THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1966 - 71

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THIRD SESSION OF 1966-71

HOUSE OF ASSEMBLY

Tuesday, 26th May, 1970

Pursuant to the adjournment, the House of Assembly met at 10.10 a.m. o'clock.

PRESENT

His Honour Sir J. E. T., BRANCKER, Q.C., F.Z.S., (Speaker); (Hon. J. C. TUDOR, C.M.G. M. A., Header of the House); Mr. J. W. CORBIN, J.P.; Hon. G, G. FERGUSSON, (Minister of Trade and Tourism,); Mr. R. ST.C.WEEKES, J.P.; Mr. W. R. LOWE, J.P(; Hon. N. W. BOXILL, (Minister of Communications and Works); Mr:
J, B, YEARWOOD, J, P., (Chairman of Committees); Mr. W., C, B HINDS; Mr. J. B., SPRINGER; Mr. H. B. ST. JOHN, Q.C., LL.B; and Mr. ELLIOTT D. MOTTLEY.

Prayers were read.

Mr. J. M. G. M. ADAM.S entered the Chamber and took his seat,

MINUTES

Mr. SPEAKER:

The Minutes available for confirmation are those of the Meeting of the 3rd March of this year, and, if there is no objection, those Minutes will be confirmed. Hearing no objection, I declare the Minutes of the meeting of 3rd March, 1970, duly confirmed.

PAPERS LAID

Hon. j. C. TUDOR:

Mr. Speaker, on behalf of the Prime Minister, I am commanded to lay the Civil Establishment (General) (Amendment) (No. 3) Order, 1970.

GOVERNMENT NOTICES

Hon. J. C. TUDOR:

Mr. Speaker, on behalf of the Prime Minister, I beg to give notice of a Resolution to approve the Civil Establishment (General) (Amendment) (No. 3) Order, 1970.

On behalf of the Minister of Finance, I beg to give notice of a Resolution to grant the sum of $100,000 from the Consolidated Fund and to plaice it at the disposal of Government to supplement the Estimates

1970-71 Part I - Current, as shown in the Supplementary Estimates 1970-71, No. 1, which form the Schedule to the Resolution.

Also on behalf of the same hon. member, a Resolution to grant the sum of $120,000 from the Consolidated Fund and to place it at the disposal of Government to supplement the Estimates 1970-71 Part II - Capital, as shown in the Supplementary Estimates 1970-71, No. 2, which form the Schedule to the Resolution.

I also beg to give notice of my intention to move the House Into Committee of Supply at its next sitting to deal in all their stages with the two Money Resolutions of which notice has just been given.

QUESTIONS

Mr. SPEAKER:
The hon. junior member for St. John; his Question re the law governing the inheritance to real property.

Mr. YEARWOOD:
Mr. Speaker, to enquire of the appropriate Minister-

Is the Minister aware that the present law governing the inheritance to the real property of a person dying intestate and leaving such real property in this Island, in most cases causes great distress and hardship to the children of such deceased person in that the eldest son of the deceased person is entitled to all such real property (subject to the Widow's Right of Dower), to the exclusion of his other brothers and sisters?

2. Will the Minister have the said law amended and revised so that (a) all the children of the deceased person should share and share alike in the disposition of his real property; and (b) provision be made for children of the half-blood of such deceased persons in such law?

SUSPENSION OF STANDING ORDERS

Hon. J. C. TUDOR:

Mr. Speaker, I rise to move the suspension of certain Standing Orders, I believe hon. members will understand that, as we are meeting two hours earlier than we normally do, it is necessary, therefore, to do this, I am proposing that we should stop at a quarter past one, and whoever is addressing the House at that time, I hope, will give way so that I may move the appropriate motion. Again, some time in the afternoon, perhaps soon after five, there will be a short break, and again at seven, Some time in the course of the afternoon I believe, at three o'clock or 3.15 p.m., whenever is indicated, the hon. members opposite will wish to make their reply to the Budget for broadcast,

I, therefore, beg to move the suspension of Standing Orders 5, 14, 16, 18, 19, 40, and 45 for the remainder of the day's sitting.

Hon. G. G. FERGUSSON:

I beg to second that.

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

Mr. Speaker, the motive of the hon. Leader of the House is obvious and I would not object to it; but I would like just to ask for this assistance when the broadcasting equipment is brought in here. Could it be so arranged that the wires run in front of Your Honour's Chair and not, as was done on the last occasion, under the chair of the hon. senior member for St. Joseph! If the Government had not wished him to cut the wire, they would not have run the wire under his chair.

Hon. N. W. BOXILL:

Mr. Speaker, I am not going to allow the hon. member to get away with that. The Government did not run any wire; the electricians installed the wire. There is absolutely no person in here who could have restrained the hon. senior member for St. Joseph from cutting the wire. If I want to walk across the floor and cut a wire, I could do so. A policeman could not have stopped him from doing that. We would not put wires in here for anybody to cut, because when wires are cut we have to meet the expense.

Mf. J. M. G. M. ADAMS:

Mr. Speaker, I will amend what I said. If the electrician did not wish him to cut the wire, he would not have put it under the hon. senior member for St. Joseph's chair. If the Government do not want it to be cut, could the Government leave the wire in such a way that there will have to be some physical act such as walking in order to reach it? Since the Minister has mentioned the expense of repairing the wire, will he also state whether he has invited the Police and Your Honour to take the necessary steps for a prosecution to recover the cost of the repairs from the person who is found guilty? It may not be known to members of this House, but there is a wide feeling, after the speech by the hon. senior member for St. Andrew that you cannot prosecute an hon. member for a crime committed inside the House.

Mr. SPEAKER:
I am afraid that the hon. member is going beyond the subject matter of the motion for the suspension of certain Standing Orders.

The question that Standing Orders Nos.5, 14, 16, 18, 19, 40 and 45 be suspended for the remainder of the day's sitting 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 taken.

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

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

10.20 a.m.

Hon. J. C. TUDOR; Mr. Speaker, I beg to move that Order No. 5 be the first Order of the Day.

Hon. K. N. R. HUSBANDS:
I beg to second that.

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

THE PUBLIC ORDER ACT, 1970

Hon. J. C. TUDOR:
Mr. Speaker, I am asking leave to take charge of this Order in the absence of the hon. and learned senior member for St. John.

Mr. SPEAKER:
The Hon. Leader of the House is seeking its leave to take charge of the Order which stands In the name of the Rt. Hon. Prime Minister, and if there is no objection, leave will be granted.

There being no objection, leave is granted the Hon. Leader of the House to move the second read-ingof a Bill to provide for the maintenance of public order with reference to public meetings, marches and processions and for matters connected there-with and incidental thereto.

Mr. St. JOHN:
Mr. Speaker, on a point of order, I want to ask for Your Honour's direction in this matter. Some time ago we were circulated with a cyclostyled copy, after the first reading of the Bill, by the Clerk of the House. Subsequently, in the papers that were sent to us, another copy was circulated which purported to deal with the same matter. There are a number of differences between the printed document and the document which was cyclostyled. I ask for Your Honour's ruling as to which is the document we have before us.

