of Committees) Hon. A. DaC. EDWARDS. (Minister of Labour, National Insurance and Housing); Mr. W. C. B. HINDS His Honour G. E. SARGEANT, (Deputy Speaker); Mr. C. A. E. HOPPIN, J.P.; Mr. J. B. SPRINGER; and Mr. ELLIOTT D. MOTTLEY,

Prayers were read.

MINUTES

Mr. SPEAKER:

I am afraid there are no Minutes available for confirmation.

RULING BY HIS HONOUR THE SPEAKER

Mr. SPEAKER:

In respect of the matter upon which I promised to give a Ruling, it is as follows

"Last Tuesday I informed the Honourable Senior Member for St. James, on the occasion when he gave notice of a motion expressing disagreement with the introduction of any legislation designed "to restrict free expression of opinion, political or otherwise in this Island", that, as then advised, I did not regard that the said Resolution could then properly be placed on the Order Paper of this Honourable House. As a result of further consideration of the matter, my Ruling is that the motion sought to be introduced by the Hon. Member offends the 'rule of anticipation', and therefore cannot be proceeded with. Reference to May's Parliamentary Procedure and Practice, 17th Edition, page 399, fortifies my view that a Bill which includes the subject matter of the motion having previously been introduced on the same day by Government (prior to notice being sought to be given of the said Private Member' s motion,) supersedes and precludes tabling of same."

PAPERS LAID

Hon. J. C. TUDOR:

Mr. Speaker, on behalf of the Minister of Finance, I am commanded to lay the Statement showing Net

Customs and Excise Receipts for the month of April, 1970.

GOVERNMENT BUSINESS

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 move the Second Reading of a Bill to consolidate and amend the law relating to Juries.

Hon. J. C. TUDOR:

Mr. Speaker, the principal changes in the law which this Bill proposes to effect come under the following heads. First of all, women will for the first time be eligible for jury service; secondly, special juries are to be abolished; thirdly, there are fresh provisions governing the right to challenge. Hon. members on both sides of the House, as well as Your Honour, who deal with these matters from day to day, or at least fairly regularly, will understand the importance of this. I think, then, that the next and most important matter is that, except for cases of murder and treason, in all other criminal cases and in all civil cases where there is a jury, the number of jurors will be nine instead of twelve. Cases of murder and treason will still require a unanimous verdict of the jury, but in other criminal and in all civil cases provision is made possible for the Judge in his own discretion to accept a verdict of not less than seven out of nine jurors after a specified time has elapsed, and in cases of murder after a certain period he can then accept a verdict of manslaughter arrived at by not less than nine out of twelve jurors.

There is also provision for increasing the mini-mum qualifying age for jurors from 21 to 25, because it is felt that a four-year difference does provide a certain amount of additional experience. The Bill also gives a Judge power to decide whether a jury should be allowed to separate during the course of a trial or whether they will be required to remain together, and opportunity has also been taken to simplify all those matters relating to the property qualifications on which Jury service has been based. There are, of course, other and equally important and fundamental aspects of this Bill which I am hoping will be touched upon during the course of the debate on it.

Most hon. members know, I think, that the legis-lation presently enforced in Barbados goes back as far as 1891 and is embodied in several Acts; for in-stance, the Juries Act of that year and all the amending Acts of 1950, 1954, 1957, 1958, 1964 and 1967, Opportunity is also taken in this Bill to repeal the above mentioned legislation and to make better provision for the law, and, as I said, all these are set out - and they are of equal importance - in the several provisions of the Bill. When we are in Committee there are

two small amendments which I want to offer, and one of them is in respect of Clause 40(3); the words "subsections (2) and (3)" appearing in the first line therein should be deleted, and the words "subsections (1) and (2)" should be substituted. The second amendment would be to delete Clause 48 which I shall explain in Committee stage. I beg to move that this Bill be now read a second time.

Hon. R. St.C. WE EKES:

I beg to second that.

Mr. HINDS:

Mr. Speaker, the Leader of the House in introducing this Bill has not told us to what extent, if any, has the Bar Association or the Bar Council, whoever is the appropriate authority, agreed with the conditions laid down here before us. 12.25 p.m.

Mr. Speaker, one must bear in mind that this Bill seeks to make provision for women to sit as jurors for the first time. It also provides for precluding those under the age of twenty-five from serving as jurors. Nothing has been said about this Bill except what we have seen in the Objects and Reasons, where it is intended to increase the minimum qualifying age for jury service to twenty-five for the purpose of experience. With regard of experience, this Bill now tells us that age means experience when it comes to the question of selecting people for jury service.

I can say that there are people who have been in politics, I understand, before I was born, but I have found out that their only contribution could have been, perhaps, sticking up posters for politicians. Nevertheless, they say they have been in politics before I was born. The point I am making is that we have people today who are twenty-one years of age, and I feel that they are in a position to give a better verdict and to weigh matters, perhaps, more dispassionately, as well as to follow proceedings more clearly, than some people who are 25, 35, 45 and 55 and so on.

Mr. Speaker, one has to bear in mind that a Jury Bill is not a light matter: it is a very encompassing Bill, since it bears very heavily on the liberty of the subject. When it borders on such matters, one has to examine the Bill in every detail. We might go to another point regarding the question of challenging for cause and standing by, I am a layman and this is a matter which, perhaps, would be better dealt with by one of your professional colleagues; but anyone looking at this Bill will see that, in the selecting and empanelling of a Jury for a trial, the Crown is placed at a definite advantage over an accused person. This ought not to be so, for the simple reason that the Crown has no liberty to lose; the Crown is not charged with any offence; the Crown is never to be found guilty or not guilty; the Crown has nothing at * stake, so to speak; but it is an accused person whose liberty is at stake, You will find that the Crown is

given the right to challenge for cause, and also to stand-by. The accused is not given the right to standby; so why should the Crown be given the right to challenge and to stand-by and the accused person is denied that right? Mr. Speaker, I look at it in the light that these matters affect human beings, and that is my concern.

We do not want to delay the passing of this legislation, but we feel that matters of this sort should be sent to legal organisations before coming here. I very well remember only quite recently that it was felt in the Supreme Court of this Island that an accused person charged with a misdemeanour had no right to challenge, despite the many years of legal history and practice we have before us. I am saying that this matter is of such fundamental importance - the liberty of the subject in present-day conditions means much more today than it meant yesterday, and tomorrow it will mean much more again. It is for this reason that I am impressing upon the Leader of the House the necessity to have this particular section of the Bill re-examined by the Crown Law Officers. I have already said that the Crown has nothing to lose; it is the accused person who is put on trial, and it is not every accused person who is put on trial that is guilty.

Mr. Speaker, I have had the lamentable experience of being framed in this country and put on trial. I have had the experience of being harassed by the Government of this country, of which the Leader of this House forms part. I was dragged before the Courts of this country, when each and every member on that side of the House knew that I had done nothing whatsoever. They tried to find a way of preventing me from being present here today, and they used the Courts of this Island, as well as the jury, to help them. We are going to be faced in the not too distant future with the jury system being brought into action more readily than it has ever been in the history of this country and, perhaps, even more readily than in 1937. 12.35 p.m.

I am to warn that the subjects of this country -thank God - are beginning to appreciate the value of their liberty and know what it means; hence the necessity for having a Bill of this nature go before the Crown Law Officers and be re-examined both in the light of whether it is fair and Just, if it is a Bill which sets out to let us see that justice is to be done or appear to be done when you take an accused person from the very beginning and place the Crown at an advantage over him in the question of selecting the Jury. How could it be fair! The Crown has nothing to lose.

I think, Mr. Speaker, I have said enough, and I leave it to those who are better placed than I am to make their contribution and help to enlighten even me on a Bill of this nature. Looking through the sections, it is not a fair and Just Bill, and I say so.

Mr. ERNEST MOTTLEY:

Mr. Speaker, I am one of those who feel that the citizen should be well tried by his peers. I agree with the amendment which give s women the right to sit on the jury. Now, you have reduced the voting age to eighteen years, but here you are saying that a person cannot sit on the jury until he is twenty-five years. I do not understand the rea-soning. At eighteen years a person can vote for people to make laws; at twenty-one he can be elected to make laws, but he cannot be a juror until he is twenty-five. I do not know who are the lawyers who put this up, but this is really relegating young people to an awkward position.

There is one other point I want to make on the matter and it is this: I believe that everybody knows that a juror's pay is something like \$3.50 a day. Now the argument which is used in here is that they should realise that this is a service to the country. That was all well and good when members in here did not draw money. Members now draw handsome salaries. A carpenter working for \$10 a day is asked to sit as a juror for \$3 a day, and if he does not appear, he can be sent for by the Chief Justice. If he is a clerk working with some person and is being paid, then he gets nothing; he does not even get bus fare. This is ridiculous. Sometimes when the legal luminaries sit down to make these laws, I wonder if they think of the people for whom they are making them. No carpenter, mason or painter works for less than \$10 a day, and the argument used for bringing a man from St. Andrew or St. Lucy to work for \$3 a day is that he is doing a service to his country. To serve in here was an honour, but today we are drawing big salaries. Why should your jury not be paid properly, then? Why should they be paid less than they are working for? Can anyone in this House tell me? You, Mr. Speaker, have had a lot to do with this. I do not think I can support that part of it. You have the youth today whom the Prime Minister asked to rebel. They are eager to register and vote for members of the House of Assembly. At twenty-one they can sit as members of the House, and you are setting the clock back to say they cannot sit as jurors before they are twenty-five, because if a person is charged with rape, larceny, house-breaking or burglary, they are not going to try him fairly. I do not understand it. I do not know how the other younger members of the House understand it.

Mr. Speaker, I have heard you yearly in this House press for the reform of the Jury system. You pressed for the abolition of the special Jury and the grand Jury system. These were two modern means of giving people a fair trial and I agree with them, but I do not agree today that they cannot sit until they are twenty-five years.

One final point I want to make. I do hope that, now you are giving women the right to sit as Jurors decent accommodation will be made for them, Do not tell me that if either one of us was summoned to sit as a Juror, we would want to go and sleep on some hard cot at the Y.M.C.A. This is not right because you are taking artisans and workmen who are not mem-bers of the House of Assembly. I think they are entitled to proper meals and proper lodgings. Why could they not be put up at one of the proper hotels? You put people to sleep on cots at the Y.M.C.A. and give them rough food, and if it is a murder case and they have to be empannelled, they do not go home for three days. This is the sort of thing they must put

up with, and then they are only entitled to \$3 a day when they can work for \$10 a day as a carpenter or mason! This Bill should go to Select Committee for the purpose of hammering out these things. It is all right for lawyers to sit down and put these things on paper, but commonsense will beat any law. You compel a man who gets \$10 a day to come and work as a juror for \$3 a day; so he is immediately dissatisfied and is not interested in what is going on, and therefore the person who is charged suffers. 12.45p.m.

Hon. N. W. BOXILL:

Mr. Speaker, first I would like to make it explicitly clear that I have to vote for this because I am a member of the Party which brought it in, but I have said on the floor of this House repeatedly that I do not agree with the jury system; it is a joke. We all know what happens with juries; there are professional juries, and nobody in this world can convince me that a jury system is the best system for any community, especially a small community. It is a different thing if you have a jury system in some of the big countries where you can pick jurymen completely alien to the subject matter that is going on, but in small communities like this where everybody knows everybody else, the jury system is a joke; we all know this.

I believe - and I have always advocated this - in trial by jurists; I am not saying that they cannot make mistakes, because they are human beings and they can make mistakes; but I feel better when they make mistakes than when I see some of these long-jacket, wide-pants people who do nothing else but hang around the Courts waiting around to get on the jury list, either to throw away some innocent man's life or to let go a vicious criminal, and I will never agree to or accept this trial-by-jury business. It is farcical; it is as farcical as a lot of other things I see going on here.

The junior member for St. Peter referred to some case where somebody was tormented, but because a man gets off for an offence it does not mean he was not guilty. Nine out of ten times the person who gets off is the criminal who should have been in prison long ago, but they pay their way out, bribe the jury - I know for a fact that Jurymen are being bribed here in this country, (Mr. ELLIOTT MOTTLEY: Call one case they got bribed for).

Mr. SPEAKER:

Hon. members not Addressing the Chair.....

Hon. N. W. BOXILL:

There are people and state-ments that must be ignored, and he has fallen under both categories.

Mr. ELLIOTT MOTTLEY:

On a point of order, Sir, over the period of the year I have been in the House of Assembly the hon. member has been making this statement all the time; why does he not give the information to the Director of Public Prosecutions so that he can prosecute people? To bribe a jury is an offence, and I challenge him to state any case in which he knows the jury was bribed and who bribed them,

Mr. SPEAKER:

That is no point of order.

Hon. N. W. BOXILL:

That is barely a point of interruption; what are you challenging me to say? Go and challenge the jury; you cannot challenge me.

Mr. SPEAKER:

The word "challenge" is mentioned presumably because we are talking about juries.

Hon. N. W. BOXILL:

You have not reached the stage yet where you can tell me what to say. (Mr. ELLIOTT MOTTLEY Stop making those allegations) You cannot tell me what to say, I say this categorically, and everybody knows it is a fact that the jurymen in this country are being bribed. This does not happen only here; jurymen in the entire West Indies and in a lot of other countries are being bribed. (MR. ELLIOTT MOTTLEY By whom?) By the barristers who represent the criminals.

Mr. ELLIOTT MOTTLEY:

This is exactly the point which I wanted to make, because I know.....

Mr. SPEAKER:

On what has the hon. member risen?

Mr. ELLIOTT MOTTLEY:

On a point of order, Sir. As a barrister and a member of this House, I think those remarks are very offensive for the hon. member to get up and say that barristers bribe juries; he means you too, Sir. If you think this not unparliamentary.....

Hon. N. W. BOXILL:

Mr. Speaker, is this a point of order or is he making a speech? What nonsense am I hearing in here today?

Mr. SPEAKER:

It is not a point of order. Hon. N. W. BOXILL Let him sit down.

Mr. ELLIOTT MOTTLEY:

On A point of order; I get back up on another point of order.

Hon. N. W. BOXILL; There cannot be A point of order if you Just sit down and get back up on A point of order; I have not said anything.

Mr. ELLIOTT MOTTLEY:

On a point of order, Sir.

Hon. N. W. BOXILL:

Sit down, I am not giving way.

Mr. SPEAKER; Let me hear the hon. member.

Hon. N. W. BOXILL:

Mr. Speaker, I have not made any point upon which he can get up on a point of order. I was addressing the Chair and he got up on a point and has not made any point; he got up on another point of order; then will he get up on all points of order?

Mr. SPEAKER:

I have to wait and hear what the point is.

Mr. ELLIOTT MOTTLEY:

The hon. member says that barristers bribe juries, but as a barrister and as Secretary of the Barbados Bar Association, I am challenging the Hon. Minister - this is a very serious allegation against the 50 members of the Bar of this country, and a most dishonest allegation for a member of the Barbados Government to get up in here and make. I challenge him to say which barrister, and in which case.

Hon. N. W. BOXILL:

Mr. Speaker, I am objecting to the words the hon. member used about my being dishonest; he is the last person to speak about dishonesty. I am asking the hon. member to withdraw those remarks.

Mr. SPEAKER:

I will ask the hon. and learned member for Bridgetown to withdraw his remark about it being dishonest for members of the Government to make these allegations.

Mr. ERNEST MOTTLEY:

Mr. Speaker, before that is withdrawn, I would like to say this. You have been practising for thirty-five years at the Bar.....

Mr. SPEAKER:

We have to deal with this matter first and then we will get to that.

Mr. ERNEST MOTTLEY:

Do you feel it is not dishonest? Have you been doing it then? If you feel it is not dishonest, you have been doing it a long time ago. Boxill, you are right! Withdraw there mark then; but if you, Mr. Speaker, sit in the Chair as a bar-rister.....

Hon. N. W. BOXILL:

Mr. Speaker, I asked the hon. member to withdraw; how can you allow another hon. member to get up and make an address on the point now? He has to sit down until his son makes an apology. (Mr. ERNEST MOTTLEY You cannot say so!) Yes, I am saying you have to sit down. Do not let us break up in any disorder today; you have to sit down. I asked the Speaker to rule and you can-not get up and make a speech now; sit down.

Mr. HINDS:

Mr. Speaker.....

Mr. SPEAKER:

This matter does not really call for all of this,

Mr. ERNEST MOTTLEY:

I know, but I am thinking of you sitting there, practising for 35 years, and allowing the hon. member to say what he said and you are saying now it is not a dishonest statement.

Mr. SPEAKER:

I am not saying that at all. Mr. HINDS Mr. Speaker, Sir.....

Mr. SPEAKER:

There are two hon. members on their feet.

Mr. HINDS:

Mr. Speaker, having listened to a speech from the hon. senior member for the City, and also to some remark from the hon. junior member for St. Thomas, can this hon. member now be called upon to withdraw his remarks? It is not proper to do that now.

Mr. ELLIOTT MOTTLEY:

Mr. Speaker, inasmuch as the junior member for St. Thomas objects to my use of the word "dishonest" in relation to him, I withdraw that word, but I say his statement is a state -ment without any sort of foundation what so ever; it is a reckless statement, made without having any regard to the truth of it whatsoever.

Hon. N. W. BOX1LL:

Mr. Speaker, I do not want to waste any more time, because I do not even accept that; but to show how stupid some people can be, I made a statement and said that lawyers in Barbados do this, I did not say all lawyers in Barbados do this'; why did he get up? 12.55 p.m.

If I had said all lawyers in Barbados had done it, he could have challenged me. (Asides.j

Mr. SPEAKER:

Will the hon. junior member for the City observe the Rule regarding members not addressing the Chair?

Hon. N. W. BOXILL:

Mr. Speaker, there are law-yers and lawyers!

Mr. SPEAKER:

The hon. member simply said 'barristers, ' but he did not specify anybody. (Asides)

Hon. N. W. BOXILL:

Mr. Speaker, they are trying to break up this meeting, but it will not be broken up today. I made a point here about the jury system, and if some of them were not lawyers they would support what I am saying. I pointed out that, because the accused person gets off, it does not mean that he was not guilty. (Asides) Mr. Speaker, I am being interrupted. Maybe, I am speaking too loudly for the hon. senior member for the City. I know that some people get off on points of law; at other times people-get off on points of facts although they are guilty. Some-times people who are guilty get off because a Judge fails to put the case for the prosecution in a certain manner, or he omits to put an iota to the Jury. That is the kind of thing that happens with a Jury system, whereas when cases are tried by Jurists.....(Asides)

Mr. SPEAKER:

Let the hon. senior member for Bridgetown recall that he has already made his contribution.

Hon. N. W. BOXILL:

Mr. Speaker, I said in my opening remarks that they are men and will err. Jurists will make mistakes, but not from ignorance. Members of the jury are ignorant of the law. There is something known as facts in law. (Asides) Mr. Speaker, I do not know why the senior member for Bridgetown will not keep his son home at night to give him a few points in law. (Asides) I am sure the hon. members agree with me in this matter. The fact that a man is ignorant does not mean that he is illiterate. (Asides) You are ignorant, but not illiterate - you are ignorant of the law.

Mr. Speaker, the senior member for the City made two good points in his address: one was the payment of juries. I am not in favour of it, but, since my colleagues are in favour of it and I am in a democratic Government, I have to abide with the decision of the majority. I have to agree with the jury system because my colleagues want it, but that does not mean that I cannot say how I, personally, feel about the matter. I have to vote for it, but I am saying how I feel about it. The hon. senior member for the City mentioned something about the payment which I felt was farcical. He also mentioned the question of women being involved in the jury system and that they were sent to the YMCA. I believe that all of that will soon go.

Mr. Speaker, I was looking at the Laws of Bar-bados, Volume L, 1667-1, 1894-5. (Mr. ELLIOTT MOTTLEY:

It is Volume 1.) You do not seem to know the difference between "L" and "1". There is an "L" outside the volume and an "1" inside. There seems to be a misprint. I was really looking here to find something about this matter in the laws of Barbados. I raised the same point about the age limit being twenty-five some time ago, but I cannot recall the reason given to me by the Crown Law Officer. (Asides)

Anyway, when we go into Committee we can debate the matter further. This Bill will not only enable the Courts, but also the lawyers to deal with matters where you get a majority verdict. Sometimes eleven jurymen agree, but one does not agree. In the circumstances, six or more hours are wasted, but if you have a majority verdict you will have to abide with it. (Asides) I refer to cases other than murder. Now, I had two friends who are now dead. I did not care whom they had killed - (Mr. ERNEST MOTTLEY: If you were on the jury you would let them go.) - I would not want to hear any evidence; you would be wasting your time; I would be sleeping until they were ready to announce a 'not guilty' verdict.

1.05 p.m.