Mr. SPEAKER:
Although I regret the hon. member did not draw my attention to that fact earlier, my ruling is that the cyclostyled document is that which was given a first reading, and that that is the document which will be

proceeded with. Of course it is obviously open to either side, Government or Opposition, to move amendments to the document to which the first reading was given,

Mr. St. JOHN:

This does create some embarrassment because having received an official document which was circulated on Friday - and some people got theirs on Saturday - we were given a printed copy from the Government Prlntery as part of the proceedings of the House, and that document is inconsistent with the cyclostyled document. Certainly this will throw and has thrown some members in a considerable amount of confusion as to which is the Bill we have before us, and in view of Your Honour's ruling, and in view of this material discrepancy, I would ask the other side to postpone the debate of this matter for today, (Asides)

Mr. SPEAKER:

Hon. members not speaking!

Hon. J. C. TUDOR:

As I understand it, Your Honour has ruled that the business before the House is the second reading of a Bill as set out in the document which was first circulated and which has received a first reading in this House. That I accept. In Committee it is perfectly competent for either side to Introduce amendments to that Bill so that the House, when it has concluded its business on the Bill, will have passed a Bill which is accepted by itself. I do not see the hon. member's problem at all.

Mr. St. JOHN:

I would not expect the Hon. Leader of the House, with his standard of inefficiency, to see my problem, but my problem is simply that a document was circulated around here. Under the Rules it must be printed and circulated before it is dealt with, and therefore I am making this second submission to Your Honour that the document which is gazetted has not been properly gazetted, and this Bill cannot go on today because what is to be gazetted is what was laid on the Table of this House, and I can prove that what has been gazetted and circulated is not what has been laid on the Table of this House. I ask 'Your Honour's ruling on that point.

Mr. SPEAKER:

I. am not in a position to say what has been gazetted, and I have sent for the Clerk who, I hope, will be available to ascertain that for me.

Mr. St. JOHN:

I am glad Your Honour has sent for the Clerk because in any event it is a very serious matter that documents that are sent to members are sent not in the form and manner in which they have been gazetted.

Hon. A. DaC. EDWARDS:

Mr. Speaker, as far as the Government is concerned, we have introduced a Bill on which we have had the first reading. We are proceeding to have the second reading of that very Bill which we introduced in the House and had the first reading on. We, however, propose to make amendments to that Bill, and the last circulated document is what the Bill will look like in its amended form, but we are not debating as such the last circulated document. (Mr. HINDS You don't understand the thing!) Unfortunately, they are the only people who can understand, What we are concerned with is that we introduced a Bill in this Legislature a couple of weeks ago and we are going to do that Bill and introduce amendments to it, and what I am trying to explain is that the printed copy is what the Bill will look like In its amended form,

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

On a point of order, does not the Minister understand that a Bill has to be printed and gazetted before it can have a second reading and that you have printed and gazetted a purported amended Bill? You have not printed and gazetted the Bill which was given a first reading,

Mr. St. JOHN:

I hope Your Honour will rule on this because my understanding of the position is that the Bill that was laid on the Table of the House is the one that has been gazetted and printed, and that is different from the one that has been circulated. 10.30 a.m.

I am not clear about which Bill it was that was laid on the Table of the House, because that is the only Bill, as I understand Your Honour's ruling, that we can proceed with. There is a discrepancy between what was laid on the Table of the House and what was circulated in the cyclostyled copy.

Mr. SPEAKER:

I have ruled that that to which the first reading was given is the Bill.

Mr. St. JOHN:

As I understand Your Honour's ruling, that to which the first reading was given is supposed to be the one that the Clerk takes to be printed; there is a big difference in the two.

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

Mr. Speaker, if I can assist the House, I received a copy on the day the Bill was given the first reading with my name written on it in the handwriting of the Clerk, in which section 5(l) contains the words "the Commissioner of Police shall not refuse an application for a permit to hold a meeting unless he has reasonable grounds....." and it goes on. The Bill as circulated has removed the words that the Commissioner of Police must have reasonable grounds for refusing permission; clearly a first reading was given to a Bill which said that the Police must have grounds. I have a notice with the Clerk's handwriting on it.

This is an important point of the Bill because it said in that first document that the Commissioner of Police must have reasonable grounds for refusing a permit, and now I have a printed copy that does not say that at all; which is the Government's intention? If hon. members, or the Minister in charge, would tell us that, we at least would know which Bill we are discussing; but if the hon. senior member for St. Andrew cannot see that when you tell us that the cyclostyled Bill was the one to which the first reading was given, and the Clerk says the printed one is the one, how do we know which is which?

Mr. SPEAKER:

I am sorry to interrupt the hon. member, but I am saying that that to which the first reading was given, whether it was cyclostyled, printed or otherwise, is the one, and that Is the only Bill that can be properly before us,

Mr. St. JOHN; I understand Your Honour's ruling perfectly; may we ask for an assurance from the Clerk as to which of the two documents.....

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

The point is that the Bill has to be read a second time.

Mr. SPEAKER; I am informed by the Clerk that the Bill which has been printed - and I have the words of Mr. Clerk - that the Bill which has been printed is that to which the first reading has been given.

Mr. HINDS:

Mr. Speaker, have you got an assurance from the Clerk that the Bill which has been printed has been gazetted; that the first one which was circulated was printed and gazetted; and if so, would you have the Clerk produce the Gazette?

Mr. SPEAKER:

Mr. Clerk has not yet checked, but he is about to do so - as to whether it has been gazetted; but in any event the relevant Standing Orders have been suspended in respect of gazetting.

Mr. St. JOHN:

How can we proceed now until we can get this clarified?

Hon. N. W. BOXILL:

Mr. Speaker, I am surprised - or rather I should say I am not surprised -at the tactics which are being used. From the beginning the Opposition could not make up their minds whether they wanted this Bill or not.

Mr. St. JOHN:

On a point of order, I submit that it is not proper for an hon. member to deal with the attitude of the Opposition at this stage when the Bill has not been given a second reading.

Hon. N. W. BOXILL:

I have to deal with this because of the attitude they are adopting.....

Mr. St. JOHN:

Mr. Speaker, I am still on a point of order and I submit.....

Hon. N. W. BOXILL:

But Mr. Speaker, he has not allowed me to develop my point.

Mr. SPEAKER:
The hon. member rose on a point of order.

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

Mr. SPEAKER:
Please, please, please.

Mr. St. JOHN:
I submit that the only point that can be relevant to be spoken upon is the point that is at issue before Your Honour, not the attitude of the Opposition.

Hon. N. W. BOXILL; Mr. Speaker, I am making my point. I am developing the point that why I started off this way was because the Objects and Reasons of the Bill that we have come here today to debate have been explained plainly to the hon. members. The next point is that on several occasions, even last Tuesday, we agreed to postpone certain clauses of a Bill with which we were dealing last week in order to have amendments made, if they can be made; so what is wrong with debating the Bill now and amendments may also be made if they want them made? Are they afraid of the Government, or what?

Mr. SPEAKER; The hon. member has made his point.

SUSPENSION OF SITTING

Hon. J, C. TUDOR:
Mr. Speaker, I really do not see why we should disturb ourselves; I personally am not in any way distressed or angry at the attitude of the other side; what I am interested in is making sure in this Island that both they and we carry on as we should. It is their right to oppose the Government which I am interested in defending. In view of the uncertainty which exists, I beg to move the suspension of the

sitting for half an hour, until a quarter past eleven, so that I can properly advise myself on the rightness or wrongness of the issue; I therefore beg to move that this sitting be now suspended until a quarter past eleven.

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

Mr. HINDS:
Is this a matter for him to do? It is for the Speaker to rule.

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

10.40 a.m.

On Resumption':

SUSPENSION OF SITTING

Hon. J. C. TUDOR:
Mr. Speaker, the customary processes of consultation, according to Mr. MacMillan, are still going on and may take a few minutes more. In the circumstances, I am moving a further suspension of the sitting until noon today.

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

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

On Resumption:

PUBLIC ORDER ACT, 1970

Hon. J. C. TUDOR:

Mr. Speaker, exhaustive investigations have disclosed that the Bill which has been printed is the Bill which has been laid, and Your Honour's ruling that it is that Bill which we are discussing, I believe, still stands. In the light of that, it will be necessary for the House in Committee to amend that Bill to bring it into line with the substance and content of the draft which has been circulated to hon. members in cyclostyled form, I put it this way, because I think it represents the attitude of both sides of the House to the matter, Checks are still being made now in more detail to see if there is any other variance between the two versions apart from the important one in Section 5. I am, therefore, suggesting that we proceed with the second reading of the Bill, and at the appropriate time, when we are in Committee, the amendments can be taken.

Mr. Speaker, this Bill, according to its long title, is no more than a legislative measure designed to provide for the maintenance of public order with reference to public meetings, marches, processions and for matters connected therewith and incidental thereto. The Bill, as hon. members know, is divided into six Parts as follows:

Part I of the Bill deals with such preliminary matters as the interpretation or definition of the various expressions and phrases used in the Bill,

Part II of the Bill prohibits the holding of meetings in a public place unless permission for the meeting has been issued by the Commissioner of Police, and it also sets out the procedure for applying for permits; it gives power to the Commissioner of Police to refuse a permit or to grant, as the case may be, specifying the times between which the meetings may be held and such other things as he may consider necessary for the maintenance or preservation of public order. However, the Commissioner of Police is not to refuse a permit unless he has reasonable grounds for believing that a breach of the peace or serious public disorder will ensue from any proposed meeting.

Part II also empowers any member of the Police Force, not below the rank of Corporal, to require the dispersal of unauthorised meetings and makes it an offence punishable by a fine of not more than $1,000, or imprisonment for not more than a year, or both such fine and imprisonment, for any person who holds, organises or addresses an unauthorised meeting.

Clause 8 exempts from the requirements of the Bill political meetings held during an election campaign, or meetings in connection with any of the purposes set out in the First Schedule. While I am on this point, I should like to draw to the House's attention the First Schedule and the exemptions given to the kinds of meetings which would come under the provisions of the Public Order Act. The First Schedule says:

" 1. Religious services or meetings held under the authority of the Head of any religious denomination or of the Salvation Army.

2. Educational classes and recreation in schools or other educational institutions.

3. Bon a fide cinematograph, musical and theatrical entertainments, dancing, beauty competitions or other similar shows,

4. Bona fide horse-racing, cricket, football, hockey, polo, water-polo, basket-ball, netball, tennisi boxing, athletics, swimming and other bona fide sports.

5. Meetings organised by or on behalf of, and in furtherance of the lawful Industrial objects of, a trade union."

All of the categories of meetings, whether religious cultural, sport, or trade union, are exempted by this Schedule from the operation of this Bill.

Mr. Speaker, Part III makes, in respect of pub-lice marches and processions, provision similar to that

made in Part II In respect of public meetings.

Part IV contains special provisions relating to public meetings and marches. According to Clause 16, the Minister of Home Affairs is given power by Order published in the Official Gazette to prohibit the holding of public meetings and marches in Barbados generally or in any area of the Island except in accordance with a permit granted by the Commissioner of Police, if the Minister is satisfied that as a result of particular circumstances affecting the country at a given time the holding of public meetings or marches or demonstrations would cause serious public disorder, and it would be necessary in those circumstances to prohibit the holding of meetings and marches. At the same time, any Order which the Minister makes under this Part of the Act would remain force only for one month, and then he must seek renewal of it. 12.10 p.m.

He has also to lay before both Houses of Parliament - either of which House could by simple Resolution nullify - the Order which he seeks to make. Clause 21 exempts from the provision meetings and marches held for any purposes specified in the First Schedule.

Part Vcontains provisions restricting the holding of public meetings or marches within a specified distance of 200 yards of certain public buildings and offices - the Queen Elizabeth Hospital, the Public Buildings in Bridgetown, the Law Courts and Government Headquarters.(Mr. HINDS: Can't that work?) Mr. Speaker, it is extraordinary how I get blamed for everything. If the hon. member wants the fan put on, he can ask me to give way so that the appropriate direction can be given; but he should not point at me and point at the fan as if the Government is now preventing the fan from working. I am informed that the fan is in some disarray, but not through direction of the Government.

Mr. SPEAKER:
My understanding is that someone is there now doing his best to remedy the situation.

Hon. J. C. TUDOR; If the hon. member on the other hand, entirely without prejudice to his political affiliation, would like to move to this side of the House so that he can enjoy the benefit of this, and subject of course to the willingness of my colleagues to accommodate him, he may do so,

Mr. Speaker, Part VI contains miscellaneous provisions prohibiting the use without t ptrmit of loudspeakers for advertising meetings, It makes it an offence to attempt to break up a lawful public meeting; it prohibits offensive conduct at public meetings and the carrying at such met tings of offensive

weapons, This Part also makes it an offance punishable by a fine of not more than $2,500 or imprisonment of not more than twelve months or both such fine and imprisonment to Incite racial hatred at any public meetings, and it also makes incitement to violence an offence punishable by a fine of $5,000 or imprisonment for not more than two years, or both such fine and imprisonment, Provision is also made in this Part of the Dill for appeals to the Minister against any decision of the Commissioner - of Police for refusing to grant a permit or against any terms imposed In the granting of such a permit.

Mr. Speaker, that, in sum, is the Bill. Now a lot has been written and said in criticism of this Bill even before it was introduced into Parliament and in some cases even before it had been drafted, and one of the main criticisms of the Bill, in so far as I can understand these criticisms, is that it imposes a threat to freedom of expression and freedom of assembly and association - two fundamental rights and freedoms guaranteed under this Constitution. I may pause, Mr. Speaker, to say here that the Constitution of Barbados is an agreed document. It was negotiated and hammered out at the Constitutional Conference which was held prior to Independence in 1966. Now it would be foolish on my part to pretend that the Constitution such as it has come down to us pleases everybody. This would not be so in view of the fact that it is a negotiated document; but I think I can safely say that that part of the Constitution which we referred to as the Bill of Rights is common ground between both sides of the House, and so far as I recall, at the Constitutional Conference the Opposition Party paid particular care to the provision of the Bill of Rights, and we did not pass these provisions until they were satisfied or until compromises were reached which were agreeable to both sides. You can have, Mr. Speaker, disagreements as to whether this or that bit of le -gislationas it comes before Parliament may or may not be unconstitutional; you could have no disagreement as to what the Constitution of Barbados is, because it could not have been the Constitution of Barbados unless it was acceptable to both sides.