I am A human being, and this is why I agreed with the hon. member, when I first got up to speak, that I know Jurists are human beings and are subject to errors; but too often we see where the jurymen are challenged, and the remark is used that you cannot use that fellow because he belongs to the other side.

(Aiiides)

Mr. SPEAKER; Members not addressing the Chair may await their turn.

Hon. N. W. BOXILL:

The hon. member had an opportunity to speak and I only got up when you were about to put the question. He did not want to speak then, but now he wants to jump up. What I am saying today I have repeated on the floor of the House. I am going to vote for the Bill, but I am expressing my views. I am sure that, if the son of the hon. senior member for Bridgetown was not a lawyer, he probably would run around here and shake my hand, because he feels as I do. He knows that the jury system is a waste of time; but if the community wants it, who am I to stop the community from getting what it wants? If we must have a jury system, my idea is that we have to have the type of person whose character is impeccable; but there are these fly-by-night operators who do nothing else but wait like vultures to prey on some dead animals.

Mr. Speaker, the hon. member tells me about the Registrar, but I know that everybody in the Island is entitled to be on the jury list. (Asides)

Mr. SPEAKER:

Let the hon. member proceed. The hon. senior member for Bridgetown has had his chance.

Hon. N. W. BOXILL:

When certain people are asked to sit on the jury, you get this kind of thing happening all the time. There are certain people whom you cannot approach with this nonsense, but they always ask to be excused from jury service because they would be losing a day's work, and that is why I agree with the hon. member about the money. (Asides)

Mr. SPEAKER:

The hon. senior member for Bridgetown.....

Mr. ERNEST MOTTLEY:

On a point of order, certainly the hon. member should know, and you should point out to him from

your experience, that certain people are exempt from the jury. Other persons are summoned by the Registrar and they cannot ask to be exempt unless they go before the Judge and give valid and sufficiently good reason.

Mr. SPEAKER:

That is not a point of order.

Hon. N. W. BOXILL:

When you go before the Judge and ask to be excused, naturally you can be refused. I can refuse to talk to the hon. member. What annoys me with the hon. member is that he is an expert on everything including how to suck an egg, but he does not know how to spell law. How does he become such an authority on this subject now? What I am saying is true; but he gets up and corroborates what I have said in another way by saying you have to go before the Judge and ask to be excused. Some people go for conscientious reasons because they feel they cannot go and throw away a man's life, because it might worry their conscience if later they find they were wrong; so these persons ask to be excused from jury service. There is another type of person who does not want to be excused from jury service. They like this. What the hon. member fails to understand is that both he and I live in Barbados. He associates with the people and I associate with them more, because I have no big wall or big dog to prevent them from coming in; so when he knows something, I must know it a little better and more factually. I know that hon. members will get up and think they can attack me, but I will say before I sit that there is nothing that anybody can say on the other side that will ruffle me. I still maintain that I do not agree with trial by jury. I have had this argument with the hon. senior member for St. Thomas ever since and I explained my views on this matter. He did not agree with everything, but he agreed with some. I suppose today he will agree with some again; but if the country wants it, the country must have it. It is the democratic right of the people, but it is also my democratic right to say how I feel as far as jurymen are concerned.

I should like to say, too, like the hon. senior member for Bridgetown, that I deplore the conditions that the jurymen have to work under, and this is going to aggravate the situation. What I would like to point out to members on the other side is that Barbados needs a whole set of new Courts because the present ones are outdated. If you go and look at the Registrar's office, you will see that it is bulging in the centre. It has stopped growing at both ends and is growing in the middle. All the Courts in Bridge-town need to be rebuilt; but this will take a lot of money, and the first thing you would hear is that before we build more schools or facilities for people, we are building more gaols and Courts to lock up people. I do not know how the Magistrates and Judges can work under those conditions; and I cannot understand how the lawyers can go in Court with the nonsense on their heads and work. 1.15 p.m.

I have just been told by a colleague of mine that the lawyers will never complain because they come from Chambers that are far worse than the Courts. (Mr. J. M. G. M. ADAMS: Lawyers on this side have

air-conditioned Chambers; get a proper lawyer). Long ago I advocated that a lawyer should be allowed to go in Court in a suit, but they have them in these gowns that if you were to take a lawyer out of a gown it would stand up for a whole day, because of the amount of grease and dirt in it. But this is the kind of thing you get; so it is no wonder the lawyers do not complain. I had to visit the Courts the other day, and I am convinced that the time is ripe that Barbados not only needs better places for the jurymen; there is also need for a complete new set of Courts here, and somewhere better where the jury can retire.

I think I have made by contribution to this, and, as I have said before, I am a member of the Government and I have to support it; but I want it made explicitly clear that I support it because it is the people's democratic right for one thing, but is a person I would never agree that the jury system is better than the Jurist system.

Mr. ELLIOTT MOTTLEY:

Mr. Speaker, the real reason why I got up.....

Hon. N. W. BOXILL:

Mr. Speaker, on a point of order, if the hon. member would give way, I thought the hon. member had made a speech already.

Mr. SPEAKER:

It was a very exhaustive alleged point of order.

Mr. ELLIOTT MOTTLEY:

Mr. Speaker, from the hon. member's remark I can only come to the conclusion, not that he is criticising me for speaking again, but that he is criticising you for allowing me to do so, assuming that I had spoken twice.

Hon. N. W. BOXILL:

On a point of order, Mr. Speaker, the hon. member has just made accusations against me which are not correct. I was not criticising you; I was only drawing to the attention of the House that it was my view that the hon. member had made his contribution to this debate when he got up with this long interruption, but I did not know that it was a point of order.

Mr. ELLIOTT MOTTLEY:

Sir, I have often in the past had to accuse the Minister of misleading the House and I will do so again. (Hon. N. W. BOXILL I can make you withdraw that, you know.) Mr. Speaker, listening to the first part of the speech of the hon. member who has just sat down, I agree with the part about the abolition of gowns and wigs; I am a firm believer of that; but we have actually met with the Chief Justice, and we have had discussions with the Chief Justice and the Attorney General, but unfortunately we have an Attorney General who does not agree with the abolition of the wig and the gown, and who states that he is a traditionalist and therefore as far as he is concerned he is prepared to keep them. None the less, on the question of the new Courts I also agree with the Minister that we are in need of new Court houses.

Other than that, as listened to the speech of the Minister, I was reminded of a phrase from Shakespeare which would well describe the speech of the Minister. The phrase goes "Full of sound and fury; signifying nothing", and I think that is an apt description of the speech of the Minister. It was full of sound, it was full of fury, and, in the end, the speech signified nothing at all. The statements of the Minister show an appalling ignorance of the legal profession in this country, and I would have thought that the Minister of all people, who might be described as an embryonic lawyer - I believe it is his intention to become a lawyer; therefore I believe I can aptly refer to him as an embryonic lawyer - shows an appalling ignorance of the legal profession and the way it operates in this country. The attitude of the Minister, in the manner in which he referred to the citizens of this country who serve on jury panel - the derogatory manner in which he did it shows the attitude of the Government of this country in matters pertaining to legal affairs. It is certainly not sufficient to bring in a Juries Bill.

I speak now not only as a member of this Assembly, not only as a barrister, but as Secretary of the Bar Association! I want to categorically refute the allegations of the Minister - a Minister of Government who can stand up in this House of Assembly and accuse lawyers in this country of bribing juries; it is a most unfair and unfounded statement against the legal profession in this country. It is unfair and unjust for a Minister to get in here - a Minister of Government who is supposed to be a responsible person - to stand in this Chamber and to accuse the lawyers of this country of bribing juries. It is irresponsible and reckless statements like these that can easily lead to a breakdown of law and order in this country, because what must be the opinion of the ordinary man when he hears a Minister of Government stand in this Assembly and accuse lawyers of bribing juries? If he is a Minister of Government, and he is prepared to stand in this Assembly to make those allegations, what do you expect the average man in this country to feel or think about lawyers? It is impossible, therefore, for the citizens of this country as a whole to have absolutely any faith in members of the legal profession; and once you find that you do not have faith in the members of the legal profession in this country, you cannot have faith in the legal system under which we live, and, despite all the Public Order Acts you bring in this country, you will find yourself facing a breakdown of law and order. How can anybody have respect for the rule of law when a Minister of Government can stand in this Assembly and accuse members of the Bar of bribing juries? I am ashamed to believe that even at this stage the Leader of the House of Assembly has not risen to his feet to disassociate the Government of this country from the remarks made by the junior member for St. Thomas. It is a serious allegation because if you can say that a member of the Bar Association is

so dishonest as to bribe a jury, what will happen if any member of the Bar attains any high judicial office in this country? 1.25 p.m.

What happens if Mr. A or Mr. B. who is now practising at the Bar, becomes a member of the High Court or a Chief Justice? What happens then if the members of the public decide to say that when he was practising at the Bar he used to bribe people, and now he is a High Court Judge he is taking bribes? That is a very serious and fundamental allegation against the legal profession of this country. I should hope that, before this debate is completed, the Leader of the House will rise and publicly dissociate himself and the Government from the remarks made by the hon. junior member for St. Thomas.

Sir, your Party is comprised of barristers who are still practising at the Bar - the junior member for St. Philip, the senior member for St. John - the Prime Minister - who was a practising member of the Bar up to the time he became Prime Minister, and others, I think, the member's statement is grossly unfair. If the Leader of the House does not rise and dissociate himself from the remarks, then I can only take it that the attitude or the feeling of the Government is that the lawyers in this country bribe Jury-men. (Asides.) It is no use getting in here saying that you do not mean me, the senior member for St. Thomas, or you, Sir, Even the Deputy Clerk of the House is a member of the Bar. How can we sit here and allow reckless and irresponsible allegations to be made against the legal profession of this country without making a protest? Are we to sit here and say that he is not talking about us and we do not care? I do not think that should be our attitude.

Mr. Speaker, I say that if the Minister has any evidence or information that any member of the legal profession in Barbados has in the past bribed or is continuing to bribe jurymen, then I say that, in the interest of the legal profession and for maintaining the good name and good reputation of the legal profession in this country, the Minister should submit the name of that barrister to the Director of Public Prosecutions along with the evidence which he has. Until such time, Sir, I think he should refrain from making these allegations. For the Minister to continue to make these allegations without submitting either to the Chief Justice, or to the Director of Public Prosecutions, the name of the barrister and any evidence supporting his allegations - the Minister is now, by not submitting the name either to the Chief Justice, to the Bar Association, or the Director of Public Prosecutions, condoning the dishonesty of that particular lawyer. If he wants to stop it, then he would submit the evidence which he has, if he has any.

Mr. Speaker, if he wants it to continue so that he can have an opportunity to stand in this Assembly and give the legal profession a bad name, I have absolutely no doubt that he will not submit any evidence to the Bar Association or anybody. I think it is something very fundamental for a Minister of the Government to rise in this Assembly and.....

Hon. N. W. BOXILL:

On a point of order, Mr. Speaker. The hon. member has just said that if I have evidence I should submit it to the Director of Public Prosecutions, and so on, and if I do not do that I will be condoning the matter. People go to gaol for committing crime. Because people go to gaol for committing crime, do you mean that everybody who commits crime goes to gaol? If I do not go to the Director of Public Prosecutions, am I condoning something?

Mr. SPEAKER:

Not a point of order!

Mr. ELLIOTT MOTTLEY:

Mr. Speaker, as I said earlier, the Minister shows abysmal ignorance concerning the legal profession in this country. It is not only a question of bringing a charge against a person. I did not limit my statement to the Director of Public Prosecutions, but I widened my statement to include the Chief Justice of this country. If you submit evidence to the Chief Justice that a barrister has been found bribing a jury, irrespective of any criminal prosecution brought against him by the Director of Public Prosecutions, I have every confidence that the Chief Justice of this country will take the necessary disciplinary action against the lawyer. He may not go to prison, but, at least, he would cease to practise as a lawyer at the Bar and be able to bribe people. That is the fundamental thing about it.

I know it is good to talk about lawyers if you want something to say. When a Minister makes a statement that lawyers bribe the Jury, then I must feel that the Minister is not referring to any particular individual, but to each and every member of the practising Bar of this country. I think it is a grossly unfair statement. If he has evidence, then I will withdraw my remarks. This is not a matter to be taken lightly. If the Press is going to publish what the Minister said about the lawyers in this country taking bribes, I sincerely hope the Press will publish what I have said. I also sincerely hope that the Leader of the House, before this debate is concluded, will stand and dissociate himself from the remarks made by the hon. junior member for St. Thomas.

Mr. Speaker, I have used the word "dishonest" already in relation to the remarks made by the hon. junior member for St. Thomas, and he called upon me to withdraw it. I say now that his remarks have absolutely no foundation whatsoever. He made reckless and irresponsible remarks which I feel that he cannot support by any evidence whatsoever. For that reason, if the hon. junior member for St. Thomas does not wish to withdraw the remarks, the Leader of the House should dissociate the Government from the remarks. If the Leader of the House fails to do that, then the legal profession must be taken, as far as Government is concerned, to be a profession that indulges in bribing jurymen.

With regard to the Act itself, the points raised by the junior member for St. Peter were very good points, particularly the question of the challenges. In the past there were 20 challenges. One may think that 20 were too many, but if you give 7 challenges to one accused person, there can be absolutely no justification for limiting the challenges, where there is more than one accused person, to 10 challenges. If you believe it is right to give one individual the right to challenge 7 people without showing cause, then what would happen if you have 5 accused persons? Are you going to give them the right to challenge 10 people and say that the right must be equally divided among them? 1.35 p.m.

I think it is wrong to limit the number of challenges where there is more than one accused in that case. I think it would be a far better suggestion if the Government would say that where one person is charged he has a number of challenges, say seven. If it is more than one person, then each person should be limited to at least five challenges, so that if there are three accused, there would be fifteen challenges. This is the only way that justice would be done. The position of allowing the Crown to stand-by people is totally unacceptable. It is a position which I know certain Judges in the Supreme Court of this country have been urging the Crown not to use, because the usual ground for the Crown asking a person to stand-by is because that person was convicted of some criminal offence. This is a good ground for challenging, and therefore there could be no Justification in this day and age of allowing the Crown to challenge by way of stand-by. I sincerely hope, as was pointed out earlier, that this Bill will be sent to Select Committee.

The other point is this: we welcome the fact that ladies will sit on the jury; I think it is something that is long overdue; but what we say is that not only is the accommodation provided at the Y.M.C.A. totally inadequate, but accommodation at the very Courts themselves is totally inadequate not only for men, but also for any ladies who are to sit on the jury. Even if this Bill is passed, I have little doubt it will come into force in the very near future, because the present conditions under which jurymen must retire are totally inadequate.

Mr. Speaker, there are a lot of other points which I can raise, but I believe the hon. senior member for St. Thomas would like to speak on this matter, and before I sit I must say that I am still hoping to hear the Leader of the House rise and dissociate himself from the reckless, irresponsible and unfounded allegation of the hon. junior member for St. Thomas.

Mr. J. M. G. ADAMS:

Mr. Speaker, I speak also as a member of the legal profession who is highly confounded by the suggestion that lawyers bribe jurors. I myself do not appear, perhaps, on as many jury trials as other Counsel, but perhaps I should say that the Crown is unable to persuade the jury, in nearly every case in

which I have appeared, that my client was guilty. I first heard the hon. junior member for St. Thomas speak of bribery, I think, after there had been a former Civil Servant who had been charged and prosecuted at enormous expense for misappropriating Government property and acquitted after several trials. Well, Sir, I would be a fool if I did not think that on that occasion, when the hon. junior member for St. Thomas was speaking of bribery, he was not speaking of it in connection with that trial. I have never had a chance to say it in this House because it was in this House it was said on an earlier occasion that the persons who speak of bribing jurors are doing a disservice not only to the lawyers, but they are doing it to the jury themselves. The hon. junior member for St. Thomas is falling into the very dangerous trap of refusing to accept that a man is innocent until he is proved guilty. He is falling into the trap perhaps of be-lieving, and I say this without rancour, that whenever the Police charge somebody, it means he has 'done it', as the popular expression goes, and then it is a fight between the man and his defence lawyer, and the Crown as to whether he will suffer the fate which he richly deserves, or whether in fact the Crown would be able to pin it on him. But, Sir, our system of Justice is still such that a man does not stand up in the criminal dock and have his guilt assumed by the public and have it presumed that he should be found guilty, and that if he is not found guilty these factors are responsible for it - namely, that he had a good lawyer, or that the lawyer on the other side bribed the Jury. You say that if the lawyer on the other side is opposed to your political side.

I am going to get a little bit personal because several members in this present House have had to face juries. I am not going to say that in the case where the Minister of Trade was prosecuted for shooting somebody and was acquitted by a jury and was subsequently sued for shooting the same person and had to pay damages, that is anything against the jury system; nor am I going to say that you or the hon. junior member for St. Philip bribed the jury, nor am I going to say that the Minister of Trade bribed the jury, nor am I going to say that I appeared for the victim in the civil case and that the lawyer for the Crown, whoever he was, was not as good a lawyer. None of these things I am going to say; the evidence was insufficient to convince the jury beyond reasonable doubt that he was guilty of shooting the boy, where the evidence was more than sufficient to allow the jury to come to a conclusion on the balance of probabilities that he had no legal justification for doing it. These are known points which Judges are accustomed to finding every day. The hon. junior member for St. Thomas should reflect that the Bar is trained to protect the citizen; the Bar is not there to prevent the interests of justice from being met.

You, Sir, must have frequently had the occasion to defend a prisoner whom you knew to be an accomplished sexual offender, and you are defending him for rape and his case is that she 'gave it to him.' You may know of a case of a man regularly before the Courts on sexual charges, but it is your duty to defend him. I have recently had the experience. I have had the experience of defending a man who is in goal now on serious sexual charges, but had two offences committed while he was out on bail and he was acquitted on both. That does not mean that anything is wrong with the jury system, and the hon. junior member for St. Thomas ought to sit down if he is so interested in juries - I respect his views; at least I respect the expression of his views -and work out in his mind what is required for criminal trial. It is not beyond his wit to read Kenny's textbook on Criminal Law and get into his head some understanding of what is involved in a jury trial. I am sure the Minister of Agriculture would not come up with these same arguments. 1.45 p.m.

I think that the hon senior member for St. Peter has forgotten that he is no longer the Minister of Agriculture. I do beg his pardon - I had forgotten he is Minister of Agriculture; I mean the Minister of Labour. I do not even believe the Minister of Agriculture will come up with an argument that we should do away with the Jury, (Hon. K. N. R. HUSBANDS; No baiting.) Sir, I am baffled by the sotto voce intervention of the Minister of Agriculture; has he done something for which he fears a jury is waiting to punish him? Anyway, people who think about these things have long ago come to the conclusion that the jury system may allow certain people to slip through, because there are many people who have, in popular parlance, "done it", who yet cannot be proved guilty in law; but this is in the nature of the jury system; this is in the nature of things. I used to think that one ought to be ashamed to say It is better to let one hundred guilty men escape than one innocent man to be convicted; I used to think it was something you should not say because it is so obvious - it is a cliché - that any intelligent man ought to think twice about it, but I have heard intelligent men say it is better to catch all the guilty ones even if you have to lock up one or two who did not do it. I have heard that said, Sir, and the end and upshot of the hon. junior member for St Thomas arguments lead inevitably to that conclusion. Anyway, that is the question of the hon. junior member for St. Thomas.

I would just mention something else about juries. It does not take bribery for a jury to give what perhaps even a defence lawyer considers to be a perverse verdict; it takes dissatisfaction of the administration of justice. That is one of the things. We have had an example here in Barbados of a jury being dissatisfied with the sentence passed upon an American for a serious offence which allowed him to leave the Island the day after the trial, and for the rest of that Assize the juries acquitted every single prisoner. It is that sort of thing that assists the administration of justice in this island; where the jury are dissatisfied with the behaviour of the Judge, they show the feeling and the spirit of ordinary Barbadians by giving verdicts which they think will annoy the Judges. I myself have often been surprised how subservient the Judges' opinions become to juries in this island; how often after Assizes are over, jurymen will talk among themselves and news get back to you that one of the chief things they talked about was that they could not go down there and let the Judges look at them and think they are fools and so on, and I am very surprised to see how subservient they are to the opinions of Judges - very surprised of it. The Judges themselves should earn that subservience and that respect and they have to be kept in line. Judges can give wrong verdicts too; they make mistakes; they have to be kept in line by the attitudes of juries, and it is the interplay between Judges and jury that makes for a superior administration of justice, in my respectful view, and this is one of the reasons why I welcome the present Juries Act. It is to my knowledge, and I have acquainted the Chief Justice of it - I sought him out - and other Judges, particularly to tell them that juries at present are dissatisfied that there is no majority verdict, and in the circumstances, jurors who feel that people are guilty are not holding out for disagreement to make the work of the jury itself longer over a particular Assize; they are giving verdicts which go against their consciences in order to be rid of cases, I know of this; jurymen have approached me to ask me to make this note; I made this note to the Chief Justice comparatively recently, and I would like to think that the appearance of the Juries Bill at this time is partly a result of representation which the Chief Justice recently made.

I do not think you can ever expect to get juries to be satisfied with their lot unless you improve the conditions under which they have to retire, and un-less they Improve the payment given to them. You must pay juries better; you must give them more for their services. It is quite an onerous busines; it is not every juror who is called who is able to give up his work because he has a salary behind. Again, you must have this experience, Sir, because you deal with many drivers; you must be familiar with taxi drivers who come and ask you to challenge them because it is so erosive of their earnings in a January or an April Assize when they have to sit down all day in Court when they can be out working for money with their taxis. Taxi drivers ask you to challenge them. They are reducing the number of challenges, so I will no longer be able to assist any taxi driver or self-employed businessman or shopkeeper by challenging them. I will have to reserve my challenges for those who are known for one reason or another to be unlikely to give good service on the jury. For that reason, if no other, I would disagree with reducing challenges to such a small number.

Another point I want to make deals with the qualifications of jurors; the age is now being reduced to 60. I have often thought that older jurors could bring their wisdom and experience to bear upon cases perhaps they have not yet achieved by the age of 25; but what I would ask is that the person responsible for compiling the jury list makes absolutely sure that the conditions laid down in section 4 are strictly adhered to. I see section 4 (c) says that no one who is unable to read and write the English language and understand the same when spoken should be a juror. I do not want to accuse you of anything, but I have seen on a jury in a case in which you were Defence Counsel, a man who, at least you had means of knowing, was unable to read and write the English language; he would not be on my jury, being another lawyer's messenger. How can a lawyer's messenger get on a jury in this day and age, not once, but twice in successive Assizes? How can a lawyer's illiterate messenger who, if he is given letters to deliver, has to stop other lawyers in the street and ask them to whom the letters are addressed get on a jury twice in two Assizes, without challenge? How could that happen? I would not like to think that it is because that lawyer is a member of the Democratic Labour Party that the messenger has an easier passage, but these are the things you have to look at.

That is not the only one; the age limit. I remem-ber on one occasion an old gentleman from Carrington's Village who had told me he was 84 years old and helped to build the Panama Canal, turned up on a jury, and when Mr. Justice Hanschell - it was for the first time in my experience - decided to comb out the jury for age, and called on those over 65 to leave, this gentleman sat down and if the Judge had not caught sight of him at some stage when he was getting up to move from one part of the Court to another and asked him how old he was, I dare say that he would have sat on the jury, despite his being over the age of 80. I know he likes Juries; at a pre-vious Assize he had been on one of my juries before I knew how old he was. He is not an imbecile; he is a very intelligent man and a supporter of the Barbados Labour Party, but that is only by the way. It was seeing him on a jury which made me ask him how old he was. All these are things that must be analysed when compiling juries' lists.

I do not know how the same faces come up Assize after Assize as jurors; the jurors are supposed to be chosen by lot; all the names are supposed to be put in a hat or a box by the Chief Marshal and taken out by lot; but Assize after Assize you see the same faces; you meet jurors and they are old friends. You remember that three Assizes ago there was a jury which acquitted one of your clients and you look at them and say to yourself; Is it my duty to challenge this man because he has heard me before? But how can you do it? You would exhaust the panels.

I hope very much that, when the new Juries Act comes to be administered, these matters will be taken care of. I do not know if I will get an opportunity to speak in Committee on this Bill, but I am thinking of section 5 which states that no person who has been convicted of any misdemeanour in respect of which he has been sentenced to imprisonment should be allowed to sit on a jury. This is something which fortifies a point made by the junior member for the City that the Director of Public Prosecutions will have in future to permit a Defence Counsel, should he discover that a mistake has been made in compiling the Juries Book, or that since compiling the Juries Book somebody has been convicted of a misdemeanour - he will have to let Defence Counsel know this. 1.55p.m.

This is something that will obviously have to be done. I do not altogether agree with it, anyhow.
(Asides)

Mr. SPEAKER:

I am sorry; I cannot hear the hon. member.

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

Sir, I heard an aside, and I was saying that I have never given a jury any money; I like money too much. When somebody pays me my fee it goes into my pocket - a part for the income tax, and a part for myself - and you have to fight very hard to get any of that money for any other cause. I work too hard for my money to permit it to be diverted into any other channel. I cannot altogether agree with this business of anybody who has been convicted of a misdemeanour being further penalised. If a man has been convicted of a misdemeanour when he is 20 years old he goes to prison, and at the age of 50 he comes to sit on a jury, could it not be possible to look at that man and say that he knows better than anybody else that a term of imprisonment is what is needed to put the prisoner on the right track and keep him out of trouble for the rest of his life? That is certainly something that I do not agree with. I am not going to vote against it, but it is certainly something that I believe should be seriously considered.

I have observed, Sir, that at the time when the Chief Justice invited members of the Crown Law Office

not to be standing - aside jurors because they had convictions - not to be bringing a man there and standing-him-aside in every case - the performance of the jury in no way differed from the performance of jurors in previous times. Indeed, I think that there are more convictions now since there are fewer standing-asides by the Crown. In case this is not known to Crown Law Officers, a man does not like to be stood-aside by the Crown; it makes him look less in the eyes of his fellow jurors if he is put aside by the Crown; it makes him look less when he is challenged; it makes him feel more acute, I understand, if he is challenged by the Crown, because the common view is that the Crown only challenges vagabonds; therefore, when a juror is challenged and stood-aside, he and his friends tend to have a little spite against the Crown Law Officer. I have told Crown Law Officers this before; when they challenge a man who is an honest and straight-forward citizen, his friends on the jury have a little spite in their minds. I do not intend to speak any further, and that concludes my speech.

SUSPENSION OF SITTING

Mr. SPEAKER:

It is now 2 p.m. and, automatically, the sitting will be suspended until 2.30 p.m.

On resumption

Mr. SPEAKER:

It is now Question Time.

Hon. J. C. TUDOR:

Mr. Speaker, there are no Replies tabled. I think the time appointed for Private Members' Business is 3.15 p.m., and I was wondering whether the House will continue with the Bill until 3.15 p.m. In that case, I would move the suspension of Standing Orders.

SUSPENSION OF STANDING ORDERS

Hon. J. C. TUDOR:

Mr. Speaker, I beg to move the suspension of Standing Orders Nos. 5, 10, 14, 16, 18, 19, 40 and 45 for the remainder of today's sitting with the assurance that at 3.15 p.m. Private Members' Business will commence.

Hon. R. St. C. WEEKES:

I beg to second that.

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

GOVERNMENT BUSINESS

Hon. J. C. TUDOR:

Mr. Speaker, I beg to move that Government Business be now resumed until 3.15 p.m.

Hon. R. St. C. WEEKES:

I beg to second that.

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

JURIES ACT, 1970

Mr. SPEAKER:

As there is no other member of the House who is desirous of speaking on this Bill, the Leader of the House may exercise his right of final reply.

Hon. J. C. TUDOR:

Mr. Speaker, one interesting aspect of the debate so far on this Bill is that hon. members on both sides of the House have taken an opportunity to describe what I, frankly, feel are their personal attitudes to the jury system, and not necessarily their opinions on the merits or demerits of the Bill. First, I want to give the House the assurance that this Bill has not now or has not recently only been the concern of the Government. Work on this amendment started as far back as 1959, and it has gone through a considerable amount of turning and twisting by the legal minds whose business it is to know most and to deal most about juries. I think in that space of time - 11 years - certainly three Chief Justices, all the Registrars that have been there during that time, certain personalities in the Legal Department of the Government as well as other bodies have had to do with it and to give their opinions on it.

It is interesting to note that the Bar Association themselves wanted the complete abolition of the jury system. In their memorandum they stated that juries could be abolished for all matters criminal and civil, except treason and murder. The Registrar and the Chief Justice.....

Mr. ELLIOTT MOTTLEY:

On a point of order, Sir. The memorandum to which the Leader of the House referred regarding the question of the abolition of juries in all cases civil and criminal contained a typographical error, and it has already been pointed out to the Attorney General that the Bar Association were saying that only in civil cases you could abolish all juries. Although, in practice, you can have juries in certain cases such as malicious prosecution, libel, false imprisonment, seduction, and so on, in actual practice today all civil cases are tried by a Judge alone. The Bar Association are in favour of the abolition of juries in civil cases, and not in criminal cases.

2.40 p.m.

Mr. SPEAKER:

A doubtful point of order, but it was certainly helpful.

Hon. J. C. TUDOR:

I accept the hon. member's point. The point I was myself making, which was in answer to a query raised by the hon. junior member for St. Peter as to whether the Bar Association had had anything to do with this matter, was that it was before them and they have commented on it. I was going on further to say that the Registrar in commenting on the Bill, which is before us said this "The Honourable Chief Justice and I have perused this and we are of the opinion that it is in order." This was the last comment before the Bill came to Cabinet. It came from the Registrar on behalf of the Chief Justice and himself; but between 1959 when I believe it was most likely Mr. Justice Gomes or Sir Kenneth Stoby, whichever one of them was Chief Justice at the time, and now that the Bill is before us, there has been a Committee appointed to examine the whole jury system. This was a Departmental Committee of

Government, it is true, but it had already been before all the Chief Justices, and Puisne Judges; it has been before the several Attorneys-General that there have been in that time, even those who were public officers as well as those who have been politicians, the Director of Public Prosecutions, all the people in Home Affairs who have to deal with jury matters, the Solicitor General and of course the Registrar himself. In addition to this, when Professor Marshall and Mr. Patchett were engaged in law revision, they were asked to pay special attention to the provisions of the Bill in draft and to make comments on it, and it is as a result of their comments as well as the general work put in by all who have had to do with it that the draft Bill is before us, and the Cabinet was particularly careful not to bring this Bill here until we had had word from the Chief Justice that he considered the Bill in order.

Mr. Speaker, I want to go on from there to touch upon an aspect of the debate which has distressed me personally, and has touched off what little acrimony and rancour there has been in the discussion so far. Objection has been taken by the other side to a remark made in the course of his remarks by the Hon. Minister of Communications and Works to the effect that it was within his knowledge that lawyers bribed juries. The Minister, I believe, was careful to point out, not in respect of that but at the beginning of his remarks, that he was making a personal opinion on the whole matter. I myself cannot support that either from my own knowledge or beliefs. I have never heard it said anywhere in Government and certainly not in those councils which I attend and in those deliberations in which I have to play a part. I therefore regret very much that that remark was made, and I can well see that if it goes outside of this House it will be a source of great disturbance and grief to all members of the profession.

Mr. Speaker, this brings me to perhaps, a point of cognate importance. I do not know why it is that members on both sides of this House find it necessary in the course of debates to introduce intemperate remarks and to go far enough away from the subject matter under discussion as to call for disagreement and even more from time to time. I personally have never found it necessary in this House to say some of the things which I have heard on both sides of the House, and if my being here in another session must depend upon my saying certain things, then I am afraid this would have to be my last session in Parliament. Neither inside or outside of the House do I find it necessary to say things which I cannot subsequently read with pleasure or which my mother or sisters, nieces or nephews could not read that I had said and not have to be shamed-faced or disgusted about. This is the kind of politics I believe in. Consequently I have no difficulty in presenting a case for the Government and defending its point of view or criticising Opposition policies, when I have to, without resorting to a certain level of debate. I myself do not find it necessary and, thank God, I never have to say things which could be objected to or which I myself might find it necessary to withdraw or be sorry about. I am very glad this was said. I do not have this disdain for the legal profession which I know is shared by people on both sides of the House. I am not a lawyer myself. When lawyers are talking politics, I do not yield to them because I am a citizen as they are, and their natural foolishness will not necessarily be restricted because they are barristers when they are speaking on general matters. If they are speaking on law I do not contradict them because law, it seems to me, should be a matter of knowledge and not opinion; and since I do not know any law I am not prepared to argue law with lawyers. If they are talking on general matters, matters of politics or art or literature or anything like this, then my opinion is at least as good as theirs and I give no quarter and ask no quarter in any such argument; but I have no disdain and no contempt

for them any more than I have disdain or contempt for engineers or nuclear physicists, or doctors, or carpenters or masons or any people who pursue their lawful vocation in any society.

Mr. ELLIOTT MOTTLEY:

On a point of order, Sir, I am pleased to hear the Hon. Minister say that he dissociates himself personally from the remarks made by the Minister of Communications and Works, but I think as a lawyer we want something more than that. We want him to dissociate the entire Government as Leader of the Government's Business. You cannot make allegations against the professional honesty of the barristers and then one person gets up and says he dissociates himself from it.

Mr. SPEAKER:

Anyhow, it is not a point of order.

Hon. J. C. TUDOR:

Mr. Speaker, I can well understand how the hon. member feels about this, but I must point out to him that the Hon. Minister said at the beginning of his remarks that while he gave general support to the Bill because of course he is a member of Cabinet, he had certain personal ideas and opinions on these matters. The Minister said he did not believe there should be juries at all. Well, the Hon. Minister was not speaking on behalf of the Government and I take it that his remarks, though in my opinion, quite uncalled for and certainly offensive, were not remarks which would bind the Government in any way, and he certainly cannot be so believed or deemed to have been speaking. Therefore I do not have to do what has not been called for. The hon. member did not speak for the Government when he said that lawyers bribed juries and he did not even say all. He said lawyers, and therefore, since he did not so speak for the Government, there is nothing for me to dissociate Government from, because the remark in no way involves the Government. I dissent from the remark both because I think it is an unfortunate remark and because I myself have no evidence that this is so and I have never heard it said. 2.50 p.m.

Mr. ELLIOTT MOTTLEY:

On a point of order, I do not know whether the Leader of the House is aware that under our present set-up in Barbados the Leader of the Bar happens to be the Attorney General, and it is my intention as Secretary of the Bar Association to write to the Attorney General and ask him for a public statement on this, whether he as Leader of the Bar has ever heard, or that any reports have been made to him, that barristers in this country go about bribing juries. ,

Mr. SPEAKER:

This is no point of order, and I would ask all hon. members not to use the pretext and preface "point

of order" to provide them with an opportunity of making additional speeches, when particularly those members must know that it is not a point of order; but we may go into Committee at some time or other, and then hon. members may speak again ad lib.

Hon. J. C. TUDOR:

Mr. Speaker, it is certainly quite open to the hon. member to take up the matter with the Attorney General; nothing that I have said has precluded this, or must be thought to preclude it, I merely said that since in my view the Hon. Minister was not committing the Government to that point of view, and in fact he said at the beginning of his remarks that he was speaking his personal views, there is no call for me to reply on behalf of the Government to that allegation; but I certainly disassociate myself from it because I do not believe it. Nothing has ever been said to me or brought to my attention which would make me believe that this is so, and things that I do not know about I do not like to speak about.

Mr. Speaker, several points of substance in relation to this matter were raised, things that can be covered under the regulations, like the proper terms and conditions under which jurymen and jury women now must do their work. These can, I believe, be covered under appropriate regulations, but there can be no argument between both sides of the House that jurymen ought to be cared for better, and that the proper discharge of their obligations to the Courts and to justice require that whenever they are working as jurymen they ought to work under the best and most favourable possible conditions. One point I would like to make, however, in respect of the new thing, that ladies will now be able to sit on juries when this Bill becomes law. I myself was concerned about the conditions under which lady jurors might have to do their work, and I came to the conclusion that if they would be called upon to do jury service under the same conditions which now obtain, this would be most unsatisfactory, and I was advised that the parts of the Bill which deal with the jury service of women need not be brought into effect until the physical preparations for the comfort and the work of lady Jurors are completed, so that while the Bill will become law as soon as it has gone through this House and the Other Place and has been assented to, at the same time you are not likely to see lady jurors appointed until proper preparations are made in a few months' time for their reception and for the proper carrying out of their duties.

I would like to give the House this assurance; some hon. members have made the point which I think is an arguable point, that it seems anomalous to raise the eligibility to sit on juries from the age of 21 to that of 25. They have also, of course, in support of their own contention, argued that it is odd that people should be able to vote at 18 but not sit on juries at 21. First I would like to point out that it is true that people vote at 18, but the law has several qualifying ages, at least more than one qualifying age for all sorts of things. I believe although you can vote at 18 you cannot sit in this Chamber and you cannot be a Senator until you are 21; there are certain other legal disabilities which people under 21 have and which can only be removed when they are in fact 21. It may still even be that the legal age for purposes other than voting is still 21; in some world wide organisations certain jobs cannot be performed, whether politically or otherwise, before the age of 25. In the United States you cannot be a President, however

brilliant you are, however eligible you are on other grounds, until you are 35. I myself do not think that a lot is lost by raising the age at which people can sit on juries from 21 to 25, and I will tell you why. I think you have to take any bit of legislation as a whole and examine it in its wholeness. What this Bill really attempts to do is to liberalise the entire jury system. The fact, for instance, that Judges can accept the majority verdict; the fact, for instance, that for the first time women are being allowed to play their full part as they should in jury service; the fact that Judges are now having a wider discretion in all these matters, seem to argue, at least in my point of view, that the whole system is being liberalised. It seems to me that part of the liberalising of the system must be to give the accused, as well as justice itself, a fairer chance to make it more easy for just decisions to be made, and I think it is arguable that if this is so, at least more maturity and perhaps more judgment ought to be brought to bear on jury decisions; so on the one hand, while there may be grounds for disagreement that the age is being raised, on the other hand the whole system is being liberalised.

You can have a lot of different opinions on this matter. I will tell you, Mr. Speaker, that - although I never said this in public - I myself am totally and irrevocably opposed to capital punishment, and in my capacity as a member of the Privy Council of this Island, I always experience my most uncomfortable moments when matters are brought before us which deal with remission of capital sentences or their confirmation, as the case may be. In all conscience I do not believe in capital punishment; but for a society in which we live where the majority may easily hold other views, I do not press my own personal views on the majority! although whenever I have to make a decision in any specific capacity, my decision is always for the non-application of capital sentences just because in my conscience I just do not believe that hanging somebody or putting them in the gas chamber or electrocuting them is really the best thing for society in all the circumstances. But this is something upon which you can disagree, and all sorts of people have these conscientious scruples which they have to live with, and no amount of argument which you bring before them can change their point of view. It is no use telling me that if capital punishment were abolished there would be more murders; this is probably true, but you will have to show me the connection between the increase and the abolition of capital punishment. So it is some people feel about the jury system. Some people feel that they would rather rely on three Judges, or five, to hear their case and would be quite content to rely on a majority judgment in this case because they think Judges know the law and that there are not likely to be miscarriages of justice if Judges tried cases alone. 3.00 p.m.

I cannot subscribe to that (1) because since, by temperament, I am an institutionalist and I do not like change for change's sake, I think the jury system has served us well and can continue to serve us well with these particular modifications, and there is no reason, in my view, to abolish the system altogether because some people do not like it. If the majority, of course, both by sentiment and by active agitation want it abolished, then that would be the time to do it; but, since there is no majority outcry, I think it can be maintained and improved as time goes on.

Now, there is one point, Mr. Speaker, which I thought I had better think more carefully on before I

reply, because I myself am not familiar with these matters. I think it was the hon. junior member from St. Peter who raised the point that, in reducing the number of challenges which can be put to juries, justice was now weighted more in favour of the Crown than of the accused in criminal cases. This is my understanding, Mr. Speaker. There are two types of challenges, as I understand it, which can be experienced in criminal cases of this sort: a challenge for cause and a peremptory challenge. Now, this Bill proposes to leave intact, that is to say, without touching either of these, the rights of both the accused and the Crown in respect of the challenge for cause. What it does with the right of peremptory challenge is that in respect only of the accused it is proposed to reduce this from 20 to 7. I understand, on the other hand, that this is common form in other countries - there is no hard-and fast rule here - and that the administration of justice in respect of this depends as much on the wisdom and firmness of the presiding Judges as it does on the people who work the system, whether they prosecute for the Crown or defend for the accused. I am advised that there is no problem here because other countries have, in their respective laws, reduced the number of challenges with no deleterious effects on the rights of the accused.

Now, the right of stand - by which the Bill proposes to leave Intact in favour of the Crown does, of course, give the Crown the opportunity to standby any person, as they call it, whom the Crown may regard as undesirable. Of course, the Crown must have this type of right; otherwise it would be difficult to see how a juror, regarded as objectionable could be prevented from sitting. I believe, therefore, that on balance the Bill quite fairly retains for the accused and for those acting on his behalf all those rights which he had, though it says they may be exercised now in a different way, It retains for the Crown its rights, because the Crown is in itself involved in the administration of justices, and it would be a very peculiar form of justice if it permitted the accused to have all the rights and the Crown to have none at all.