I go further and say, Mr. Speaker, that my own attitude to the Constitution as expressed when it was being made and as I am expressing now is that I accept the Constitution as we have it, because it ' seems to me, and I am speaking purely personally now, to be the kind of Constitution I would choose or rather would like or accept living under if my Party were in Opposition, From my point of view, it is as acceptable to me in Government as it would be acceptable to me if we did not have the Government but were, in Opposition, Now it is clear, therefore, that this Bill may be in some aspects unconstitutional because it abridges freedom of assembly and of expression! and that those two fundamental rights are guaranteed under the Constitution; but I think it is perhaps extremely interesting to see how persons who appear to profess expert knowledge of fundamental rights and freedoms which are guaranteed by the Constitution so often and so lamentably Ignore the fact that there art no absolute rights or freedoms guaranteed by the Constitution, All the fundamental rights and freedoms guaranteed by the Constitution of Barbados are qualified in some respect or other. Indeed I do not know of any Constitution which guarantees absolute freedom, and the exercise of freedom, particularly in a democratic society, is best or is easiest when unlimited freedom is not the order of the day, but when some qualifications - particularly those qualifications which address my own rights and duties to other peoples' rights and duties - are of course enforced. For instance, a commonsense view of life would show that there could not be such a thing as absolute freedom even in matters which are not vital. The requirement that when you join a Public Library you should return a book in three weeks' time and that if you lose it you should replace it

by paying for it is not irksome, because if that requirement did not exist, the functions of Public Libraries would cease because people would be careless about returning books, and if they had lost them would obey no sanction to replace them; so that the simple Library Rules we all accept, because they enable, not only me and somebody else, but the whole community to borrow and enjoy them without hindrance.

Similarly, if you ask the Police to take care of traffic in the Fontabelle area when an international cricket match is going on, and if in order to control the crowds you brought out more Police than usual according to the importance and enthusiasm generally, this does not mean that international cricket is on a level with war and diplomacy. It merely means that in order for the thousands who wish to see and enjoy the cricket and do so in an unimpeded manner, you have to make extra preparations and take extra pre -cautions so that everybody can see the cricket and enjoy it. For example, section 11 of the Constitution makes it quite clear that the fundamental rights and freedoms of the individual which are referred to in this section are subject to respect for the rights and freedoms of others and for the public interest. Again section 20 of the Constitution which provides that except with his own consent no person shall be hindered in the enjoyment of his freedom of expression states quite clearly in sub-section (2) and I quote "that nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision -

(a) that is reasonably required in the interest of defence, public safety, public order, public morality or public health."

12.20 p.m.

Similarly, Section 21 of the Constitution which deals with the protection and freedom of assembly and association also makes it clear that this fundamental freedom is not absolute but is qualified. Again by virtue of subsection (2), and I quote: "Nothing contained In or done under the authority of any law should be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision (a) that is reasonably required in the interests of defence, public safety, public order, public morality or of public health." The point therefore is that while the Constitution guarantees and underlines freedom of speech and expression and freedom of assembly, the same Constitution says that these freedoms must not be so interpreted or enjoyed that they can militate against the defence of the country, public safety, public order, public morality and public health. You therefore can pass laws, in my view - I am not now speaking as a lawyer; I would not dream to do this -but in my view you can pass laws which are chosen on reasonable grounds to defend public safety, public order or public health and still not contravene the Constitution, because the Constitution says that while we are given all of these freedoms they are qualified to the extent that you can legislate in the interest of these situations.

I have cited these two sections in some detail to show that in my view it is incorrect and misleading to talk of freedom of assembly, freedom of expression as if these freedoms were absolute and unqualified, and as if any legislation or any action which would limit these freedoms must of necessity be unconstitutional. The Constitution itself makes it clear that these freedoms are not absolute, but they are qualified; moreover, you cannot necessarily assume that this Bill in any way infringes or poses a threat to freedom of expression or freedom of assembly and association, because while the Constitution itself guarantees these two freedoms, it does not specifically guarantee the right of any person to hold a public meeting in a public place, nor does it stipulate that the holding of meetings in public places is the only or the chief means of enjoying the freedom to communicate or receive ideas and information. It seems to me that section 20 does not expressively indicate that the individual enjoys any right to hold a meeting in a public place. Mr. Speaker, if this is correct, and I believe it is, how then do we get this talk about the right to enjoy freedom of expression and freedom of assembly by holding meetings in public places, since , as I pointed out the Constitution confers no such right; and since I am advised- I do not know about these matters; I do not know the law - but since I am advised that no such right is conferred by Statute Law in Barbados, then any such right that you and I and the average citizen may claim in respect of freedom of assembly and freedom of expression - any such right would have to be based on the Common Law which is enforced in this country and which, I believe, has been handed down to us by the English Common Law, and the English Common Law is something which has over the centuries, as far as I can see, been modified or exemplified where it is necessary by Statute, and there has always been, I understand - those people who are versed in these matters can guide the House on them there has always been some sort of confusion, if that Is the word, in British law between the Common Law and Statute Law. I remember In the 16th or 17th Century when the famous controversy took place between the King and Parliament, and those advising the King were telling him that he should impose taxation on the strength of the Royal Prerogative, and those who held a different view were saying not only could he not do it, but that whatever he did should be done within the confines of the Common Law of Eng-land, the, House of Lords sent a petition to the King in which they told him that they would like him to take his Prerogative out of that sphere which is above the law and bring it into that sphere which is within the law; so it would seem to me, Mr. Speaker, that our claim to the enjoyment of these fundamental rights and freedoms rests not only on statute but in the Common Law of Barbados which is handed to us from the English Common Law.

I am advised that English Common Law itself in no way recognises any right to hold a public meeting, that is, a meeting in a public place. Hon. members opposite would forgive me if I misquote the case in law, but I am advised that there is a famous case in English law, Duncan vs Jones, and that in adjudicating an appeal on this case Lord Justice Hewart is reported to have said and I quote: "English law does not recognise any special right of public meetings for political or other purposes." I am further advised that Dicey in his famous work "The Law of the Constitution" has had this to say, and I quote "There is no special law allowing A, B, and C to meet together either in the open air or elsewhere for a lawful purpose, but the right of A to go where he pleases so that he does not commit trespass and to say what he likes to B so that his talk is not libellous or seditious; the right of B to do likewise and the existence of the same rights to C, D, E, F, and so on ad infinitum lead to the consequence that A, B, C, D, E, F, and a thousand or ten thousand other persons may as a general rule meet together in any place where otherwise they each have a right to be for a lawful purpose in a lawful manner." If I interpret this

correctly, all Dicey is saying is that from time immemorial, since certain people have exercised franchises, if I may use the word, to act within the law, the unlimited and continual exercise of these franchises have constituted a right which, subject to other things, may not be breached. 12.30 p.m.

Consequently, it can be seen that the law relating to public meetings does not confer on the individual any right to hold meetings in public places, but rather imposes limitations on the rights of the individuals to meet where they please, to do as they please, to say what they please, and thereby to assemble for the purpose of holding a meeting.