As I understand it, the exercise of these functions is a very careful and delicate balance of rights and obligations which each side in a case exercises to the mutual advantage of all. I am advised, therefore, that the Bill does not take away any of the rights of the accused, and certainly that, in respect of the challenge for cause, each side retains it as it always had. Mr. Speaker, if further discussion of this matter, when we get into Committee, can give any elucidation on points not made clear, then it would be useful to have it, but this is my understanding at the moment.

Mr. Speaker, I do not think, in the circumstances, that I would be inclined to accept a motion that this Bill should go to a Select Committee, because all the people and all the interests and bodies who would normally be called in to assist the work of the Select Committee have, in fact, been so consulted. I would rest my case really on the fact that, since all of these people at all levels have seen it, and since the learned Chief Justice has said in writing he finds it to be acceptable, I would myself be very loth to touch it in any way. I would certainly be interested in any argument which arises when the Bill is before the Committee of this House.

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

Hon. J. C. TUDOR:

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

Hon. R. St. C. WEEKES:

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.

Clause 1 to 3 inclusive were called and passed. Clause 4 was called.

Hon. J. C. TUDOR:

Mr. Chairman, I beg to move that Clause 4 stand part.

Hon. R. St. C. WEEKES; I beg to second that.

Mr. ELLIOTT MOTTLEY:

Mr. Chairman, I would like to move on amendment to this Clause. In Clause 4 (1) (a), I beg to move that the figure "25" be deleted and the figure "21" substituted therefor.

Mr. HINDS; Mr. Chairman, I beg to second that. Speaking on the motion, one has to bear in mind that an accused person should be tried by 12, or, as in the case of this Bill, 9 of his peers. 3.10 p.m.

The word "peers" must be taken to mean not only of a man's social standing, but it must also be taken to mean wherever possible, even of a person's age group, of a person's educational standing, and to be everything related to the accused person. Here you are going to find, Mr. Chairman, that a person from any age in the case of murder and treason, and over sixteen in other cases can stand trial by jury, but the nearest person you are going to find on a jury to try a sixteen year old person, according to this Bill, must be twenty-five years of age. What is the reason for it? One cannot suggest for a single moment that that can be interpreted as an accused person being tried in every sense of the word by his peers, and what we are suggesting is that there is nothing wrong with the age of twenty-one as it is at present. We have no grouse with a person serving as a juror from the age of twenty-one, but where does this experience come from between 21 years and 25 years? Let us look at it in this light, Mr. Chairman. We have the University of the West Indies, we have in addition our ten Grammar Schools, seven Comprehensive Schools, sixteen or seventeen Government-aided Approved Private Schools, our Polytechnic and the Barbados Community College, and now we are being told by this Government that more education is thrown at our doors than in the past. But we are not maturing earlier; the more they educate us, the older we have to become before we mature. In other words, it cuts across the Government's educational programme. Are the people who are turned out from the University of the West Indies, and from all the free Secondary Schools and other Institutions expected to be people who cannot sit down in a jury box, listen to the evidence as led by the Crown and by the defence on behalf of an accused person, and then form an honest opinion, based on the facts as put before the Court? We have been doing it all the years with people at the age of 21 years and upwards. Are we becoming more ignorant with all the free education at our door that we now say that we cannot have 21, 22, 23 and 24 - years olds dabbling in this thing anymore, and we can only have them from 25 years? Would the Leader of the House give us some explanation as to this rather than tell us that they will gain more experience at twenty-five?

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. R. St. C. WEEKES:

I beg to second that.

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

PRIVATE MEMBERS' BUSINESS

Hon. J. C. TUDOR:

Mr. Speaker, I beg to move that Private Members' Business be now taken for one hour and a quarter, fifty-nine minutes of which will be devoted to the Opposition reply to the Budget for broadcast.

Hon. R. St. C. WEEKES:

I beg to second that, Mr. SPEAKER Order No. 1.....

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

Mr. Speaker, has the motion been put and carried?

Mr. SMITH:

On a point of order, Mr. Speaker, I take it now that we are proceeding with the reply to the Budgetary Proposals made by the Hon. Prime Minister, and I will have to appeal to you because the Leader of the Opposition is not here. I do not know who is Acting Leader of the Opposition. (Mr. ELLIOTT MOTTLEY I am acting.) Well, I am asking the Acting Leader of the Opposition if it is his intention to give me some of the time. (Mr. HINDS If you are a member of the Opposition.) I am a member of the Opposition. (Mr. HINDS Which?) I am not talking with you. I am asking the Hon. Acting Leader of the Opposition if it is his intention to give me any of the time. It is only for him to say "yes" or "no". 3.20 p.m.

Mr. SPEAKER:

The hon. senior member for St. Joseph is on his feet.

Mr. SMITH:

I am asking you then if it is in your province; I feel that you can allocate time as Speaker. I want some assurance.

Mr. SPEAKER:

I am afraid that I cannot allocate any time to any hon. member, I am bound by the Standing Orders. I cannot allocate any time, but any hon. member may speak.....

Mr. SMITH:

And the Acting Leader of the Opposition is not giving any either, is that so?

Mr. CRAIG:

Mr. Speaker, on a point of order, there seems to be some problem here; last Tuesday I realised there was a problem as to who would get time. I would like to draw to the attention of this House that it is within the power of Government to extend the time to any hon. member on this occasion, for this reason. In 1968 I remember when the shadow Minister, the senior member for St. Thomas, addressed this House on the Budgetary Proposals, the Leader of the Government, along with the Prime Minister, made these remarks "that the only person who spoke with any sense was the senior member for St. Joseph, and he could not help giving him additional time"; I think it was five or ten minutes. This is Government's power; Government reigns supreme and they have the right to extend the time to everybody in here.

Mr. SPEAKER:

The hon. member has made his point.

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

If Your Honour please, while I would in many circumstances start right away with making my speech, I yet think that the senior member for St. Joseph deserves some word. I do not wish to insult him, but I want to appeal to him, if it is possible to appeal to such a person as the hon. senior member for St. Joseph, to bear these considerations in mind. When you are part of a Party in Opposition, you get together and decide how a certain measure is going to be opposed, how it is going to be dealt with by the Opposition; in Opposition you decide who is going to speak for you and who is not going to speak; this is all done in Party Councils' I am sure the hon. senior could not imagine that by resigning from a political Party he can put himself in a better position vis-a-vis those members who have not resigned than he would have been in if he had stayed in the Party,

I am equally sure that the hon. senior member for St. Joseph appreciates that Government is carried on by a political Party, that there is - while every respect is going to be given to an individual - that there is no place, if you have a concept of Government, of Government by Independent Members. When we say that we do not even know if the hon. senior member for St. Joseph is in the Opposition or not, we are not cutting words; we are being serious. We really do not know it; he has not told us; he has not come to us and said: "I am going to say this, that or the next about the Budget". The hon. senior member for Bridgetown who, as far as I understand it, is Leader of a political Party that contested the last elections as a political Party and would have been extended time, is even in a slightly different situation. I would ask the hon. senior member for St. Joseph, if he is serious about his parliamentary duties, to consider what reply would have been given in the last Parliament to a request from Mr. Frank Walcott, the then

senior member for St. Peter, since he was then an Independent, to reply for the Opposition to a Budget Speech.

The people of Barbados expect a certain standard of conduct from their representatives in this House; they do not expect us to behave badly, and sometimes I grieve to say that we let them down in that respect. They also expect us to take parliamentary institutions seriously, and this is not what the hon. senior member for St. Joseph is doing; he is not bringing his mind - and he has some power of intellect, greater than that of many hon. members of this House - he is not bringing his mind to bear on the realities of such a situation as this. I do not want to use any words that are offensive and that will give him cause to get up and interrupt, go on, and carry on, until perhaps Private Members' time is exhausted, I seriously would like, if possible, if my conscience allowed it, if my sense of responsibility allowed it, and if my Party allowed it, to be able to say to the hon. member; "As far as I am concerned you are welcome to speak." My speech was prepared for a certain set time; my seconder's speech - to my belief was also prepared for a certain set time; it is my further belief that the combined sum of those two times would have permitted some additional reply by the hon. senior member for Bridgetown and, if he cared to share out, so to speak, a third party Opposition time - and I imagine this is what he intended to do - to the hon. senior member for St. Joseph; but we are a political Party that will not be blackmailed. We are not going to be blackmailed by the threat of bad behaviour in the House by a man who seems intent on achieving the title of Political Nuisance - Class One, into abandoning our position as Her Majesty's Opposition for the island of Barbados.

We are the Opposition, and we have the right to reply as the alternative Government to the Prime Minister's Budget Proposals, and nobody, whether incited by the Government, incited by the Democratic newspaper, incited by persons who wish to embarrass the Opposition and eventually wish only to embarrass Parliament by so doing - we have no time to surrender to any form of political blackmail such as this. This is something that ought to be recognised by the hon. senior member for St. Joseph, who was for twenty years a member of a Party in and out of Government, a responsible political Party with duties to the people. He has duties to his constituents, he has duties to the people of Barbados to behave himself and not to try to break up a situation - which, admittedly, he was one who fought with - but nevertheless, he has left the Party on behalf of which he then fought, and he should not now be trying to destroy the situation which the Barbados Labour Party with him in it fought for, for us to have a right to reply to a Budget Speech at all. 3.30 p.m.

Sir, it is impossible, within the context of the Rules of this House, to give any assurance to the hon. senior member for St. Joseph. He knows that; you know that; and the Government know that. The only people who have it in their hands to allow, with any certainty, the hon. senior member for St. Joseph to be heard over the air on this question are those responsible for activity of the Caribbean Broadcasting Corporation. Nobody else can do that; not you, Sir, and not us. We are not in a position to accede to the request of the hon. senior member for St. Joseph. As a Party we do not recognise anti-Party Opposition. I am not coming in here to consume the whole time available to any hon. member. I intend to make the

speech which I came here to make, perhaps, adding on one point by reason of the absence of the senior and learned member for Christ Church. My speech is here, Sir, and I intend to make it. The hon. senior member for St. Joseph will have to take the same chance that he would have had if he did not make any noise about this matter, in the first place. I have a speech for a reasonable time; I am not going to extend it to stop him from speaking, nor am I going to contract it in any way to give him any better chance to speak.

Sir, I gave notice of this Resolution during last week.....

Mr. SPEAKER; I am advised that the question has not yet been put that Private Members' Business be now token.

Mr. SMITH:

Mr. Speaker, the hon. senior member for St. Thomas has made a very brilliant speech. The year before last was 1968 when I was fighting the cause of the Barbados Labour Party.

Mr. HINDS:

On a point of order, Mr. Speaker. On what is the hon. member speaking? We are not in Committee. Has he claimed the indulgence of the House?

Mr. SPEAKER:

The hon. senior member for St. Thomas has just spoken, and he was not speaking on any motion. The hon. senior member for St. Joseph is speaking on a point of order. (Mr. ELLIOTT MOTTLEY That is not so, Mr. Speaker.) I am advised that the hon. senior member for St. Joseph was speaking when the hon. senior member for St. Thomas rose on a point of order, and that before the hon. senior member for St. Joseph resumed the hon. senior member for St. Thomas rose, but without saying "On a point of order"; he spoke with the implied indulgence of the House.

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

On a point of order, Sir. I spoke to the motion after the hon. senior member for St. Joseph had taken his seat. I had no intention of interrupting him; I made my speech.

Mr. SPEAKER:

The hon. senior member for St. Joseph, I am advised by the Clerks at the Table, sat when the hon. senior member for St. Thomas rose on a point of order.

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

Then I will have a chance to speak again, Sir.

Mr. SMITH:

Mr. Speaker, I am willing to take on anybody; I am not going to make any noise or behave bad, but I can do so if I want to. The hon. senior member for St. Thomas says that I am responsible to the people of this country, and the members of the Opposition are also responsible for making the reply to the Budgetary Proposals, I have not yet interfered with the Opposition, and I have not said anything. They do not know what I am going to do.

In 1968 when I interrupted the Hon. Prime Minister over one dozen times and would not let him broadcast his speech, hon. members over there were in their seats telling me to 'go on and cut'. They were encouraging me to do it. (Mr. HINDS: We were encouraging you to cut your own throat.)

Mr. SPEAKER:

Hon. members not addressing the Chair!

Mr. SMITH:

Mr. Speaker, I have not carried away any person's money; I have not stolen anything, and I have never been to Glendairy Prison. I have not done anything to make me cut my throat. The prisoners are at Glendairy living as happy as I am living; so why should I have to cut my throat? The prisoners up there have not cut their throats, In here is not a gaol; this is an honourable Assembly, and it is a pity that we have gaol-birds in here, I am sorry to know that, and I am ashamed about it. I am an honest man who can stand up and face anything. Go to Glendairy and you will not even see my name up there as a visitor,

Mr. SPEAKER:

Let the hon. member proceed with his point.

Mr. SMITH:

All of them over there told me to 'go on and cut1. I was encouraged by them to do it, but today the worst things will come tome. Let them come. (Mr. CRAIG made a sotto voce remark.) Mr.

Speaker, ask him to behave. It seems to me that you are afraid of him.

Mr. SPEAKER:

I am not even afraid of the hon. member who is now addressing the Choir. (Asides)

Mr. SMITH:

Mr. Speaker, why do you not make them behave themselves? You have the authority to make them behave themselves. Sir, the hon. senior member for St. Thomas is talking about the Official Opposition or the Opposition. I am telling him here and now that I have the same authority and the same democratic rights and privileges in this House as any other member of the Opposition. No particular individual in here has any more rights or any more privileges than your humble servant. It is my democratic right to claim some of the time be cause I have fought for it. If they do not give me any of the time, then nobody will get any. When! sit down and I do not get any of the time, then nothing will be going over the air this afternoon as long as I am here. All that they can do me, let them do me. They can do me no harm whatsoever. 3.40 p.m.

I am an honest man who works hard, and you cannot do anything with an honest person or one who has shame. Any dice can play for one who-does not have any shame. I am not asking any more. I appealed to you, Mr. Speaker, I have appealed to them and I have appealed to the Government. (Asides.) Mr. Speaker, I am being interrupted. . Are you going to allow the hon. senior member for St. James to behave like this? Don't you know how to name him? Are you going to let it appear that the hon. junior member for St. John has more brains and sense and power than you? He got him from in here already. Can't you get him out too? I am speaking and the hon. senior member for St. James is interrupting all the time, and you are there sitting and would not do one thing or the other.

Mr. SPEAKER:

Will the hon. member continue to make his point?

Mr. SMITH:

I will make my point, but I want you to make yours and make every hon. member in here respect the Choir and you. One member said he respects the Chair, but not the occupant. Well, I would not go so far; I could not be so insulting to the Choir because the Choir is only a bit of wood, but there is a human being sitting in it just like my self, and I will respect you all the time; but. if you do not make them respect you, what will become of us in here? It is quite time to stop him. He has his time to speak. I do not say anything when he is speaking, but it is my democratic right to talk inside here, no matter how ridiculous we make ourselves. I was the best person in the world a few days ago, but I can be the worst now by those who are worse than I am- I am not prepared to spit in the air and hold my face for it, thank God. I thought that education used to provide for that, but it seems to me that when some people have education they had better have been to Glendairy.

Now, Sir, this is my last point, and I am letting the entire House know. If there is no time for me, I am not letting the broadcast go out this afternoon. If I go to gaol this time I will feel happy; it will not be for stealing; it would be fighting for my democratic right, I am going to see this afternoon that I am not trampled to the ground by men who try to mote themselves look like something in the eyes of the people.

Mr. CORBIN:

Mr. Speaker, I understand that there were three letters written by the Leoderof the House one to the hon. senior member for St. Joseph, one to the hon. senior member for Bridgetown, and one to the Official Opposition. That gives me an indication that each of the three would have had an opportunity to speak on the reply to the Budgetary Proposals. This is what I am saying before any fire catches this afternoon; I suggest to the Leader of the Opposition to give the hon. senior member for St. Josphe fourteen or fifteen minutes out of the time to reply, and by so doing I think we will get somewhere. We do not want to stand here to move a vote of censure. Let us reason together.

Mr. CRAIG:

Mr. Speaker, on a point of order, what is the hon. member speaking on?

Mr. CORBIN:

On what are you speaking?

Mr. CRAIG:

On a point of order. I would like to know what is before the House on which the hon. member is addressing the Chair.

Mr. CORBIN:

What is the hon. member addressing the Chair on?

Mr. SPEAKER:

That is not a point of order. Mr. CRAIG; I am on another point of order.

Mr. CORBIN:

There is no position that you can find to remedy ignorance.

Mr. CRAIG:

Mr. Speaker, on a point of order.

Mr. SPEAKER:

I am listening to the point of order.

Mr. CRAIG:

What is the motion before the House, and on what is the hon. junior member for St. Andrew speaking?

Mr. SPEAKER:

The motion before the House is that Private Members' Business be now taken for one hour and a quarter.

Mr. CORBIN:

Mr. Speaker, I do not like to laugh because it looks like ignorance. I, see that fire is going to be caught here this afternoon, and I am trying to see if I can kindle the spirit of members in order to allow the hon. senior member for St. Joseph ten or fifteen minutes out of the time. That is all I am asking. He deserves ten minutes out of the fifty-nine minutes. (Asides)

The question that Private Members' Business be now taken for one hour and a quarter was put and resolved in the affirmative without division.

RESOLUTION re FINANCIAL STATEMENT AND BUDGETARY PROPOSALS.

Mr. SPEAKER:

The first Order of the Day under Private Members' Business stands in the name of the hon. senior member for St. Thomas, and it is to move the passing of a Resolution re the Financial Statement and Budgetary Proposals of the Minister of Finance for the fiscal year 1970-71.

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

Mr. Speaker, I gave notice of this Resolution on Thursday of last week, and I rise now to move it; but before I speak I would like to clear up an incident which I understand was broadcast on the Caribbean Broadcasting Corporation's networks relevant to the events of last Thursday.....

Mr. Speaker, I am sure there is a Rule that an hon. member must not hang around the lobbies, but he must take his seat in the House.

Mr. SPEAKER:

Standing1 Order No. 29(4) -Behaviour of Members not speaking

"Every Member of the House when he comes into the House is to take his place and not to stand in any of the passages or doors."

Mr. Marshal, will you call on the hon. senior member for St. Joseph to observe Standing Order No. 29(4) immediately by taking his place and not standing in any of the passages or doors of the House?

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

Mr. Speaker, there is one thing I would like to have put on record. Nobody has refused the hon. senior

member for St. Joseph anything. The position of the Opposition has been set out to him. Nobody has refused anybody anything. My speech which you said was a point of order has set out the position of the Opposition as completely and entirely as we could set it out.

Mr. SPEAKER:

Will the hon. member proceed?

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

There is one point we would ask. We were given an assurance that fifty-nine minutes of this reply would be recorded for broadcast. I would like an assurance from the Leader of the House that this is still so before I go on.

Mr. SPEAKER:

The Hon. Leader of the House, I understand to say, has given an assurance from which I gather he has not departed.

Mr. ELLIOTT MOTTLEY:

On a point of order, as I understand it we were given an assurance by the Leader of the House that the reply of the Opposition would be recorded and rebroadcast. Sir, the hon. senior member for St. Thomas is now about to make that reply, and I would like to know from the Leader of the House whether there are facilities in the House for recording that speech, and also whether the speech is in fact being recorded. 3.50 p.m.

We have the word of the Leader of the House, and to us we must accept the word of the Leader of the House - I make this without any qualification, If he can give us the assurance, we will accept it.

Hon. J. C. TUDOR:

Mr. Speaker, the hon. member has sought an assurance from me as to whether facilities are here and now present for the Opposition to make their broadcast reply to the Budget Speech; I gave this assurance two Tuesdays ago, I repeated it last week, I here and now reinforce it. I however understand that immediate recording is not now possible because of some disarray in the equipment.

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

Now, Sir, let us deal with this. There is not any member of the Opposition who would be allowed to come in here, pick up a pliers and cut the wire of C.B.G, without having to face gaol, far less the punishment of this House. The senior member for St. Joseph has cut the wire under his feet, and if that is not a contempt of this House, nothing could be. Sir, it is your duty, if you want parliamentary institutions respected, irrespective of friendship or long service, to deal with this particular situation. The business of Parliament has been interrupted; nothing Black Power has ever done in Barbados is comparable to a member of this House deciding to interrupt the proceedings of this House, and to make nugatory an assurance given by the Leader of this House by cutting a wire. When it was the Prime Minister's wire he threatened to cut, the Prime Minister said the Police would know how to deal with it; it is up to the Government to see that when it is in the Opposition's interest that the wire is damaged by being cut, the Police are going to deal with it. He talks about Glendairy Prison; what goes on in here is as subject to the Courts as anything else; and if the evidence which we have is forthcoming, it is a matter for the Director of Public Prosecutions.

This is a direct contempt of the proceedings of this House; a direct contempt. The "Minister cannot get out of it by telling us he gave us assurances; he cannot do that; it is your duty - let me draw to your Honour's attention that the proceedings of the House have been interrupted by the cutting of an electric wire by the hon. senior member for St. Joseph, I draw that to your attention. Members of the Opposition have been named before now in here for lesser offences than that; he threatened to do it and he has done it. If that is not a contempt in the face of the House, nothing ever could be.

Mr. Speaker, I am calling on you to deal with the hon. senior member for St. Joseph; are we going to let it down here as if nothing had happened?

Mr. SPEAKER; I required the hon. member who was contravening Standing Order 29(4) to discontinue his contravention and to take his place, and to stand no longer in any of the passages or doors. I observe that the hon. member has resumed his place,

Mr. HINDS:

On a point of order, Mr. Speaker, he has resumed his place and he has cut the wire under his feet.

Mr. SPEAKER:

If that is so.....

Mr. HINDS; How do you mean if that is so? You are in here.....

Mr. SPEAKHR Assuming that is so.....

Mr. HINDS:

Mr. Speaker, I saw it with my own eyes.

Mr. SPEAKER:

I am not disputing that; I am saying, assuming that is so.....

Mr. HINDS:

You do not have to assume any longer; I saw it.

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

On a point of order, it is out of his feet.

Mr. HINDS:

What action are you going to take in the matter? If I were to take this up and throw it at you what action would you take?

Mr. SPEAKER:

I might not be able to take any action.

Mr. ELLIOTT MOTTLEY:

Mr. Speaker, I believe that you called upon the senior member for St. Joseph under the rules of the House to take his seat. Could I draw your attention to Standing Order 36, rule 2, "The Speaker or the Chairman shall order Members whose conduct is grossly disorderly to withdraw immediately from the House, etc....."?

Now, Mr. Speaker, where a member has deliberately set out to obstruct and impede the work of this House, nothing could be more disorderly than that; "disorderly" in this sense does not necessarily mean keeping noise, but: it means conduct deliberately to obstruct and impede the work of this House. Lei; me say this now; it is all right for the Leader of the House to sit down there feeling smug, but I am satisfied that the conduct of the senior member for St. Joseph was conduct which was connived at by the Government of this country, and in particular by the Leader of the House, and it is conduct which you, now sitting in the Chair, are condoning, because no other member - I was put out of this House for doing less than what he has done; and to find that because he has been in this House too long, and perhaps because he is your friend for a number of years, and because he has special acquaintances with the Leader of the

House - all of you are afraid to deal with him - is it any wonder that people have contempt for you and the Leader of the House when you can sit down and allow him to do that? You would not allow any other member in here to do it; I was put out of this House for doing less, and you can allow a member of this House to deliberately impede the conduct of this House, and go without any punishment. It is conduct which is disorderly, and at least you should ask the member to withdraw from the House; but I have no doubt you will not do it, because he is your friend and the Government likes to see this.

4.00 p.m.

The Leader of the House, instead of making a statement in the House about what is wrong with the equipment, says that the equipment is not now available. He sat here and saw the senior member for St. Joseph deliberately cut the wires. Unless we get a firm undertaking about the recording of the speeches, no more Government Business will be done in here today. They will have to put me out of the House.

Mr. HINDS:

Mr. Speaker, I think I should draw to your attention, at this stage, that the Leader of the House is very well aware of the fact, and for that matter the whole Cabinet ought to be aware of the fact, that the Commissioner of Police, the Deputy Commissioner of Police and others have received threatening letters and threatening telephone calls, and some people are threatening to assassinate a number of people in this country. It is behaviour like this, backed by that type of individual or individuals and that type of gang, that may very well be responsible for perpetrating that type of behaviour in this country.

Sir, the Leader of the House cannot deny what anxious moments he, personally, has been spending since last Sunday, yesterday, and already today, bordering on what I have just said. I should certainly like to hear a statement from the Leader of the House in view of this type of behaviour whereby we have

seen an hon. member armed with a pair of pliers to carry out this kind of damage to the equipment of C.B.C. This hon. member was given an opportunity to make a farce of C.B.C. in the eyes of the public already, and we are wondering what will happen next between C.B.C. and the hon. member.

Mr. Speaker, there is considerable anxiety in this community in view of the fact that the Head of the Police Force has been threatened with assassination as well as some of the political leaders of this country. I am asking the Leader of the House to make a statement, bearing in mind the type of behaviour just exhibited by the senior member for St. Joseph. The hon. member said that he has never been to gaol, but I want him to understand that they do not carry douche-cans in goal.

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

Mr. Speaker, while we are deliberating, I hope, what punishment is to be meted out to the hon. senior member for St. Joseph, is it too much to ask the Leader of the House to ask the Government Information Officer to get another wire?

RULING BY MR, SPEAKER re MR. SMITH'S BEHAVIOUR

Mr. SPEAKER:

I have given this matter my careful consideration! and I am advised by the Clerk that he has been instructed by the Government Information Officer that certain steps were taken by the hon. senior member for St. Joseph whereby it is not possible, at this time, to carry on or to carry out the broadcast which it WAS proposed to carry out. On taking that action, which has been confirmed, and in the absence of, any contradiction or denial which the hon. senior member for St. Joseph is entitled to make - if he is denying or contradicting he can be heard - in the absence of any denial of the information supplied me by the Government Information Officer via the Clerk of the House, I have to ask that the hon. senior member for St. Joseph withdraw from the House during the remainder of this day's sitting.

Mr. SMITH bowed to the Chair and withdrew from the Chamber.

(A VOICE IN THE GALLERY:

Hear you, Smithie.)

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

Mr. Speaker, as the hon. senior member for St. Joseph rose, I heard a voice from the Public Gallery saying "Hear you, Smithie, " and I am drawing your attention to that voice.

Mr. SPEAKER:

Will the hon. member draw it to the attention of the Marshal who awaits his pleasure?

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

Sir, that particular person has got in here before and called out, as I was speaking, "You lie." I think it is time, Sir, that some cognizance be taken of these particular hecklers who come in here, whether financed by the Leader of the Government or not, to interfere with the conduct.....(Asides.) I say in all honesty that it is not I that gave that particular person \$80 to go to Trinidad to meet Nunes and Granger to come here and burn down Barbados. It is not I who wrote a cheque in a Hospital room and gave Eric Sealy \$80 to carry on his Black Power activities,

Mr. SPEAKER:

Will the hon. member be so good as to intimate to the Marshal, who awaits his pleasure; the name of the person.

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

I have told the Marshal who it was, Sir. The person has just gone out.

Mr. SPEAKER:

I thank the hon. member for his co-operation.

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

Sir, I would ask ? The Hon. Leader of the House, since he has so much influence over him - up to last Sunday he paid a man called Unie Rollings \$10 to carry Eric Sealy to Speightstown to find a platform on which to curse the hon. junior member for St. Peter. He paid a man called "Tiptoe" to carry him to a secret meeting with Stokely Cannichael. Do you want him to come in the House and heckle members now? We have evidence, Sir.

Mr. SPEAKER; Well, that evidence may be used in the appropriate place, but it cannot be used under the motion "That this House proceed now to Private Members' Business." I know the hon. sanior member for St. Thomas.....

Mr. HINDS:

On a point of order, Sir. The hon. senior member for St. Thomas has said that in the presence and rearing of the Leader of the House and he has not denied it.

Mr. SPEAKER; I hope the Leader of the House will not fall info the same error as the hon. senior member for St. Thomas. Will the Acting Hon. Leader of the Opposition intimate what Private Members1 Business will be done?

Mr. J. M. G. M. ADAMS; Sir, I apologise to the Leader of the House. My temper was lost for a moment in connection with the question of financing Eric Sealy; it was irrelevant and unnecessary. Even without objection, I will apologise and withdraw the remarks, (Interruption form the Gallery.)

Mr. SPEAKER:

The Marshal and the Police will no doubt do their duty; I cannot leave here for the moment.

Mr. ELLIOTT MOTTILBY:

You must direct them to do their duties.

Mr. SPEAKER:

I do not need any advice even from the hon. and learned junior member for Bridgetown.

4.10 p.m.

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

Now we are placed in a very awkward position. Those who connived with the hon. senior member .for St. Joseph have got their way; they have prevented the Opposition speech from being broadcast. I am perfectly ready to start my speech, but this is a case of closing the stable door after the horse has got out. Nothing was done when the hon. senior member for St. Joseph made threats. When he got up and

attempted to put his threats into execution near to the recorder, he could have been removed then. He was perhaps afraid in the presence of the Government Information Officer and the officials of C.B.C. to do any damage to the expensive equipment there; so he was allowed to come back here, sit down and cut the wire under his feet with the assistance of the hon. junior member for St. George who could have stopped him.

Mr. HOPPIN:

Mr. Speaker, on a point of order, I object to the statement made by the hon. senior member for St. Thomas. I had nothing to do with the wire.

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

It was a sin of omission. I am not suggesting that he handed the wire, but he opened his feet and let the hon. member get at the wire. In the circumstances I do not see that the Leader of the House or anybody will expect us to make our speech without it being recorded. What I would suggest is a short postponement to allow the Government Information Officer and the officials of C.B.C. to get new recording equipment. In the meantime I give notice that I am holding on to this piece of equipment because tomorrow morning I am going to initiate a prosecution against the hon. senior member for St. Joseph for malicious damage. So if he wants equipment, let him get a new piece of equipment.

Mr. SPEAKER:

Anyhow, does the hon. and learned member for St. Thomas seek to do any other Private Members' Business?

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

Sir, it is not a question of any other Private Members' Business. I want to hear from the Leader of the House that he will ask the Government Information Officer to get fresh equipment now, and how soon he can get it. We owe it to ourselves. If the Hon. Leader of the House wants a triumph of such a shabby and dishonest nature, a triumph so upshot as the removal of the hon. senior member for St. Joseph, let him get it; but let him understand that the onus is being put on his shoulders and not on ours. We have not got one piece of recording equipment here to record anything. The House, I believe, has a recorder. I do not know if the tape recording quality is up to the Government Information Office standard, but if I was assured that the tape recording made by the House itself would be made available for such time as Private Members' Business still exists to the Caribbean Broadcasting Corporation and would be used, I would make my speech. But nobody could believe under the circumstances that the onus is anywhere else but on the Government to attempt to make possible what a poisonous reptile has sought to make impossible here this afternoon.

Hon. J. C. TUDOR:

Mr. Speaker, my understanding is that it is not now possible to effect repairs in order for a broadcast to be arranged this evening, I go further and say that if the hon. member wishes to choose another occasion, the facilities will be at his disposal; but I cannot guarantee that he can have them this afternoon because I am advised that it would take an hour or two to effect these repairs. The hon. member must remember that if you put this thing off much later than 7 o'clock or so, it would not be possible for it to be re-broadcast at the peak listening hour-which is what the hon. member desires. (Asides)

Mr. SPEAKER:

Members not speaking please observe the appropriate Standing Order.

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

If the hon. member would give way, we are perfectly willing to have it recorded later today.

Hen. J. C. TUDOR. I am afraid it cannot be done today. It can be done on another occasion, and done properly. (Asides) Mr. Speaker, I am telling the House what has been told to me, and the hon. member is telling me it is not true.

Mr. ELLIOTT MOTTLEY:

We are not asking about repairing anything. Do you mean to say the Government has only one tape-recording machine? is there only one tape- recorder they can bring in this House? (Hon. J. C. TUDOR Nobody said that.) Well, go and get another and bring it in here. You are playing for time for the hon. member to come back in here and cut things again. You are not dealing with Idiots, Mr. Speaker, we would like an assurance from the Government that they will bring in another tape-recorder and another microphone to the House before we finish to have it done today. We do not care whether it is re-broadcast. We want to do the speech today.

Hon. J. C. TUDOR:

Mr. Speaker, the only assurance I will give is that arrangements will be made for hon. members to do this broadcast on another day. I can give no assurance in respect of today.

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

Mr. Speaker, it must be obvious to any thinking person that what has happened is that the Leader of the House wishes the hon. senior member for St. Joseph to have his little triumph to be able to say that he said that no broadcast went out because he was not given time. It must be obvious to anybody who is not a hypocrite that this is what the Leader of the House has in mind. Now, Sir, they are strong words. I am going to give some soft ones. It does not reflect only on us that a member is able to cut a wire and break up any of the proceedings of this House. It reflects on the hon. junior member for St. John, the hon. junior member for St. Lucy, the hon. senior member for St. Philip, the hon. senior member for St. Peter, the hon. senior members for St. Andrew, St. George and St. Michael; it reflects on everybody over there as well as over here. It reflects on all of us when a member is allowed to be so unruly and wicked, so contemptuous of the Rules of this House and the traditions of parliamentary democracy that he is able to do something like this. It is in the interest of every hon. member in this House that no member should be able to say that he broke up a proceeding of the House? and succeeded in it, and the swift reneging by the Leader of the House who comes and tells us that it can be repaired in an hour or two and, when we say that suits us fine then says we are not having it today, can only be a reflection of his approval of what the hon. senior member for St. Joseph has done, and, like yourself, I observe he has not risen to deny it or condemn the hon. senior member for St. Joseph. Maybe he is afraid the hon. senior member for St. Joseph would foreclose on certain loans, but he has not risen to say one single word against the hon. senior member for St. Joseph. He is happy to sit down there and see that.....

Hon. A. Dad EDWARDS:

On a point of order, the hon. senior member for St. Thomas has just made a certain statement which by innuendo he could not go outside and make. The same privilege which the hon. member has here in making such a statement and which any hon. member in this Chamber has to make statements which they cannot go outside and make, is the same privilege that the hon. senior member for St. Joseph used in cutting the wire; so why all this hullabaloo? Until we reach a stage where the Rules of this House are changed so that people can-not come in here and make statements and do things which they cannot do outside in ordinary circumstances, this state of affairs will remain. What has happened today is a classic example that things need a complete renaissance, a reformation in this place; otherwise that situation will worsen. You cannot get down on the hon. senior member for St. Joseph for what he has done, because he has done it under privilege and nobody can do him anything.

Mr. SPEAKER:

I am afraid that is no point of order. The hon. member has proceeded to make a speech.

Hon. A. DaC. EDWARDS:

Mr. Speaker, what I am saying is that all of us at some time or other abuse the privileges which we have in here. (Mr. HINDS If he goes and murders the Speaker, would he be doing it under privilege?) Sometimes people say things which are tantamount to murdering the Speaker in hero and they do it under privilege, 4.20 p.m.

I have heard members over there doing it today under privilege; they could not go out and say some of the things that they can say in here, and what I am saying is that until the-Rules of this House are changed to more people respect one another and the office which they hold and the House, this situation will continue. I do not like it myself, but we have the privilege in here; so we cannot do anything about it.

Mr. SPEAKER:

That was no point of order.

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

Sir, I am still appealing in Private Members' time for this to oontimis; the hon. senior member for St. Andrew really is talking the most thorough-going nonsense. The only privilege in here applies to words, nor have I said anything that I could not say outside. I would challenge him to repeat what I have said that privilege protects me in saying in here, but that the law in some way would challenge me outside. If he wants a lesson in the law, he would learn, once he proved it, that to cut a wire in here on Government property is as criminal an act as if he had decided to do it in Broad Street. There is no question of privilege; he is talking absolute nonsense. And I world say this. It is objectionable to say of an hon. member that he has used remarks he would not repeat outside. He may not know that, but you, with your great knowledge of Erskine May, I am sure, can tell him that. I would not press the matter; that point of order is an expression of friendship with the hon. senior member for St. Joseph. He has done his duty, Sir he can sit back and be sensible for a change; he does not need to continue; but it is the Hon. Leader of the House who deserves censure.

Having told us that this equipment could be repaired in on hour or two, we are appealing to Mm again to repair this equipment and let us make our reply today; it can be broadcast tomorrow or Thursday. I do not distrust the Government Information Officer; I believe he will keep the tape safe overnight or over two nights. If the Hon. Leader of the House is unwilling to do this, he must of necessity stand condemned of connivance with the hon. senior member for St. Joseph, because having said that it would take an 1 our or two, and securing the knowledge that no Government Business is going to be done today, Sir -he can rest quite secure that no other Government Business will be done today - unless it is done in the hour or two while we are awaiting equipment, he can rest quite happy. What goes for one goes for all. I am appealing to him again to get the equipment; it reflects on the whole House when one of its members can misbehave. There is no question of privilege in the senior member for St. Joseph's misbehaviour; it is just criminal. 1 will see him before a jury too, Sir, because this microphone is worth more than \$24.

Hon. J. C. TUDOR:

Mr. Speaker, I do not expect that I am going to be more abused than I have been so far; so I repeat that I am quite willing that the hon. member or members opposite should have the facilities on another day. They cannot curse me worse for saying so now than they have done, and I do not propose to reply to anything they say. I always make up my mind how I am going to react to any conceivable situation; therefore when the situation is upon me I do not have to react differently than in the way I have decided. Nothing therefore that the hon. member can conceivably say would get me to answer him this evening because I would not really demean myself to do it. But I want to say this; I am only making this point because in all the confusion which has gone out the Government's case may go by default, and that I do not wish,

I am certain that all the manufactured indignation we have heard here this afternoon would not have been heard from that side of the House in June or July 1968 (Mr. J. M. G. M. ADAMS: Smith was in our Party then).....because he was in your Party then; well, this is the difference between us. When he would have cut the wire in your Party, it would have been properly cut, according to you, because he was in your Party. (Mr. HINDS He had no intention of cutting the wire.) I will neither condemn nor.....

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

On a point of order, just let it be understood, I am not going to condone any cutting of any wire, I thought the hon. senior member for St. Joseph was a damned fool to play about with the pliers anyhow, and he was then betraying the Leader of the House because the Leader of the House had told him before that he would get broadcast time, if you want a secret out. You told him beforehand he would get the broadcast time, and the whole business of the pliers was an artificial storm connived then between the Leader and the senior member for St. Joseph.

Mr. SPEAKER:

No point of order.

Hon. J. C. TUDOR:

The hon. member just reminded me of a story which is quite funny, but has a bitter edge to it. Mr. Speaker, a sailor was once walking along the wharf side and he saw two children playing with an unexploded torpedo shell, and he said "I do not think you want to do this, you know; I remember that Twenty people were once blown to bits by doing this kind of thing, " whereupon one of the children replied "This cannot happen; there are only two of us. " (Mr. J. M. G. M. ADAMS What is the relevance?) The relevance is that nothing you have said has happened because you are laying one thing and I am saying another. I am saying what the hon. member has said has not taken place - (a) that there was an agreement between the hon. senior member for St. Joseph and myself in respect of the 1968 broadcast, and (b) that the hon. member had no intention of cutting the wire. This is not true, and you

know it is not true.

Mr. J. M. a M. ADAMS:

On a point of order, I have not said there was on agreement, but I am saying that the hon. senior member for St. Joseph knew, via the agency of the hon. junior member for St. Lucy, that it had been agreed by the Government that he would get the broadcast time. I am not saying that he and the Leader of the Government agreed; I am saying that he knew through the Leader of the Government; I do not even know for certain that it was a direct telephone conversation.

Hon. J. C. TUDOR:

But then if the hon. member knew that, he knew no more than the Leader of the Opposition knew, because this was communicated to him, and presumably - at least I do not know how things work in the Party, but I have to assume that the Hon. Leader of the Opposition communicated that intelligence to the hon. senior member for St. Joseph as he must have done to other hon. members.

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

On another point of order, in other words, is the Leader of the House not now agreeing with me that before he did the charade with the pliers last time, he knew there was no question, that he knew perfectly well he would get the broadcast time? In other words, the Leader of the House is now agreeing with me.

Mr. SPEAKER:

No point of order. There has not been a point of order in a long time.

Hon. J. C. TUDOR:

But the point is this, Mr. Speaker; it is not whether the hon. senior member for St. Joseph was only playing a game with the House; whether he meant it or not he was fully backed by that side to any limit he proposed to go, and the hon. member has confirmed this by saying that even if he had in fact cut the wire then, it would have been all right with them because he was a member of their Party.

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

Mr. Speaker, I am sorry I have to do the jack-in-the-box, but I have not said so.

Mr. SPEAKER:

Is this a point of explanation?

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

This is a point of order now, Sir, because I am being misrepresented - not explanation. The Hon. Leader of the House is saying that I was prepared to accept a breach of the Rules of the House; that is not so. What I was giving my acquiescence to on the earlier occasion was the hon. senior member for St. Joseph taking part in the broadcast on the Budget; that was all right then because he was then member of our Party and we could plan with him. That is all I am giving my acquiescence to, and that is all I thought the hon. member meant-not a word more.