Again, as I understand it, there appears to exist a point of view that the public has a right to hold meetings for political or other purposes on public places such as highways. I am advised that this view is incorrect. I am told that a public highway exists for the purpose of free passage and free passage only, and for purposes reasonably incidental to this right, There can be no claim as of right, on the part of persons wishing to assemble for the purpose of holding a meeting, to do so on the highway. Such a claim would be irreconcilable with the purpose for which a highway exists. My own personal view would be that although there is no right as such on the part of the public to hold meetings on a highway, I would, personally, think that a meeting is not necessarily unlawful merely because it is held on a highway. Certainly, as we all know from experience, meetings may be held and are permissible in certain public places in accordance with local customs, but I would not like to say that this is so as of right.

Mr. Speaker, I would like to try to meet the contention that a Public Order Bill as such infringes or poses a threat to the public right to hold meetings in public places when no such right exists under the Constitution, Statute Law and, as 1 am advised, even under Common Law. I would like to know how it can be said that the requirement to obtain a permit for holding a meeting in a public place infringes any individual's right when, in fact, the individual may not in strict law or under the Constitution have any such right.

The other main criticism of the Bill, as I understand it, has been that it was unnecessary, since by whatever Common Law or Statute Law already in force in Barbados, there is full coverage for most of the matters provided for in the Bill and, in particular, in Clauses 6 and 12. These are the Clauses, by the way, which deal with the power to regulate or disperse meetings. Part VI relates to attempts to break up public meetings, offensive conduct at public meet ings, and incitement to racial hatred and violence.

I am advised that in so far as this criticism relates to existing Statute Law it might fall to the ground, since a brief examination of the Laws of Barbados will reveal that, with the exception of some very

general provision in the Police Act of 1960, there are no provisions in the Laws of Barbados dealing specifically with the dispersal of meetings and marches or for prohibiting offensive conduct at meetings. Now, in so far as criticism relates to what Common Law there is in force, I would not deny that the Police have fairly wide powers of action aimed to prevent or control disorder or breaches of the peace at public meetings and marches. I am advised that these powers rest on Common Law principles which are derived not so much from Barbadian experience, but from a number of leading cases decided over the centuries in English Courts and some of these decisions, I understand, would appear to be conflicting, and there has not always been complete agreement, even among Judges and lawyers, about the application of some of these decisions or as to the extent of the powers of the Police in these matters.

I pause here to say this, If lawyers say that they are not themselves ad idem with one another on certain aspects of the application of Common Law principles to certain offences, I think on balance it? would be better for the citizen to know what the law is. It is true that ignorance of the law, I am told, is no excuse, but surely it is better for the average citizen to have a general awareness of what he may or may not do so that he can know, at any rate, with some degree of certainty how to guide his conduct rather than for him not to know anything at all, and to be told when he commits an offence that although there is no Statute Law in Barbados governing it, yet English Common Law principles govern it.

I think that any citizen worth his salt would prefer to know that he may or may not do this; this or that is allowed; this or that is forbidden, so that he has a working knowledge of the limits within which he may exercise this constitutional freedoms. Therefore, what this Bill, particularly Part VI of it, purports to do - and it is for this reason, if for no other that it will have my support - is that it is trying to codify and set out in a simple form to some extent what the Common Law on the subject is; to make these Common Law principles Statute Law, so that everybody may know them, and to set out without equivocation and as clearly as possible the powers of the Police in relation to preventing certain disorders and breaches of the peace. The Bill also attempts to set out clearly what sort of conduct or behaviour is not permissible at public meetings, both on the part of the speakers and on the part of members of the audience.

Mr. Speaker, I would like to pause here for a moment to relate a fundamental change in the law of this country to a personal experience. I am not saying what I am going to say now in any boasting way. Certain hon. members may not know this, but I was and believe I will be until the end of time unless some Government changes the law in this respect, the last person ever to have made a nomination speech as a candidate at nomination proceedings for election to a seat in this Assembly. I believe that the law in respect of that was changed because on that occasion I gave the Labour Party such a drubbing that even the Ministers, who were present at my nomination - the one which led to my successful nomination to this Chamber - could not forbear to cheer me, and Mr. Cox, the hon. senior member for St. Michael as he was then, was caught by the now Leader of the Opposition, then Premier of the country, giggling at some of my remarks and was frowned down. When I had finished speaking, a crowd of my supporters surrounded the then Leader of the Party, ridiculed him and his Party, and what they conceived to be the wrong policy in those days. Since then the Representation of the People's Act, 1957,

changed radically the procedure for Nomination Day, so that since then you only hand in your papers and you do not make any speeches.

12.40 p.m.

You can think the thoughts of anybody, but you cannot speak them upon nomination; you never could since 1954. The last time that was done was on 8th November, 1954, in the Mess House School in St. Lucy. It has not been done since, and the amendment to the Representation of the People Act took away that right from candidates because It was felt.....

Mr. J. M. G. M. ADAMS; On a point of order, all that the amendment did was to remove the necessity for the proposer and seconder to be present at the nomination. The candidate has every right, if he can find an audience, to speak on Nomination Day.

Mr. SPEAKER:
Point duly made,

Hon. J, C. TUDOR:
Mr. Speaker, I contend that since then nobody is entertained, if he wishes to speak on Nomination Day. I have not waited until now for the hon. member to tell me anything. I have been through the experience, The point I am making is that I still feel, although not strongly enough to make this an issue either with my colleagues or on the floor of this House, that it was a valuable exercise in what some people like to call participatory democracy that the would-be candidate be able to address the electors when he is presenting himself to them; but the former Government bequeathed otherwise, so that what was a Common Law right of people, if I can put it that way, to address electors is not now such a right because it has been abridged.

I want to go further, Mr. Speaker. You know it is an advantage for any member of this House to have sat in more than one Parliament, and a certain advantage - if you have had the experience both in Government and Opposition as I have had. The last bit of legislation put on the Statute Book before the change of Government in 1961 was the Prisons Bill of that year. Under that Bill, and it is still on the Statute Book and we have given a pledge to repeal its more unconscionable aspects, the Governor-General has power to declare any-building in this Island, not excepting any, to be a prison. This is what they put on the Statute Book. Now the point is this, Mr. Speaker: the right which you give to the Government to declare any building to be a prison.....

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

Am I right in saying that the Barbados Labour Party put the Prisons Act on the Statute Book and the Democratic Labour Party brought it into force and amended it?

Mr. SPEAKER:

Only Parliament puts anything on the Statute Book.

Hon. J. C. TUDOR:

No, he is not right. The Bill passed this House around 10th October, 1961; the dissolution did not come until early November unless my memory fails me, but it was their Bill and we have always said that we did not agree with it, and last year in the Speech from the Throne we said we were going to repeal its more objectionable aspects. (A VOICE What is objectionable about it?) What is objectionable about it? Power to declare any building in this Island to be a prison is as much an invasion of the rights of property as anything else. If the hon. member likes that and wishes his house to be declared a prison, he may do so; but I personally objected to it then and I object to it now. We are going to repeal it, They are the people who decided that every house in this country should be a prison, As a matter of fact, one of their arguments at the time was that it was not really meant as we were taking it, but that you could always have an epidemic and if the Hospital was overflowing - the same Hospital which the rats were biting the children in at that time - you could use those extra prisons to house the sick, (Asides.)