Hon. J. C. TUDOR; I can accept that quite easily and answer it with this; if it is true that the circumstances have now altered and the hon. senior member for St. Joseph could not expect because he is not now a member of the Labour Party to have broadcast time, it is also true that the Leader of the Opposition was written by me and told in this letter that all the time there was available would be equal time, and that it would be shared or shareable it would be at the disposal of the Opposition to make their collective replies. 4.30 p.m.

The point is that all who on that side wished to participate in it would know that they would have to share the time with the official Opposition. The Leader of the Opposition knew this, the hon. senior member for Bridgetown knew it, the hon. senior member for St. Joseph knew it. I believe the hon. senior member for St. Thomas understands the import of this, because I understood him to say, in the course of his speech, that, given certain circumstances time might also be available out of the 59 minutes for the hon. senior member for Bridgetown to use some of it and, if he cared, to, share that little bit with the hon. senior member for St. Joseph. What is the difficulty in saying to the hon. senior member for St. Joseph: "This is the way in which it will be done; you will have some of it?" I am not going to allow the Government to be blamed in this respect. We have given them equal time, and it is for everybody on that side. It is a matter for those on that side to share the time among themselves.

Mr. Speaker, I cannot give any assurance that the hon. senior member for St. Thomas will have the facility of C. B. C. tonight, but he can have it another day on the same terms on which he came in here last Tuesday. That is as far as I can go. I am quite prepared, Mr. Speaker, not to move from that, and to take any abuse that is coming.

Mr. ELLIOTT MOTTLEY:

Mr. Speaker, it was some 30 minutes ago that the hon. senior member for St. Joseph cut the wire

leading to the microphone and, I believe, damaged certain property belonging to the Government. It was some 20 to 25 minutes ago that the Leader of the House announced that it would take one hour to fix that equipment.

Mr. SPEAKER:

Has the hon. member risen to a point of order?

Mr. ELLIOTT MOTTLEY:

I have risen on the same thing the hon. junior member for St. Lucy was speaking on.

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

Mr. Speaker, we intend to resume Item 1 of Private Members' Business, in due course, when we have the broadcast facilities as are necessary. I introduced the motion to the House before I was Interrupted by the hon. senior member for St. Joseph by way of one or two preliminary remarks. I intend Just to expand a little on the preliminary remarks which are relevant to the motion before I get into the real meat of the reply. Sir, which will be whenever the Government choose to give us such time as has been agreed between the Parties. I want to say Just these things. Sir, . .

Hon. J. C. TUDOR; Mr. Speaker, am I to understand that the hon. member is dividing his reply into two parts: a part now and a part by broadcast?

Mr. SPEAKER:

That is my understanding.

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

Mr. Speaker, the Opposition has to have 59 minutes of broadcast time. When the equipment is here we will then deliver what we want broadcast. Is there anything wrong with that?

Mr. SPEAKER:

Let the hon. member proceed; I did not stop the hon. member.

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

Mr. Speaker, I want to say this about the Resolution. This is not a Resolution of the ordinary sort, for the reason that we have canvassed so extensively within the last hour. Although, on the face of it, it is a straight forward reply to the Budgetary Proposals, since it is limited deliberately by us in the Opposition as far, at least, as to the time of ending and the time within which certain members complete their speeches is concerned, it is not going to be a straightforward debate on a Private Members' Resolution.

I want, firstly, to deal with some of the procedural circumstances so that the Leader of the House can understand our views about this question of replying to the Budget. First of all, I would ask that the Press, Radio and Television take the greatest possible care in reporting what is said by any hon. member of this side, or what has transpired at any time during the moving of this motion.

Last week I was in my seat to give notice of the Resolution and to ask that it be done in all its stages that day. Notwithstanding that, C.B.C. Television broadcast something which would have been a breach of privilege, had it not been partially corrected rightaway, that the reason why no Budget Reply was carried out was that the senior member for St. Thomas was not in his place. As I understand it, Sir, a correction was then handed to the Announcer who said that I had got here late. My understanding of the situation was, Sir, that I had asked the hon. junior member for the City to have the time postponed to 5.15 p.m. because it was unlikely that I would have been here precisely at 5 p.m. Resting upon that assurance, as you, Sir, know, I appeared in the Lobby at five minutes past five and attempted - perhaps, a little in breach of Standing Order 29 (4) - to catch your eye to ask if I should then come into the House.

Notwithstanding this, Sir, Caribbean Broadcasting Corporation, as it so often does, especially sometimes it seems to me, when I am the party concerned, got things wrong. I have every respect for the General Manager and, indeed, for the News Editor. My respect does not extend to all the commentators and the news readers. I must say that, and I would particularly warn that the next occasion upon which they get anything wrong that goes on inside this House, I will ask Your Honour to deal with it as a matter of breach of privilege.

When the hon. senior member for St. Philip and I were selected by the Parliamentary Association to go to London as representatives of Parliament at a Parliamentary Course, C.B.C. omitted my name from the list of those invited. I believe that was then the fault of the information sources of the Ministry of Community Development, because they gave wrong information to the Government Information Officer who did not check it, and sent it to C.B.C. who also did not check it. This is not good enough for Parliament. We expect that when the Press is allowed to enter the House of Assembly it will give a true and accurate report of what goes on. There has been some effort recently in the pages of the Advocate to give accurate reports, but members of the public are astonished when they are told by word of mouth the

monstrous things that are said by the Prime Minister, to take an example, in this House that go unreported by the Press due to the importance of him who says them. 4.40 p.m.

When notice was given of this Resolution last week, it was the Prime Minister who called out -and I understand it is in the Reporter's notes - to a member on this side that he was a blasted liar. The Advocate published the remark, but was unwilling to publish the name of the speaker, and Sir, you can be quite sure that C.B.C. would not carry anything so damaging of and so detrimental to the Prime Minister. On this particular occasion I believe that the Advocate, Rediffusion and C.B.C. Television will have the means of knowing accurately some of what is going to be said in the moving of this motion. I would ask that they deal with it honestly and fairly. That is the first point I have to deal with on the Press.

The second point relates to today's proceedings. I have no doubt that it will be represented by the Press, especially by the C.B.C., the creature of Government, that the hon. senior member for St. Joseph - I think I still have to call him that even though he has been put out of the House for today -threatened to stop the broadcast of the Budget Reply from going out unless he was given time, and he succeeded in so doing. What I want - and what I think the public would be justified in knowing is that the Opposition comes here not to waste time with silly prima donnas behaving as though they are something that you see when you lift up a stone and turn it over, and underneath the stone is a little wet and damp and moist and you know things live under stones in those conditions. That is what really the hon. member for St. Joseph has reminded me of today, I would not like to think that it is represented to the people of Barbados that we have come in here to talk about the lack of capacity of the Prime Minister to deal with the inflation in our society, the lack of his capacity to find a sensible tax to impose on the hotel industry, the burden at a grievously miscalculated time that he finds to place upon persons who have to use, own and drive motor cars in this Island - these are what we have come in here to talk about, and I would not like the public to think that any triumph has been scored by a vain man in the menopause of life, trying with the connivance of Government to stop the Opposition from opposing the Prime Minister's Budget. We do not even know that he is in the Opposition. As far as they are concerned, all that he has achieved is that he has succeeded with the connivance of the Leader of the House in preventing the Opposition from exposing the Government on this particular occasion. We have come here armed to talk about how it is year after year we can be told that a deficit is being budgeted for by the Prime Minister in order to preserve employment by avoiding a deflationary situation, but a surplus is being achieved. We have come in here to talk about how it is year after year the Capital Estimates run at amounts of \$14 million, \$16 million and \$18 million, but that sum of money can never be spent. We have come in here to talk about the discrepancies in the Budget Speech that at the start he says how it is impossible to raise loans and at the end says that the capital programme is going to be entirely financed out of loans. That is what we have come in here to talk about, not waste time, not take up a pliers and make ourselves fools and idiots, not behave like parliamentary hooligans.

Sirs, there is a man in Bermuda, an outright political hooligan called Roosevelt Brown who came

down here some time with the full knowledge of the Government and encouragement of the Leader of the House who carried him into the dining-room of the House of Assembly, a parliamentary hooligan who organised Black Power riots in Bermuda and used language in Parliament that has never been used in this Parliament. He is a better behaved person than the hon. senior member for St. Joseph because at least he is a disciplined member of apolitical Party in the Bermuda Parliament, and as far as I know, if the Opposition has dealings in the Bermuda Parliament with the Budget, he has not so far sought to interrupt them. It is only an enemy of the Opposition who wants to interrupt the Opposition in its exposure of the Budget proposals; it could never be a member of the Opposition who wants to stop the Opposition's reply from being heard, and who wants the Opposition to look ridiculous. This is a pure matter of connivance even with the hon. junior member for St. Andrew though I do not suspect he knows what connivance means. I think he would imagine that means something about parking your car outside the Old City; but anyhow it seems that the junior member for St. Andrew, a Bible puncher where speeches are normally concerned, can rise to support the hon. senior member for St. Joseph. None of us would have the insolence to tell the Prime Minister that he should allow the Leader of the Government to 'get a piece' in a broadcast from the House. We would not be so rude as to try to dictate to the Democratic Labour Party how it should share out the speaking time in here; and are we to be told by the Leader of the House that in reply to the Budget a man who resigns from our Party is to be in a better position than a man who remains within it? If hon. members such as the hon. junior member for St. James, the hon. junior member for St. Peter and the hon. senior member for St. James are content that a coherent reply is made by one or two persons on behalf of the principal Opposition Party to the Budget proposals, is the Government then going to tell us that we must allow a renegade from our Party, lured out of our midst by commercial advantage, to speak? We were not refusing to let him speak, and that is the whole point which I hope the Press in an exercise of honesty will report. Speeches had been prepared by the hon. senior member for Christ Church and myself, and, I believe, the hon. senior member for Bridgetown which would have allowed, in the absence of bad behaviour, the hon. senior member for St. Joseph to speak. What we could not with self respect as a Party have done, what we could not with self respect as Her Majesty's Opposition have done is to bow down to the blackmail of the hon. senior member for St. Joseph and the hon. junior member for St. Lucy. We could not allow the hon. senior member for St. Joseph and members of the Government to bully us to tell us what to do, and I will tell you something else. We are not a pack of damned hypocrites. The easiest thing in the world would be to have told the hon. senior member for St. Joseph before-hand that he would get time to speak and then talk him out; but we are not hypocrites. A policy of honesty prevailed in our highest councils. The man is very easily flattered, Sir, as you and the Leader of the House would know, and the easiest thing in the world would have been to tell the hon. senior member for St. Joseph that he would have 15 minutes at the end-or whatever we felt to tell him-and then talk him out. But we are not hypocrites, and we were not willing to do that, and the whole of the people of Barbados are paying for our lack of hypocrisy. We were content to be put upon rather than show insincerity in a matter such as this. We were content to have Government members connive with the hon. senior member for St. Joseph rather than giving any assurance which we in our hearts knew to be false, because we have not been in Government for ten years to become a pack of corrupt and worn-out politicians, as morally corrupt as financially. We are still a young and vigorous Opposition, we believe, and one thing that the hon. senior member for Christ Church and I were not prepared to do was to take a course of hypocrisy on this occasion; we did not do it, and Your Honour has seen the results. We will not do it again. We will not be giving the hon. senior member for St. Joseph any assurance that when we have completed our exposure of the Prime Minister's Budget proposals that there is any God-given right for him to speak.

4.50 p.m.

I for one am not intending in the slightest to extend my speech beyond the twenty-five or thirty minutes which my notes will carry me, unless it is necessary by reason of the absence of my seconder.

Hon. J. C. TUDOR:

Mr. Speaker, on this point -I am grateful to the hon. member for giving way -would the hon. member then indicate on what day he wishes to proceed? I take it that the presence of the hon. senior member for Christ Church is vital to this exercise and, as he is not now in his seat, this may be one of the reasons why he is not proceeding today. Be that as it may, could we hear from the hon. member now when he proposes that the broadcast may be done?

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

First of all, Mr. Speaker, let me disabuse the mind of the Leader of the House firmly, finally and decisively. It was intended that the hon. senior member for Christ Church second this motion. Alternative arrangements were made today for the hon. junior member for St. Peter to second it, and it is in no way connected with the fact that the hon. senior member for Christ Church is not here that the debate did not proceed. The debate did not proceed because the proceedings were broken up by the hon. senior member for St. Joseph, and I believe he would have broken them up whether the senior member for Christ Church was here or not. I know what is in the speech of the hon. senior member for Christ Church; some of it I would have repeated, and a great deal of the rest the hon. junior member for St. Peter, I believe, would have covered in his own way. Just get this quite clear; we are not a two-man Party; we are not a Party that when Number one and Number two have batted you then have to turn to such as the hon. senior member for St. Andrew to try to do his best.

Sir, next Tuesday would suit us; but what can I say now about the hon. senior member for St. Joseph? He is going to come in next Tuesday. We are not giving him any assurance next Tuesday; we are not giving him any fairer words next Tuesday than he had this Tuesday. It is up to him to come in, cut it again and have the same connivance by the Leader of the House going on. I know if the Prime Minister was in here he would get a tape recorder and make us broadcast, because he has more respect for the institutions of the House, I sometimes think - he behaves worse - but he has more respect at heart than the Leader of the House; I know that, Sir. I know that the senior member for St. Joseph could not do it if the Prime Minister was in the island, because he would revive the days when he used to threaten to kick him to the moon, and call on the Police to observe the activities of the pliers; he would remember the days when he said he only went into the senior member for St. Joseph's house once, and there was a pig tied to the dining room table.

Mr. SPEAKER:

Is the hon. member still dealing with the fiscal proposals?

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

He would remember how the senior member for St. Joseph used to ask him if he had his injection done at the Mental Hospital that day, and he would remember how he used to threaten to lock him up for selling car parts on a Sunday; all that the Prime Minister would remember,

Mr. SPEAKER:

I must appeal to the hon. senior member for St. Thomas, who, we know, is capable of doing so very much better as a shadow Cabinet Minister of Finance.

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

Are any of these quotations inaccurate, Sir?

Mr. SPEAKER:

Entirely irrelevant, inappropriate.....

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

But not inaccurate; they all happened on the floor of this House.

Mr. SPEAKER:

Yes, but one might also read the Bible from the beginning to end-which would be most helpful, but not relevant.

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

Sir, next week on Tuesday we hope to deal with the taxation of the tourist industry. On the whole I can say that we approve of it, although we might like to have seen it in another direction; next week we will say something about waste in Government, the great D.L.P. equation -the Prime Minister seeks to write the equation that expenditure equals progress; we shall say the great D.L.P. equation is 'expenditure equals waste plus corruption and then a little progress'. We will deal a little bit with the

Prime Minister's new-found knowledge that some day we are going to wake up and find out that the country does not belong to us any more; we are going to deal with the fact that three-quarters of all the money earned in this Island goes out of it to buy goods to come in here; that 77% of our gross national product is spent on imports, a higher percentage than I have ever been able to find in the statistics of any country in the world; all of that has to be dealt with, and the fact that this Government seems too old and tired at this stage to deal with it.

We are going to ask how it is every year we cannot get an economic survey; we are going to wonder why such a heavy load should be put into the Package Tax on cement and paint so that construction costs are inevitably going to go up for all Barbadians, at a time when everybody is trying to get a little house built, or a little property developed or properly established; all of that will be heard next Tuesday, God, you, the Leader of the House and the senior member for St. Joseph willing. Perhaps I should not say 'God willing' with some of the names in that list; I better had say 'Satan willing', because it is Satan who finds mischief for idle hands; it is Satan who does these little things and who gets into us sometimes, and who unfortunately resides in some of us for most of the time.

Sir, I am not ending my speech, but I understand that Private Members' Business came to an end; at what time did it come to an end?

Mr. SPEAKER:

I was told some seconds ago that there was two more minutes; so there is a maximum of a minute and a half.

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

Sir, it is essential for me to speak for a minute and a half, or can I sit down and reserve the rest of my speech?

Mr. SPEAKER:

I will note and recall - perhaps you can move that further consideration be postponed.

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

I do so move. The forty-five minutes then runs from when we come back next week and I start on my speech again, because I would not like the points of order to be a part of the forty-five minutes. I hope I can have an assurance that we will get extra time for points of order.

Hon. J. C. TUDOR:

The only assurance I can give the hon. member is that he will not be interrupted by me.

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

It was not the Leader of the House who himself drove anybody to Brighton to meet Mr. Carmichael; he paid somebody to do it. It was not the hon. member who cut the wire; what use is it for him to say I will not be interrupted by him? We want an assurance that you are not going to start the bell going, and then the fifteen or twenty minutes while we dispose of the hon. senior member for St. Joseph is then taken out of our time.

Hon. J. C. TUDOR:

If the hon. member would give way, all of this is silly. The hon. member knows that they have fifty-nine minutes of broadcast time, and that is what they will have; not one minute less and not one minute more. 5.00 p.m.

Mr. ELLIOTT MOTTLEY:

I beg to second that.

The question that further consideration of the matter he now postponed was put and resolved in the affirmative without division.

GOVERNMENT BUSINESS

Mr. SPEAKER:

When we were last under Government Business, the House was in Committee and to that it shall now revert.

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

Chair.

JURORS ACT, 1970 IN COMMITTEE

Mr. CHAIRMAN:

There is an amendment to Clause 4. The question is, "That the figure proposed to be deleted stand part."

Mr. HINDS:

Mr. Chairman, when the Committee asked to report progress, I was then addressing the Chair.

Mr. CHAIRMAN:

You may do so now.

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. R. St. C. WEEKES:

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.

SUSPENSION OF SITTING

Hon. J. C. TUDOR:

Mr. Speaker, I beg to move that this sitting be now suspended for 15 minutes.

Hon. R. St. C. WEEKES:

I beg to second that.

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

On resumption

Hon. R. St. C. WEEKES:

Mr. Speaker, there being no quorum. I am asking that the Bell be rung.

Mr. SPEAKER:

Thank you; let the Bell be rung. The bell was rung and a quorum was obtained.

Mr. SPEAKER:

When the sitting was suspended the House was in Committee, and to that it now reverts.

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

JURIES ACT, 1970 IN COMMITTEE

Mr. CHAIRMAN:

When the sitting was suspended the hon. junior member for St. Peter was addressing the Chair.

The question " That the figure proposed to be deleted stand part" was put and resolved in the affirmative, the Committee dividing as follows:

AYES:

Hon J. C. TUDOR; Hon. R. St. C. WEEKES; Mr. SPRINGER; Mr. LOWE; Mr. SARGEANT; Mr. CORBIN and Mr. HOPPIN - 7.

NOES; Mr. HINDS; Mr. HOLDER; Mr. J. M. G. M. ADAMS and Mr. ELLIOTT MOTTLEY - 4.

The Question that Clause 4 st and part was put and resolved in the affirmative without division.

Clause 5 was called.

Hon. J. C. TUDOR:

Mr. Chairman, I beg to move that Clause 5 stand part.

Hon. R. St. C. WBBKESM beg to second that.

Mr. J. M. G. M. ADAMS; Mr. Chairman, Clause 5(a) is a somewhat difficult Clause. It has been normal for some years now to indicate whether a person who is a local felon is to be subject to disqualifications and whether in addition persons who are overseas felons are subject to disqualifications, though, generally, throughout the Constitution it is oil persons who have been convicted of felony in any Commonwealth Court who are subjected to one penalty or another. In the ordinary way this would allow an overseas criminal to come here, settle, and be in a better position, ' vis-a-vis sitting on juries, than some young Barbadian who, perhaps, serving an early sentence and repenting thereafter of his misdeeds would be.

I must confess that I am not in favour at all of preventing misdemeanants, even if they have been to

prison, from serving on juries. I said, I think, to the hon. junior member for St. George that if someone has been to prison, serves his sentence and he has been reformed, he could very well be in a better position to judge later on in life the guilt or innocence of some young man and may very well be more disposed, if he sees some young man whom he knows will benefit from such reformatory aspects of Glen-dairy Prison as exist, to convict him. I have never found that those persons with convictions who sit on Juries were any less disposed to convict than others. With this in mind, I wonder whether the Leader of the House has any information as to what exactly the Clause is intended to cover.

Sir, I should also say that, at least, one man who has been unable to read and write has been sitting on juries for the last two Assizes. I think that somewhere in the Act it should be made clear that you should be allowed to question prospective jurors as to how well they can read and how efficiently they can write. 5.30 p.m.

Hon. J. C. TUDOR:

The hon. member raises a very interesting point, Mr. Chairman; but I believe, subject to any correction which hon. members who know more about these things than I do might make, this section on disqualification has come down almost exactly from the Act of 1891 except for such changes as 'members of Senate', 'Ambassadors' and things like that. Now, as far as I can see under Section 3(3) of the 1891 Act, the Parochial Treasurers could not insert in the Jurors List the name of any person who was unable to read or write, who was a member of the Legislative Council or the General Assembly, or a priest of the Roman Catholic faith, an officiating Minister of the Hebrew religion, a Protestant or dissenting Pastor, Barristers-at-law actually practising, Attorneys and Proctors actually practising, all officers of any Court of Law or Equity, legally qualified medical practitioners actually practising, all officers of Her Majesty's Army or Navy on full pay, Consuls of any foreign power, every person receiving salary or allowances of his office from the Public Treasury, the Manager and Clerks of the Savings Bank, Poor Law Inspectors, Inspectors of Highways, all parish clerks, all persons of the age of 60 or more. Without actually looking at the Act itself, I do not see any reference made to them specifically, but I believe that some such disqualification must have appeared in the 1891 Act and must have been repeated in the subsequent amending Act. If the hon. member would like to tell us something more about it - I daresay this might be helpful - but I cannot help him beyond that point.

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

The 1891 legislation said that nobody under sentence of outlawry or no person convicted of any infamous crime or no felon or traitor and so on unless he had had a free pardon; so what I am saying is that modern language, where it comes to convictions, usually state whether you mean local convictions or overseas convictions. After all, a man cannot serve in the House of Assembly if he is under sentence of death in a Commonwealth country - something which I think is nonsense, because a man may be a Freedom Fighter in some Commonwealth country, he might be a Barbadian, and be sentenced to death by a repressive regime - the regime in Rhodesia, perhaps - and come here and cannot be elected to the House of Assembly for that reason. That sort of thing can be nonsense in its place, but it is the modern

style of drafting.

Sir, I do not think this section was in the old Act. The Crown Law Officers always have a list of people with convictions. This would have to have been in the 1957 amendment which I have not got to hand. If it was in the 1957 amendment it would have been much more honoured in the breach than in the observance. The Crown Law Officers always have a little secret list which the Police give them of persons and against a name is written "anti-Police", and the only assessment that the Police in their efficiency have for estimating whether a man is anti-Police or not is whether he has got convictions. The Police put a little star against many former Policemen on the Jury List and hand it to the Crown Prosecutors without realising that many former Policemen have left the Force with no love for their colleagues, and many a defence lawyer is happy to see the approval with which some ex-Policemen are launched on to the Jury by Prosecution Counsel.

Hon. J. C. TUDOR:

As far as I can see here, what the 1957 amendment did in that respect was to replace section 3(2) of the principal Act to provide that no man who has been convicted of any felony or misdemeanour involving dishonesty in respect of which he was sentenced to imprisonment and has served a sentence is qualified to serve on any Jury unless in any case he has obtained a free pardon. I do not know if this helps, but it would appear that there is a section in the 1957 Act which was rewritten as a replacement to section 3(2) which rules out conviction of felony or misdemeanour.

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

Again, Sir, perhaps we are just butting our heads against a wall, but a lot of felonies are really relatively minor offences. I believe it is still a felony - certainly it is in England and I believe it is in Barbados - to keep an unlicensed yard for the slaughter of horses, whereas no malicious damage that I can think of offhand is felonious except Certain types of arson of certain buildings. Most malicious damages are non-felonious although they may be serious things. You can go and destroy a man's motor car with a hammer or mallet and not be guilty of a felony; you are guilty only of a misdemeanour, and normally would not be sent to prison for it. But I believe some body who made it a practice to walk about destroying motorcars is a more dangerous person than a man who has killed a horse in his backyard - an old horse for perhaps horse meat or whatever they kill horses for - but yet the one is a felony and the other is a misdemeanour. I would really recommend to whoever has drafted this Act to read some of the works of Sir Alan Herbert who has poked a lot of fun at the distinction between felonies and misdemeanours, a distinction which is now abolished in England and which is abolished for certain purposes even in this Act. I do not know why misdemeanants who have served imprisonment or all felons should be classified like this. Every larceny is a felony, and numerous larcenies are punished by imprisonment.

Mr. Chairman, I know of a recent case where a young boy of 16 had some argument over a radio with a boy living in the same house, and he took the boy's radio. He was convicted, reprimanded and discharged, but he has been given a certificate from the Police saying he is a felon. He got into the Hotel School and they put him out because they said he was a convicted felon, and when he grows up he would not be able to sit on a jury. All that has happened is that his right to take the radio failed. He did not take the radio intending to steal it. They were arguing and he took it, but now he is a convicted felon, cannot sit on a jury and cannot attend the Barbados Hotel School. So the more we write these distinctions into our law and the more we grasp on to felonies as being serious things, the more we are going back to the 18th Century when all felonies were punished by death. This is really the historical difference between them. Felonies were offences which were punishable by death, and misdemeanours otherwise, and I think it is rather silly in a modern Act to go ahead with this distinction. You could have something such as anybody who has been sentenced to a term of imprisonment for more than twelve months for a misdemeanour or a felony to stop the dangerous drivers, although really I think that a man who drives drunkenly and kills somebody with a motor car may be just as wicked as a man who steals. I mention it, Sir, for the edification of members. I am not going to move an amendment because it would delay the coming into force of the Jurors Act. I hope that the Crown Law Officers will think some day when they come to deal with fresh drafting that these considerations are getting outdated.

Mr. ELLIOTT MOTTLEY:

Mr. Chairman, I would like to move an amendment to paragraph (a) that after the word "misdemeanour" appearing in the first line, be inserted the words "or felony", and after the word "imprisonment" in the third line be inserted the words "of at least twelve months" and delete the words "or of any felony".

I beg to move that amendment to this section.

5.40 p.m.

Hon. J.C.TUDOR:

Would the hon. member like to let us go ahead and leave this Clause and come back to it, because I would have to know first of all of any other legislation in any other part of the world. I beg to move therefore that consideration of clause 5 be postponed.

Hon. N. W. BOXILL:

I beg to second that.

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

Chi use 6 was called.

Hon. J. C. TUDOR:

Mr. Chairman, I beg to move that clause 6 stand part.

Hon. R. St. C. WEEKES:

I beg to second that.

Mr. ELLIOTT MOTTLEY:

Mr. Chairman, clause 6(e) states "Ministers of the Christian Religion, etc....." I would like to find out from the Leader of

the House if there is any reason why Ministers of the Hindu and the Moslem religions are not exempted also.

Hon. N. W. BOXILL:

Mr. Chairman, I am not sure about the answer, but I believe the reason is because the Hindus does not use Christianity as their religion. There are different forms of religion; these people use the Goran - the Moslems - and they do not swear by the Bible.

The question that Clause 6 stand part was put ana resolved in the affirmative without division.

Clauses 7 to 22 were called and passed. Clause 23 was called.

Hon. H. C. TUDOR:

Mr. Chairman, I beg to move that Clause 23 stand part.

Hon. R. St. C. WEEKES:

I beg to second that.

Mr. ELLIOTT MOTTLEY:

Sir, I do not know whether the Leader of the House gave any under-, taking as to whether he would bring any legislation to increase the rate of remuneration.....I know it cannot be done under this Act.

Hon. J. C. TUDOR:

I readily give that assurance, because this is under review.

The question that Clause 23 stand part was put and resolved in the affirmative without division.

Clauses 24 to 27 were called and passed. Clause 28 was called.

Hon. J. C. TUDOR:

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

Hon. R. St. C. WEEKES:

I beg to second that.

5.50 p.m.

Mr. ELLIOTT MOTTLEY; Mr. Chairman, this is the Clause which deals with challenges, and I am going to move two amendments to it. The First one is that subclause (5) ha deleted. It reads as follows:

"(5) Nothing in this Act shall prejudice the right of the Crown in any criminal trial to ask that Jurors stand by until the panel has been gone through."

It is unfair to allow the Crown the right to have standby people. As I said earlier, from time to time, in the Supreme Court the Judge has asked the prosecution not to stand-by people, because it is a situation that can operate unfairly against an accused person.

Under subsection (2), if you are going to limit the number of challenges to 7, then it cannot be sold to be fair, where several persons are charged, that the challenges should be limited to 10 in toto. It means that if 5 persons are charged, then each person will have only two challenges. I would seriously ask to postpone consideration of this Clause. I think the idea of having a sum total, where several accused are charged, is wrong. If in any one case you have twelve or fifteen people accused, it means that you are going to take away the rights of 5 of these people to challenge jurors. This is done to meet a situation here because, perhaps, you usually have two or three persons charged at one time; but if for some reason or other more than 10 people are put in the docks only the first ten accused, or whoever the Judge feels like calling upon, will be allowed to challenge. I feel that this is wrong because everybody would not be given an opportunity to challenge jurors.

Sir, I feel that there should be an amendment to the effect that where more than one person is charged, each person should be limited to having 5 challenges as of right. In the circumstances, you would do away with the idea of having a sum total for all the accused persons. I would not like to stand on my feet and draft an amendment to this Clause, but I would ask the Government to postpone consideration of the matter.

Hon. J. C. TUDOR:

Mr. Chairman, I beg to move that further consideration of Clause 28 be now postponed. My difficulty is that I cannot accept an amendment here and now. I am bound by the fact that this Bill has gone all the rounds and ended up by the recommendation of the Chief Justice that it is in order and can be presented to Parliament in the form in which he and other people approved it. I agree that the points raised are of some substance, and I should like to have myself advised further on the matter. The most I can do is to seek the postponement of this Clause.

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

I beg to second that. Mr. Chairman, I will say that I hold the greatest respect for the Chief Justice, but Judges do not make the law. A country gets in a bad state when Judges begin to make the law. I do not say that practicing barristers make law either, Sir. Practising barristers, in my belief, are not happy about Clause 28 (1); so you have to be very careful even though the hon. and learned member for the City, I believe, is or has been the Secretary to the Bar Association.

Sir, you have to be very careful taking too seriously what the Bar Association says. Very often the real interests of those who have to deal with the law every day are not in any way represented at Bar Council level. I say that quite seriously, Sir. It is a real Bar Council of Administrators from whom the practising lawyers - I do not know if we keep far, or are kept far. The things that I hear the Bar Council have approved, and the things they have approved in my presence - to give an example, the Barristers Act came up before the Bar Council and they proposed to retain in the Barristers Act the right of a Scottish Barrister to come and practise in our Courts when they do not have the same system of law in Scotland. (Mr. ELLIOTT MOTTLEY: That is not true.)

Mr. CHAIRMAN; Hon. Members not addressing the Chair!

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

Mr. Chairman, the hon. junior member for the City should observe Standing Order 29(5). I was present at the Bar Council when the Barristers Act came up, whether he was there or not. I remember hearing the Attorney General get there and say the Scottish Barristers should have the right to practise here. I said, "Why not American Barristers who have the same common law as Barbados? Why not allow American Barristers to practise in Barbados, if you are going to allow a Scottish Barrister, by definition ignorant of our law, to come here and practise?" They did not agree with me.

I am not, necessarily, inclined to believe too much in these recommendations. I know that every practising barrister to whom I have spoken believes that the reduction from 20 challenges to 7 is too sharp. The hon. senior member for St. Lucy specifically authorised me to say that. I have heard a barrister, obviously not a member of this House, or anybody who appears before the Criminal Courts, say very cynically he is assured that if you reduced the challenges to 7 probably it will stop lawyers from getting the jurors that they want, but that that is not going to stop bribery; it will encourage it more, and so on. Obviously, this is only a cynical view.

Hon. J. C. TUDOR:

Mr. Chairman, I must say that the hon. member has made me feel like a fool. Here was I, today, denying all knowledge of bribery, and the hon. member now tells me that the Act will not stop it and will make it worse, as if to inform me now that it exists. He must certainly not do this to me. You can curse me, attack me, but do not make me look ridiculous.

Hon. N. W. BOXILL:

On a point of order. In a case like this, Mr. Chairman, do you think that the hon. Leader of the House should give me some sort of apology for what he has said?

Mr. CHAIRMAN:

No point of order

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

Mr. Chairman, hon. members must appreciate a Joke when they hear it. The hon. junior member for St. Thomas is not the only person who has ever said that the jurors hold out their hands for more than the official stipend.

6.00 p.m.

We would be wicked if we said that the first time we heard it suggested was from the hon. Junior member for St. Thomas; I very much hope that the Leader of the House is not suggesting that he repudiates the idea that it is never spoken of, but as far as I know it is always spoken of in jest. I am in the fortunate position of certainly being able to say that I have never been asked for, far less given any honorarium to any juror, never even for a drink. They do not speak to me when they know me and they see me in the Jury Room, not until after the Assize is over-and I believe this is a very general experience of all Counsel who really practise at the Bar. It is only the Crown, who cannot understand why their best efforts so often get frustrated, who run about with this talk. (Asides.) I have not said who it was. For all the hon. member knows, it may be the Crown Lawyer who said that if you reduce the challenges to seven, we are only going to get more bribery. If you want me to say something which is obviously foolish, I have even heard the Police accused of bribery in a case in which I appeared.

Hon. J. C. TUDOR:

The hon. member must admit that you could only get more if some already exists, and my contention is that none exists.

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

It really does not exist as far as I know, but I am just saying that you must not think, because it does not exist, that it is not spoken about. My friend, the hon. junior member for Bridgetown, says I must not make fun about that, but we cannot take things too seriously all the time. If the public really wants a reassurance, they can take it from me who, I believe, is considered to have a very fair criminal practice that I genuinely and totally do not know of any bribery on either side since my acquaintanceship with

the criminal Courts of this Island; but it is one of the Barbadian jokes - in Trinidad it would be called picong - and it is something which is spoken of, but never by jurors to lawyers or indeed to anybody else in my experience. I think the assurance given by the Minister is one that is well-founded in fact; but however well-founded in fact, you must not bury your head in the sand and assume that it is never misconceived in rumour; I certainly do not in any way consider bribery as a problem at the criminal Bar of Barbados.

Hon. J. C. TUDOR:

There is just one point -nothing to do with the last point, but rather to do with the first point made. I think the Government would really be in serious difficulty if and when it brings legislation, particularly this kind of legislation to the House after canvassing professional opinion among which must be counted the Bar Association, the Chief Justice, the Law Society and even individuals, to hear that one part of that opinion may be at variance with another part. We are quite scrupulous in this respect that in matters dealing with the reform of the Courts as in law, we do not intrude our own political judgments at all. We follow what has been advised by the professional bodies and send the Bill to Parliament without touching it and without interposing our own views and attitude on it. It is difficult for me to tell which part of it would be acceptable or unacceptable if we then had to look at it as politicians. I certainly would not know that, but I know that Dr. Marshall and Mr. Patchett, Mr. W. K. Ferguson in addition to the Law Society, the Bar Council as well as a whole series of Chief Justices, a whole series of Attorneys-General all the Crown Counsel that have existed between 1959 and today, all the Crown Solicitors, and all the other Crown Law Officers have had this for eleven years dealing with, and all of them have said that in the form in which it now is the Bill can be presented to Parliament. If one or other aspects of it are now found to be unacceptable even from the point of view of practitioners, my difficulty is that the most I can say is to let us look at it and let me ask some legal opinion on it; but the same legal opinion I would be consulting on it is the same legal opinion that has said it is in order and can be passed into law. There is nobody else we can appeal to. If we send it back to the Bar Association we are going to get the same sort of comment. If we send it back to the Crown Law Officers, their comments will be the same as have been recorded here. The Registrar writing on behalf of himself and the Chief Justice has said that they find it in order. To whom are we to refer it? Refer it I will, because I myself do not understand all of the argument that is being made on section 28; but apart from that, I know that, when referred, it is going back to the same people whose opinions were canvassed before it was brought here.

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

I do not want to prolong this, but it raises a very important point. First of all, the Leader of the House asks to whom to refer it. The answer is that you refer it to the House of Assembly, because if the Leader of the House studies the file carefully, he must know for example that the original draughtsman only wanted three challenges of jurors, and the Chief Justice wanted seven. Another Chief Justice might want twelve, Sir Kenneth Stoby may have wanted five; the present Attorney-General might want fifteen challenges to be divided between a number of accused; another Attorney-General may want eight. In the altogether, all these references for eleven years are going to produce a more capricious product because at the end all you are going to get is the opinion of a few individuals, and this is why I must to some extent deprecate what the member says about not exercising a political judgment.

I do not come here to speak as a lawyer who has not had his views accepted by the Bar Association. I withdraw my views from the Bar Association. I am not going to talk there and then come to voice my disappointment here. The Attorney-General once said something which I thought was grievously in breach of the privileges of the House of Assembly. He come here to make a fuss at a Select Committee on the Magistrates Jurisdiction and Procedure Act and said that the hon. junior member for Bridgetown and I were practising barristers and we had no right trying to alter legislation in here; we should do it through the Bar Association. If I were here I would have told him something rude, something so rude that if I had been on a highway I might have been prosecuted for it. As it is, I merely told the Clerk not to invite me here any day the Attorney-General was coming, because if I came and found him here and he said that, I would ask to have him removed because I am quite serious about this. I have duties as a barrister and I have duties in here. I choose to exercise my interest in Law Reform in here. I believe I could exercise it elsewhere, and since I have certain interest in the subject, I believe that it would not be impossible for me at least to have my views heard in the Bar Association, should I so care; but the day I became a member of Parliament I ceased to talk about legislation with the Bar Association. I felt it was my duty to talk about it in here, and I think it is our political judgment that we can exercise because a political Party can give you more coherent thoughts of judgment over a period of time than a succession of Chief Justices and Crown Law Officers. A political Party can decide policy on this, that and the other case. The Minister mentioned capital punishment in his reply on second reading. No number of Crown Law Officers are going to recommend the abolition of capital punishment. Of that I am sure. I know the views of the Chief Justice are against it, but I also know..... (Asides.) Is the hon. junior member for St. Thomas against capital punishment? (Hon. N. W. BOXILL: Against its abolition.) The Chief Justice, I believe, is against capital punishment. He has not authorised anybody to say so, but I do not believe that the Chief Justice is going to write to the Government saying he is against capital punishment, and it is time you amended the Offences against the Person Act. That could only come by a political act in this House, and I for one would be furious at the thought that capital punishment and its consequences be referred to anybody but the Judges, because it is a traditional courtesy in all countries to refer for the Judges' opinion any question concerning the efficacy of the punishment of death. I would be furious if I thought we were going to be told that the Attorney-General does not at this stage think that capital punishment should be abolished. It is a matter for our individual consciences in here.

6.10 p.m.

The hon. junior member for St. Thomas says it is a perfectly tenable position - although I myself do not hold it - that he does not believe in juries at all. They are the political acts which political Parties and the public elected us and sent us here to perform, and to take conscious decisions on policy, and I believe that in dealing with the challenges before you form a jury - even the numbers of the jury, they are political acts, at least as much as they are legal acts, because they go to the root of the actual system of criminal punishment. Lawyers are only there to administer the criminal law; I do not believe any lawyer is there to make it. I expect that my views as a lawyer might be given a little weight because, if I draw in example, it is likely to be an example taken from life; but I do not expect my views AS a lawyer on capital punishment should carry any greater weight because I am a lawyer than the view of the hon.

Junior member for St. Thomas or the hon. Junior member for St. Joseph who, I know, shares them.

Hon. J. C. TUDOR:

If the hon. member would give way, there is one point which is bothering me; is it a question then of increasing the number of challenges, and if so, on what basis? I understand that it is now common in the Supreme Courts of the West Indies to accept seven challenges; at least this is supposed to be the law - I do not know. Are hon. members asking that ten would be more adequate than twelve or fifteen? Could I hear some argument on this?

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

I would beware of saying that other countries in the West Indies have these things; we have to remember that they have always been more susceptible to Colonial Office law-drafting than we have. Hon. members have never paid any particular attention - we do not realise that we live under rather a repressive code; the criminal laws of Barbados would not stand up to any law of the United States on the ground of constitutionality. The laws of arrest, the laws of detention and so on, the laws of what happens to a prisoner after he is in custody, could never stand up in the United States. The Vagrancy Act could never stand up. But because we were a Colony, there was a steady stream of repressive legislation, especially after 1865 when in the view of the Colonial Office the Jamaica rebellion exposed - and I think I quote correctly - the weakness of the old Colonial Law in dealing with the blacks. Ever since 1865 the Colonial Office has sent out a steady stream of draft legislation, more repressive than the legislation which exists in England, to rule other Colonies, and we have a lot of it here.

The Hon. Leader of the House would be aware, when we had the Constitutional Conference in London, that we fought to have all laws subject to the Constitution, and I think a grave and serious mistake was made then in taking Mr. Patched's advice that this should not be done. But we do live under a more repressive code of law than the laws that exist in Britain or in the United States, or even Australia and New Zealand, solely because we were under the Colonial Office and they drafted things to put the noose around our necks a little more securely; so when I hear about the Leeward Islands, they operate -because they never had any legal draftsmen - solely under law drawn by Colonial Office lawyers concerned to make sure that the blacks could be locked up whenever possible; so when I hear that, I do not pay any attention to it at all. We are a free House of Assembly and we are entitled to make only such laws, in my respectful submission to the House, as are consonant with the immediate restriction of the liberty of the people, and this is why I object so often when these things come up, such as the law to say that, C. B. C. can go in your house at 3 o'clock on a morning to search for an unlicensed television set. That is a serious infringement of liberty, Sir.