Mr. SPEAKER:

Hon. members not addressing the Chair would remain mindful of the Standing Orders.

Hon. J, C. TUDOR:

They said they could use the extra prisons for that purpose. That was then. We did not make any bones about it. We did not like it then and we do not like it now. Mind you, Mr. Speaker, the repeal of this Act could not be a priority because we have every reason to do it, and we have committed ourselves to it in the last Speech from the Throne and so we will. I am hoping in a few weeks myself to have the pleasure of piloting through this House a Bill to amend and repeal certain sections of that obnoxious Prisons Act which they initiated and passed in here before the change of Government.

Now, Mr. Speaker, I would like to continue. (Asides.) It is bound to be irrelevant because that side must attack us and we must not rebut what we remember. As I said, it is a good thing when you have been in more than one Parliament and when you have been in Government and Opposition. Now I have

outlined the main provisions of the Bill in a general way both at the beginning and in the course of my remarks, but perhaps in answer to some of the criticisms and the fears which have been expressed about the Bill, attention should be drawn specifically to those provisions which are relevant to the question of whether the Bill is intended by the Government to stifle political opposition.

Mr. Speaker, if you are opposed to the Government, you are bound to say that anything the Government does is wrong and that any bit of legislation, no matter what it is, is designed to put the Opposition at a disadvantage, But if you certainly are criticising this Bill as a measure, you can only go by what the Bill actually says. Even if you do not believe in an assurance given by the Government, you have to believe the provisions of the Act you are passing. The Democratic Labour Party is as much subject to the provisions of this Act as the Barbados National Party, the P.P.P., the Barbados Labour Party, the P.N.P. or whatever combination of political associations you may have in this Island. As a matter of fact, even without this, all political parties have to obey the law, or should, whenever it is pointed out to them that anything they propose to do is contrary to the law. I well remember that a year ago this very week when we were in the final stages of the bye-election campaign which brought the hon. junior member for Bridgetown into the House, on several occasions we applied for the Democratic Labour Party for spots to hold meetings and we were told we could not have this or that particular spot on the last night because the Barbados Labour Party was having them. It was quite all right with us, and I daresay it must have been their experience that when they applied they were told they could not have cartain spots because the Democratic Labour Party already had them. What is wrong with this? All political parties must obey the law.

12.50 p.m.

Secondly, by virtue of Clause 8 (1) (a) no permit would be required for the holding of a political meeting in any constituency during an election campaign, because the Representation of the People Act would cover all election procedures; but it is odd that we should all accept the law during an election which is done to regulate the holding of public meetings and to ensure that elections are conducted in an orderly fashion, and outside of election time we rebut a proper application of the law to regulate public meetings.

Thirdly, Clause 5(1) stipulates that the Commissioner of Police must not refuse an application for a permit unless he has reasonable ground for fearing that the proposed meeting may cause a breach of the peace or serious public disorder. The Bill has been criticised on the ground that there should be no requirement for permits to have the meetings, but only that notice of such meetings should be given to the Commissioner of Police. I believe that those critics might do well to consider whether in fact there is all that much difference between the position set out in the Bill and a position in which only notice of meetings is required, and the Police are nevertheless empowered to forbid the holding of a meeting in a public place for fear that it would lead to a breach of the peace.

Fourthly, - and I want to emphasise this, Mr. Speaker - the Bill does not seek to prohibit the holding of public meetings; in fact it is as much concerned with the protection of lawful public meetings as with any other aspect of such meetings, and this can be seen from the provision of Clause 30 which makes it an offence to endeavour to break up a lawful meeting, and Clause 31 which prohibits the offensive conduct at public meetings, and Clause 32 which prohibits the carrying of offensive weapons at public meetings. Now, Mr. Speaker, again I refer, not only to the general political life in this country, but to the specific occasion when there was political controversy at its height in this island, and I refer to the bye-election which took place a year ago this week and which, as I said, brought the hon. junior member for Bridgetown into this Chamber. I do not think there is any member of this House, at any rate, who participated in that campaign who would deny that all kinds of tilings were said by Government of Opposition and by Opposition of Government; we did not spare one another, and certainly what came from the Opposition's platform was as - I must choose my words carefully - was as unbridled as you could wish and what came from the Government was as bridled as you could desire.

I am going to ask hon. members this, because this is the whole point of this Bill, Despite the fact that we were severely criticised by them, did either of those political Parties, Mr. Speaker, advocate the overthrow of this or any Government by violence? Did either of those political Parties - my own and theirs - preach racial hatred? They did not; so that is proof that it is perfectly possible to have free expression to criticise the Government as thoroughly and, as I believe, as unfairly as you like, and for the Government to rebut as-vigorously as it wishes the the contention of the Opposition, and for both to conduct lawful public meetings not only within the law but occasionally within the bounds of common decency, The point is this; I do not mind how severe the criticism of the other side to this Bill is - in fact I welcome it; do you know why? This Bill, in my opinion, will make it possible for us to have the two-Party system in this country and to uphold constitutional Government, because all it says is that lawful political activity must be carried on and it defines what would be unlawful political activity, Any number of political Parties can address public meetings -yours mine and others which are not yet formed; they can appeal to the people- of this country for their votes at election time and effect a peaceful change of Government. That is allowed, and that is common ground between us. Anybody who wishes to advocate the violent overthrow of the Government, and who wants to act as if the constitutional provisions which guide us are to be set at naught can have no place in this society. This is fundamental; so their criticism, Mr. Speaker, of this Bill is, for me, a valid reason why it should be passed, because I for myself want to guarantee the right to criticise Governments - I may not always be in Government; a Party other than us, any other Party is perfectly capable of receiving enough votes to form a Government if the people so wish; of course, as far as they are concerned, they already know that they will be the next Government - I do not know; so we have to face an election to see who will win - what we want to guarantee is that there shall be an election. They want one; we want one (Mr. HINDS: I doubt you intend holding one.) The hon. junior member for St. Peter says he doubts we will hold an election; all I can tell him is to try to doubt his own doubts for a season; then he will arrive at the truth about it. They said we were having Independence because we were going to do away with elections; We had an election; we heard that we were going to be dictators - we have not proved that way; we would have locked up people..... (Asides.)

Mr. SPEAKER:

Members not addressing the Chair, even though because of the hour they may be becoming restless!

Hon. J. C. TUDOR:

I think what the hon. member fails to understand is - and I want to reiterate it - opposition to this Bill is, in my view, quite valid, and I wish to make it possible in this Island that there always will be criticism of and opposition to Governments. I do not want to see a situation in which Governments, whether here or anywhere else, are overturned by force, by violence, and that the people of this country no longer have a right to choose Governments, Once that right is safeguarded, any political Party, so long as it wins in a free and fair election, has all the authority to govern; so the argument cannot be between us as to whether or not cither of us on either side of the House believes In free Government or not, or that the presence of assembly in this country is an indication of what we believe, Although members opposite may try to make it that they have nothing in common with Government they must remember this, that you cannot keep the two-Party system going in any country unless there is common ground between the two Parties on something or other.

You could not maintain, for instance, the two-Party system in the United Kingdom, if one Party was devoted to the Monarchy and another Party was properly opposed to it, because the time will come when those who were opposed to it would have the Government, abolish the Monarchy, and in order to prevent the re-emergence of the Monarchy, would have to outlaw those who were in favour of it, 1.00 p.m.

You have to have some common ground, and I am saying that the common ground which both sides of the House share is an attachment to a free society and to the democratic processes. We may agree or disagree on how not to run the country, but each Party which, for the time being, has the mandate given by the people in a free election must use that mandate in the way it seems fit and be prepared to be criticised and even obstructed in the execution of its mandate; but it is not competent either for Government or for members of the Opposition to act as if the preservation of a democratic society was irrelevant to the whole process of life in this country.

I wish to emphasise that those who believe - I cannot emphasise this too much - in democracy and in the lawful exercise of the democratic rights guaranteed by the Constitution have nothing to fear from this Bill. Lawful political activity is still the orderi of the day in Barbados. Far from there being less of it, I think there should be more of it. The organisation of political parties intended to appeal to the electorate in free and fair elections should not only continue, but should be strengthened. For those who have no real liking for democracy or for the re-spectof the rights of others and who would not hesitate to

abuse these very democratic rights guaranteed by the Constitution in order to stir up racial hatred or to incite unthinking and unsuspecting persons to violence, and generally to create anarchy and chaos so as to abuse these rights, I give them a word of warning. This Bill will give those whose responsibility it is - the Police, and the Courts - adequate powers for dealing not with the friends of free constitutional Government, but with its enemies.

Mr. Speaker, I beg to move the second reading of the Bill.

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

SUSPENSION OF SITTING

Mr. St. JOHN:
Mr. Speaker, I beg to move that this sitting be now suspended until 2, 30 p, m, today, reserving all rights.

Mr. SPEAKER; The rights will automatically be in reservation.

Mr. CRAIG; I beg to second that,

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

On resumption:

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, 59 minutes of which will be devoted to the Opposition's reply for broadcast.

Hon. K. N. R. HUSBANDS:

I beg to second that.

Mr. SPEAKER:

The question is, "That Private Members' Business be now taken for one hour and a quarter, 59 minutes of which will be devoted to the reply of the hon. and learned senior member for St. Thomas, shadow Cabinet Minister of Finance."

Mr. CRAIG:

Mr. Speaker, you said 59 minutes of which will be devoted to the hon. senior member for St. Thomas. I believe that you mean 59 minutes for radio broadcast.

Mr. SPEAKER:

There is an unlimited time for any member who wishes to speak.

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

RESOLUTION re. THE FINANCIAL STATEMENT

AND BUDGETARY PROPOSALS FOR

THE FISCAL YEAR 1970-71

Mr. SPEAKER:

Order No. 1 stands in the name of the hon. and learned senior member for St. Thomas, and it is to move the passing of a Resolution that this House notes the Financial Statement and Budgetary Proposals of the Minister of Finance for the Fiscal Year 1970-71 laid before this Honourable House on the 12th May, 1970, but deplores the taxation proposals mentioned therein and especially

(a) the increased cost arising therefrom to the building industry;

(b) the increase in the cost of motoring;

(c) the fact that a more considered approach to the taxation of the tourist industry has not been adopted.

Mr. J. M. G. M. ADAMS; Mr. Speaker, last week in circumstances which, unfortunately, we all remember only too well, my reply to the Financial Proposals and Budgetary Statement made by the Minister of Finance some weeks earlier was started, but, unfortunately, on that occasion it could not be pursued in precisely the manner in which the House had originally intended,

Before I come to the Proposals themselves, I would like to tell hon. members, speaking for myself, that I am In no way conscious of having done anything to cause the delay, the interruption in our proceedings, and the halt In the moving of this motion, I would like to emphasise that I am under no obligation - nor is any other hon. member under any obligation - to limit his speech to any period of time whatsoever, nor am I in a position to say that when I sit down such-and-such an hon. member will speak. I just cannot do that.

Hon. members will recall that, upon a request from the hon. senior member for St. Joseph made last week, I indicated that I expected that my speech in support of this motion would last for about twenty-five minutes; that the speech of my Seconder would last for about twenty minutes, that a quarter of an hour of broadcast time would be available for the Leader of the Barbados National Party, the hon. senior member for Bridgetown, and that, as far as we on this side of the House were concerned, the hon. senior member for St. Joseph might use a part of that time. Beyond that I could not then go nor at any time would I be able to go beyond that. No hon. member is limited in the time which he may take to address this Hon. House of Assembly. Nonetheless, despite that, wires were cut, the proceedings were

interrupted, and hon. members and the public can be the judges of how justifiable that was on that occasion.

Mr. Speaker, this year's Budgetary Proposals, I think we will all agree, have been presented to the House of Assembly at a time when Barbados is more in a state of ferment than is usual for the Island. 2.35 p.m.

Economically we are going through a period when the traditional agricultural regime is giving way as the chief factor in productive life in Barbados to the sale of - what I may call - the sun, the sea and service which make up the tourist business. Politically, the question of greater Caribbean unity is still a living issue despite every effort of the wreckers who pay lip service while quietly putting it to rest. And socially, as well as politically, we have a new and frightening phenomenon to deal with - the threat of political violence which, going or masquerading under the name of Black Power, has attached itself to the legitimate grievances with which the plantation economy and colonial system have left Barbados. And let there be no mistake, Mr. Speaker; as hon. members will hear later today when debate on the Public Order Act is resumed, this is a thing which threatens all of us in both political Parties, and on our side at least there has been no hypocrisy, for louder voices have been raised from amongst the ranks of the Barbados Labour Party against the monstrous sub-political spawn that Infect the night air of this Island with their threats of violence than have ever been heard from the other side, It was a Minister of Government, Sir, who in this House commented that he was a supporter of the politics of Stokeley Carmichael and Rap Brown, It is with this background, then, that we approach the new taxation that the 1970 Budget has to offer,

First of all, about the claim that it is a nationalist Budget, If this is so, and if this is a good thing, then we In the Opposition will not be quarrelling with that side of it. I myself am hardly in a position to quarrel with, for example, the Minister of Finance's statement on tourism that "the time has come for the industry to make a greater direct contribution to the cost of running the country", for 1 find that in an interview given at the British Broadcasting Corporation earlier this year, I used those words, and again I quote "tourism ought to play a greater part in bearing the load of taxation which Barbados now has to carry." Like the Minister, I related this to the fact that tourist expenditure now exceeds the revenue from the sale of sugar. But I will return to the taxation proposals for the tourist industry later in my speech, Mr. Speaker. What I want to deal with now is the load of taxation which Barbados has to carry. The last recorded figure for the gross domestic product of Barbados, that is, for the year 1968, is around $216 million. We may assume that this has shown a rise in 1969 and will almost of necessity rise quite sharply in 1970, not because of any productive increases, but because of the great increase in the Civil Service, in Police and indeed in Ministerial salaries, so that a figure of around $240 million may be achieved as the gross domestic product for the year 1970.