The question that further consideration of clause 28 be postponed was put and resolved in the affirmative without division.

Clauses 29 to 39 were called and passed.

Clause 10 was called.

Hon. J. C. TUDOR; Mr. Chairman, there is an amendment here to clause 40(3); for the words "subsections (2) and (3)" appearing in the first line, substitute the words "subsection (1) and (2)." I beg to move that clause 40, as amended, stand part.

Hon. R. St C. WE EKES:

I beg to second that.

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

A better amendment would be to remove the words "subsections (2) and (3)" and substitute the words "this section1'. 6.20 p.m.

Let it read:

"For the purpose of this Section." It saves printing ink, and it is cleaner language.

Hon. J. C. TUDOR:

That is accepted.

The question that Clause 40, as amended, stand part was put and resolved in the affirmative without division.

Clauses 41 to 47 inclusive were called and passed.

Clause 48 was called.

Hon. J. C. TUDOR:

Mr. Chairman, I beg to move that Clause 48 be deleted. The reason is that I am advised it would be better for the Bill to become law as soon as it is assented to rather than by proclamation.

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

Mr. Chairman, that is interesting, because I have taken the opinion of two of the Judges on this matter, and they feel that it could not possibly become law until separate provision is made to accommodate male and female jurors. You cannot accommodate male and female jurors at the Y. M. C. A., and this is only a matter of a month ago. I was not present in the House when this was being discussed, but I was told by one of the Judges that this is what was holding up the Juries Act. I told him that the jurors has asked me to raise it and I was speaking to him first before going to the Chief Justice. You cannot put women at the Y. M. C. A. I wonder if hon. members know that they put them all in the same room-on cots sometimes.

Hon. J. C. TUDOR:

Mr. Chairman, I do not know that anybody on this side is arguing that they should go to the Y. M. C. A, I merely stated earlier that I had been advised that the reason why it is thought better to take out Section 48 was that the provision for making female Jurors comfortable would not be ready immediately, but that should not prevent the Bill from being enacted into law. That is what I was told, and I told the House so. The legal people have said "Do not let it wait to be proclaimed, but let it become law as soon as it is assented to,

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

Mr. Chairman, I do not want to speak in confidence of what was said to the Judges, but even inside that Jury Room there is no separate lavatory accommodation for Jurors. The Marshal is supposed to stand up there to see that there is no unauthorised communication down the chain and so on. There is no lady Marshal. If a lady takes ill and she needs assistance, there are only male Marshals.

Hon. J. C. TUDOR:

Mr. Chairman, provision will obviously be made for female jurors to have the best possible

accommodation and conditions under which to work. I cannot give an assurance that by the time of the next Assizes all of this will be ready, but there is no intention of making female jurors undergo impossible conditions which are bad even for male jurors. I cannot give you any better assurance than this.

Hon J. M. G. M. ADAMS:

Mr. Chairman, the next Assizes will start in July. Can a Jury Book be prepared between now and July?

Hon. N. W. BOXILL:

Mr. Chairman, if this comes into law now, it does not necessarily mean that you must put women on the Jury List right way. You may have a panel of jurors with all men, and another panel of jurors with all women. I have already said that not only the Jury Room is in a deplorable condition, but we need new Courts. I said that I agreed with the junior member for the City. I think the senior member for St. Thomas was present when I made the point. I even went on to talk about lawyers' offices, and the senior member for St. Thomas said that they were using air-conditioned offices and I could go there in comfort. I also mentioned to the junior member for the City that these things would be embodied in Regulations and not necessarily in the Bill.

Mr. ERNEST MOTTLEY:

Mr. Chairman, why should people be allowed to go into the Y.M.C.A. to sleep on a cot with a lot of chinks? I am talking about the bad provision which you have at the present moment. (Asides.) Then put the people at the Hilton Hotel.

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

Mr. Chairman, while I am in favour of the Juries Act, I am also anxious that proper accommodation be made for jurors. Hon. members must understand that I want proper conditions made for them. It is within the last two months that I have made representations to the Chief Justice about the Juries Act. You cannot produce A Jury List between now and July. The Registrar finds it hard to produce one. Suppose you want female jurors? There are circumstances in which the law provides for male and female jurors, and you can apply to the Court for female Jurors. Suppose I apply for on all female Jury in July? I challenge anybody in this House to say that every woman in Barbados with an income of over \$1, 440 or a \$960 freeholder will be on the Jury List by July.

Hon. J. C. TUDOR:

Mr. Chairman, would not Clause 47 (3) meet the hon. member's case?

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

As far as the Jury Book is concerned, there is a conflict between Clause 47 (3) and the provision which says that you can apply for an all female jury. The Judge will have to say that you can have the female jury, but you cannot be tried at this Assizes; you will have to wait until the 1971 Assizes to be tried. 6.30 p.m.

Hon. N. W. BOXILL:

There is one point I would like to get clear in my mind because I am not a lawyer. Does it mean that if a jury is empanelled, it has to be empanelled directly in the Court or can it be empanelled in a specific place chosen by the Judge? The Chief Justice can say he will empanel a jury at such-and-such a place and have them driven there. This is why I would like this to come into operation. What I am trying to get across to hon. members - and they seem to agree with me - is that it is not necessary for everybody to be empanelled in the Courts, because in my opinion the Courts need pulling down, and I hope the Opposition will agree with us when we come for money to rebuild them. If a man is going to be sentenced, let the sentence be imposed on him under air-conditioned conditions. The Courts are hot, stuffy and outdated. There is nobody in this Chamber who can say he knows when the last Court was built, and that is why I am appealing to the hon. member to let us agree to take out section 48. This, however, does not mean that he cannot have his female jury, but the Chief Justice or Judge has the power to say that the Jury will be empanelled at such-and-such a place. This will solve the problem. I have just been told that you cannot have women jurors until 1971.

Mr. ELLIOTT MOTTLEY:

What do you mean by empanelled? Empanelled means at the stage when they actually withdraw to return their verdict.

The question that Clause 48 be deleted was put and resolved in the affirmative without division.

The First Schedule was called and passed.

The Second Schedule was called and passed.

Hon. J. C. TUDOR:

As far as I can ascertain, we have reserved judgement on two Clauses - Clause 5 and Clause 28. I shall refer these two to the Cabinet and to the appropriate authorities and hope to be in a position next Tuesday to tell hon. members something of the reaction to their suggestions.

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, and in doing so I would like to draw to the attention of hon. members on the other side, especially the two barristers, that this Bill was long overdue and they asked us to make two amendments which we told them we could not make but would accept postponement of the two Clauses. What I want to draw to the attention of members opposite is that we on this side are not phlegmatic when it comes to using common-sense and good judgement, but the hon. junior member for Bridgetown has a tendency at times to get up and lambast us and say we are so wicked. I want him to see the light in which we accepted the postponement. We could have said "no". (Mr. ELLIOTT MOTTLEY You could not do better.)

Mr. CHAIRMAN:

Members not addressing the Chair please observe Standing Order No. 29 (6).

Hon. N. W. BOXILL:

It is not that we could not do better, but we on this side want to show the Opposition that it does not mean that they cannot come up with a good suggestion which we are willing at some time to accept.

Mr. ELLIOTT MOTTLEY:

Sir, I think we on this side appreciate the fact that Government is suffering from the absence of the Attorney-General from this Chamber, he being in the Other Place, and I see that in addition to his portfolio of Communication and Works, the hon. junior member for St. Thomas has now become Attorney-General.

The question that Mr. CHAIRMAN report progress and ask for leave to sit again was put and resolved in the affirmative without division, and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly,

Hon. J. C. TUDOR:

Mr. Deputy Speaker, that concludes Government Business for today's sitting.

Mr. Deputy Speaker, I am asking leave of the House to give an additional notice, the details of which were not to hand when I addressed the House earlier today,

Mr. DEPUTY SPEAKER:

The Hon. Leader of the House is asking leave to give an additional notice the details of which were not available earlier, and if there is no objection, leave will be granted.

There being no objection, leave is granted the Hon. Leader of the House.

GOVERNMENT NOTICE

Hon. J. C. TUDOR:

Mr. Deputy Speaker, I beg to give notice on behalf of the Minister of Finance of a Bill to make provision for regulating the carrying on of insurance business in Barbados.

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

Hon. R. ST.C. WEEKES:

I beg to second that.

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

ADJOURNMENT

Hon. J. C. TUDOR:

Mr. Deputy Speaker, in moving the adjournment, I want to tell hon. members that I propose to do the Public Order Bill next Tuesday. Because of its importance, I believe hon. members will wish to spend a long time on it, and I am therefore proposing that we meet next Tuesday at 10 o'clock instead of midday. I would prefer this kind of Bill to be done all in one day, and, except for Private Members' Business which is part of next Tuesday's work, I do not propose that we should do anything else except, of course, to finish what little remains from the Bill we have just been doing; but that would be Government's Business for next Tuesday's sitting.

Mr. CRAIG:

If the hon. member would give way, before the Hon. Leader of the House moves the adjournment, Mr. Speaker had given an undertaking last Tuesday that he would make a Ruling.

Hon. J. C. TUDOR:

The Ruling was given.

Mr. CRAIG:

Mr. Deputy Speaker, I would be glad if you could actually let me know what the Ruling was. I must apologise for being late on that occasion. 6.40. p.m.

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

I would appeal to the hon. member to give all twentyfour members an opportunity to debate the Public Order Act, even if it takes more than one day. This Act is going to be discussed by the Opposition not only on principle but certainly in every Part, except for Part VII, and is going to be discussed Clause by Clause. I am not saying this to indicate that the Opposition has any intention to waste time, but this is a serious Act we are introducing into Barbados; we are restricting the right to free assembly by saying it can only be exercised subject to Police permission - one of the deepest and most fundamental rights of any common law nation. It is not anything to be entered into lightly; I can say in advance that the Barbados Labour Party will be welcoming Part VII of the Act if it deals with incitement to violence, incitement to sedition and racial hatred; we will be welcoming the provisions that forbid people to go and break up public meetings; we will be welcoming the highly imaginative provisions that forbid you to carry a gun to a public meeting; all of that reflects imagination and sense on the part of the draftsmen. But it will not be easy, Mr. Deputy Speaker, for any Opposition, believing that it has the interest of the

people at heart, - and I say this also in very deep humility - believing that it will win the next elections and therefore will be the wielder of the Act for some years; I say this in all humility; we really think we are going to win the next elections. I am not saying this in any frivolous sense as making a boast; we have a sense of the mood of the people, and we feel they are with us. They may not be, but we feel so, and in many circumstances - it can be treated as a joke - but in many circumstance son Opposition which thinks that it may be the Government would be inclined to say, "All right, let them put this into our hands and we will chop off their heads when we get the chance". We are not like this; we do not want this in Opposition or Government; and while I cannot speak for the Party on this point, there are parts of this Act - and I do not refer to Part VII in any way - which I personally am going to support a Resolution at our Annual Conference to repeal if we ever get into power; even though it will be in our favour then, we are going to seek to repeal it.

This being so, I would suggest to the Leader of the House to be prepared for more than one day's debate, and start it at 12, at an hour when people can come here and give sincere contributions to a debate like this. Do not make one of us come at 10 to bat out till the others get here, because that is all you will do. Do not do something like that; that is all that will be achieved by having a 10 o'clock start; this Act is a more important - we are talking about ten years of Barbados political history and activity; we are talking about the next decade in Barbados when we talk about this Act. We believe the Government has made a serious mistake in saying that nobody can hold a political meeting without Police permission, and if members take the opinion between now and next Tuesday of men in the street, take the honest opinion. Do not just say: "We are bringing in this Bill dealing with Black Power" and ask them if they agree with it; take the opinion of men in the street and say, "do you trust....." - and then put into the next space the name of the worst man you can think of in the Barbados Labour Party, the person you all hate most - "do you trust him as Home Secretary to let us hold political meetings?" Or Tom Adams, if you like, "do you trust him to let us hold political meetings if we are in Opposition?" Take the answers of your supporters, and come back here with that in mind and -you will then see what a debate we are going to have. That is what I will invite hon. members to do between now and next Tuesday. Look at it in that light; do not be rushed into any foolish panic measures by a handful of frightened Englishmen and Americans on the West Coast. Do not be rushed into any ignorant crippling legislation without considering that; let every one of you think, if in his constituency if you were in Opposition - if you would be happy.....

Mr. DEPUTY SPEAKER:

Is the hon. and learned senior member for St. Thomas discussing the merits of the Bill?

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

Yes, if you want an answer, "yes, Sir." I am saying that the Bill has merits and demerits such.....

Mr. DEPUTY SPEAKER; That Bill in not now before the House.

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

It is not wise for the

Government to decide that they can rush it through in one day starting at 10 o'clock; I am suggesting it is not going to be done in a day; Clause by Clause is going to be analysed.

One other point, Sir. My impression, from reading the rubric at the back which shows where each section of the Public Order Act is said to come from, is that description does not correspond with reality. I would ask the Minister to be sure to bring the English Public Order Act, the Jamaican Public Order Act, and any other Public Order Act to which reference is made in the notes to the copy of the Act we now have. The Jamaican Public Order Act does not say.....

Hon. J. C. TUDOR:

Mr. Deputy Speaker, this cannot be fair; if I wanted to introduce the Bill now, I could have done it under the guise of moving the adjournment.

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

I now say "bring the sources of the Public Order Act" and the Minister says it is not fair. Do you want to hide the sources? Do you want to tell a lot of lies about the sources?

Mr. DEPUTY SPEAKER:

The Public Order Act is not before the House.

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

But, Sir, I am not talking about the Public Order Act; I am talking about the business that the Minister has announced for next week, which is an Act that has certain sources in the notes at the back, and I am asking him to bring the sources so that we can compare the sources.

Mr. DEPUTY SPEAKER:

I have already said that the Bill is not before the House.

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

But I am not talking about that. I am talking about what the Minister has announced, which could be any Act; it could be an Act to fly to the moon. I am not saying that.....

Mr. DEPUTY SPEAKER:

Is the hon. senior member for St. Thomas addressing the Chair on the adjournment?

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

I am addressing on the adjournment and the business to which the adjournment has been directed, namely meeting at 10 o'clock next week.

Mr. DEPUTY SPEAKER:

The point has been made.

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

But can we have the Minister's assurance that we will have the Acts he re?

Hon. J. C. TUDOR:

I would not give that assurance now, because I am not introducing the Bill now.

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

I am asking when the Minister introduces the Bill for him to bring.....

Mr. DEPUTY SPEAKER; I am not hearing the hon. and learned senior member for St. Thomas, because that is not before the House.

Mr. J. M. G. M. ADAMS; When the Minister comes at 10 o'clock next week, if we pass what is before the House, I am asking him.....

Mr. DEPUTY SPEAKER! I said I am not hearing the hon. senior member for St. Thomas.

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

On what, Sir? Can I not speak on the adjournment?

Mr. DEPUTY SPEAKER:

Because that Bill is not before the House.

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

I am not talking about the BUI.

Mr. DEPUTY SPEAKER:

I think the hon. senior member.....

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

This is between the two of us; do not speak to me as if I am a child, man.

Mr. DEPUTY SPEAKER:

The hon. senior member for St. Thomas is above that, and he certainly would not shout at me like that.

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

I cannot even hear you now for the interventions of the hon. senior member for St. Peter. Do not tell me standing up-here, when business is announced for the House next Tuesday, that I cannot ask that the House, if it is interested in having the business done expeditiously, request that certain volumes and documents are brought he re; do not tell me that, Sir. The Minister has said he wants to do a certain

piece of business at 10 o'clock; I am saying, if he wants it done at 10 o'clock, please bring certain documents and volumes here, and obviously, Sir, somebody's interventions are stopping the Minister from hearing what I am saying. I have said there are certain volumes without which the business of the House cannot properly be done at 10 o'clock next Tuesday.

Mr. DEPUTY SPEAKER:

I have already said that point has been well made.

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

It has not been made because the Minister asked "what". Immediately you said so, the Minister jumped up and asked "what"; it may be made to you, but evidently it has not been made to the Leader of the House, and I am asking for an assurance that he will have the sources here if he wants us to deal with it.

Hon. J. C. TUDOR:

You cannot have that assurance because I am not now introducing the Bill. 6.50 p.m.

Mr. J. M. G. M. ADAMS; What kind of ignorance is that? In the same way you can bring the loudspeaker and the microphone, you can bring the laws of Jamaica. What kind of nonsense are you trying to put over the House? We talk about the Budgetary Proposals; we ask for an assurance that the loudspeaker will be brought, and the Leader of the House says "Yes", I asked for an assurance that the laws of Jamaica will be brought here, and he says he cannot give that assurance. What specious argument is that? (Asides.) I seconded it.

Mr. ELLIOTT MOTTLEY:

Mr. Deputy Speaker, I would seriously appeal to the better nature of the Leader of the House regarding the fixing of the time for the adjournment of the House. He should make it twelve o'clock instead of ten o'clock. The Minister may be aware by now what his business for next week will be, and I think it is only fair to this side of the House to give us an opportunity to organise our business. We in the Opposition have suffered already by the fact that the House had been adjourned to a special time; for one reason or another members of the Opposition were not here, and we found that the Government came in and rushed through the business of the House. I do not want to be subjected to this again.

I appeal to the Leader of the House that not much time will be lost between ten and twelve o'clock, but

the time will allow other people to get here. If the Minister recognises the seriousness of this Bill, then he will agree that we must have a proper debate on it, and it is reasonable to ask that hon. members be allowed sufficient time to get here. I seriously appeal to the Minister to let us adjourn until twelve o'clock next Thursday.

Mr. ERNEST MOTTLEY:

Sir, I think this is such an important piece of legislation that, lest it should appear that it will be railroaded through the House, an adjournment until twelve o'clock on Tuesday next would be in order. With a few exceptions, I support the Bill. It should not be felt by the general public that the Opposition could not be accommodated for a difference of two hours, and we had to go on late in order to complete the Bill.

I do not like the idea of coming here at ten o'clock, because some members of the Opposition are lawyers and they have to work for their living. They have to go into the Courts, and they will not be able to get away by ten o'clock in order to come here. The Hon. Leader of the House has always shown a great amount of reasoning in these matters. The Bill is not something that the Opposition would want to throw out, but there are certain Clauses that they will argue against. That is how I see it. I would appeal to the Hon. Leader of the House to move it twelve o'clock instead of ten o'clock, so that it cannot be said that the Government has railroaded anything,

I notice that the hon. Junior member for St. Thomas is very quiet about this. It is a matter which should be debated, and the general public should be satisfied about it. I am perfectly satisfied that I will support the Bill, but not in its entirety. There are certain Clauses which need modifying. It is a Public Order Bill, and people who want to go about preaching violence must be brought to their sense and the Government in power must govern.

While I am on my feet, I should just like to say that I did not have the opportunity to congratulate the Cabinet, in the absence of the Prime Minister, for the stand they took in preventing certain of the Black , Power people from Trinidad from coming here, despite the fact that the Prime Minister of Barbados in Jamaica made a certain statement, and despite the fact that his Personal Aide went to Antigua to meet him and tell him what public opinion was. Public opinion was with the Cabinet even up to the time that Carmichael came here. I felt that they were right, and if things go on this way in the West Indies they must have the power to control things; but they are going too far with people who are citizens of this country who do not preach violence. If people are preaching violence, the Government and the Cabinet should take steps to control them,

Mr. HINDS:

Mr. Deputy Speaker, in view of the amendment by the Leader of the House as to what he intends doing on Tuesday next by way of Government Business, I am inclined to urge upon him the necessity to see our side of things and to ask him to agree to adjourn the House until twelve o'clock on Tuesday next. When I heard the Minister say that he would like to have this Bill done in its entirety on Tuesday, I will have to ask him if he is now in a position to make a Statement as to the reported threats of assassination of Political Leaders, the Head of the Police Force, and the Deputy Commissioner of Police? Is he in a position to tell us anything as to the state of affairs in this country? It is not something to be kept from us; we are all with him in a matter of this sort. We would certainly like to know that appropriate measures are being taken to deal with the situation, and we would certainly like to hear an explanation from the Leader of the House as to what is the true position. (Hon. J. C. TUDOR Not now.)

ADJOURNMENT

The question that the House do now adjourn until ten o'clock on Tuesday next was put and resolved in the affirmative without division and Mr. DEPUTY SPEAKER adjourned the House accordingly.

7.00 p.m.