Now, the projected taxation which Barbadians are being called upon to bear this year is, in round figures, $81 million. That is more than one-third of all the wealth being produced in the country. We are accustomed to complaining about our taxes, but it is time that we make a decisive protest about the enormous 'confidence trick' that year after year is imposed on us when our progress is measured by the Prime Minister solely or almost solely by the amount of Government revenue he has collected. Government revenue is only another and, no doubt, more gentle way of saying taxation, and we on this side of the House reject such a criterion; and we ask ourselves: what have the people of Barbados got to show for the doubling in the amount of taxation we have all had to pay in a short five years? Salary increases, a good dose of inflation, a good deal of Ministerial travel and comfort, a Foreign Service, Sir, as expensive as it is futile and irrelevant, and no single project to show comparable to the building of the Deep Water Harbour or a major hospital.

It was John Maynard Keynes, a celebrated economist whose work showed first President Roosevelt, then Dr. Schacht, the Finance Minister of Hitler's Germany and eventually the post-war Governments of Britain and Western Europe how to conquer unemployment! who pointed out as long ago at 1923 that taxation beyond a certain point is a cause of inflation, Later economists suggest that this inflation factor is reached when a Government begins to take a quarter of the nation's wealth in taxation, Professor Northcote Parkinson aees taxation of over a third of the overall national product as being decisively destructive to iti economy and cites examples; and sometimes when I look at the performance of the present Government of Barbados, I think so too, If Ministers think that the people's money is theirs to spend, not only on the people's business but on their own Party and personal political aggrandisement, how can taxation ever be reduced? And while this is not the best time to examine in depth the appropriations-or may I say perhaps the misappropriations-at, for example, the Housing Authority which seems to be ready to spend as much money on painting its houses as the Barbados Labour Party Government spent on building them - or, if we take yet another example, to send the Chief Waster from the building of the Hilton Hotel to direct the prospective waste on the $19 million project under which the Government hopes to remodel Seawell Airport - without going into these examples in depth, 1 think these brief words should be enough to convince the Minister of Finance that one of his major problems is to find ways of reducing Government waste, if he wishes to apply the equation 'Expenditure equals Progress'. At the present time the true Democratic Labour Party equation is "expenditure equals progress plus waste plus corruption". And while this cavalier attitude to the people's taxes continues, the economy stagnates and is controlled by factors outside Government and continues to depend on decisions taken outside Barbados. It seems that all the present Minister of Finance knows about directing an economy is to collect the taxes and see that the atmosphere is right for a small group of mainly foreign persons to make money in Barbados.

We look, for instance, at the enormous trade deficit that Barbados faces and ask ourselves what is being done about it. In the Prime Minister-'s Speech he said that imports now form 77% of the gross domestic product. In other words, allowing for re-exports, approximately three-quarters of all the money earned in Barbados goes back out of the Island to buy things made, grown or produced outride Barbados. This is a theme played on last year in the Budget Speech as well, and as far as we can see, except for drawing attention to this potentially dangerous state of affairs, nothing has been done to put

into effect any significant policy of import substitution. I have myself never heard of any country with so enormous an import bill as Barbados, compared to its population. The balance of payments deficit on current account would be enough to sink the United States several times over if transferred to the scale of the American population, not to speak of Great Britain and other countries of Western Europe with chronic difficulties of this sort. The deficit was financed in our case partly by the activities of the commercial banks, as far as we can see without any Government intervention. 2.45 p.m.

We do not even know, Mr. Speaker, how large the deficit really is, since it is impossible to work out accurate balance of payment figures for Barbados on the present returns made by the commercial btnki, an item in the accounts dealing with errors, omissions and miscellaneous being in the order of $10 million; you can get no more accurate than that. Mr. Speaker, the balance of payment figures are not the only ones which leave us groping in the dark, for the Minister has once again this year had to do In a speech what he should properly have had done in a document, that is to outline the activity of the economy that should be published In an Economic Survey This is not the second - as may have bean thought from the opening words of his speech - but die third time that his Ministry has fallen down on this Job, Another of the old familiars with which his speech was decorated was the usual underestimation of the revenue to be collected by his proposals. I have sat here in this House before now and listened to the scorn directed by the Prime Minister at what he called the 'good housekeeping' budgets of his immediate predecessor, but it seems that we are in-undated with a quaintness in our Ministers of Finance. The present incumbent is said to be the first to present a genuine Budget at all. He is certainly the first to present without fail every year a Budget in which he says that the estimated revenue is such-and-such but that he intends to collect more. Is it not time that we were rid of this eccentricity?

The oral review itself prompts one thought, Mr. Speaker, before I go on to discuss the specific Budgetary Proposals. Barbados is to have a Central Bank, and a greater measure of control over monetary affairs is thus to be taken in hand. I know this is a project that used to be dear to the Prime Minister's heart when he was in Opposition and during his first years in power, and I do not disagree with it. But is he prepared for the necessity to exercise greater control over the commercial banks than at present prevails?

I have already mentioned the difficulty that arises in calculating the balance of payment figures. Is the Minister prepared for the fact that before he can exercise any real control over these figures, he will have to make the banks report movements of funds between Barbados and other sterling area countries, as well as countries outside the sterling area? Another point, Mr. Speaker, is that many people, including myself, are convinced that the Prime Minister was too easily convinced of the need to abandon the system of a fixed rate of interest, and I am sure that he cannot have given proper consideration to a review of this decision or to placing an upper limit to the present rates being charged by banks in Bridgetown. The best argument in favour of removing the original limit was that when interest rates rose above 8 per cent outside Barbados the banks could no longer afford to make loans in the Island. But this

was refuted by the figures that year after year have been published which showed that bank deposits in Barbados always exceeded bank loans and advances in Barbados. In other words, the banks were then - in 1967 when the rate of interest was set free - and according to the Prime Minister's figures still are, taking Barbadians1 money to lend or otherwise dispose of abroad, The excess in 1969 was over $30 million, and this means that we are still financing the activities of overseas persons to the tune of that many millions - a good deal more than the few dollars which backed our currency in the form of loans to other Colonial governments when the present Government took over in 1961 and about which such an unreasonable and unfair storm was made at the time, .

And finally before I turn to the new taxation, Mr. Speaker, I would ask the Prime Minister to be more careful in his analysis of what he calls the "openness" of our economy and the necessary effect this has on prices in Barbados. When prices abroad go up, this will obviously mean that the prices of our imports will rise and that we will be faced with an increase in the cost of living not of our own making. But the converse also applies, Nothing that we can do in tiny Barbados with our very limited demand, is going to put a penny on the price of fish from Newfoundland, meat from New Zealand or motor cars from Coventry. Civil Servants can have all the increases we care to give them, but this does not mean that the price of imported goods has to increase one cent. The 77 per cent of Gross Domestic Product which we import from abroad has its great dangers, but at least it protects us from the inflationary consequences of any little local follies. And it is time that the Prime Minister recognises this, and makes a real effort to fight the vice of the inflationary spiral by price controls and otherwise here in Barbados rather than blaming it all on the "foreigners."

Mr. Speaker, the first specific taxation proposals of the Government which we indict today are those dealing with the construction business. Unlike some of the other growth industries, construction is one in which Barbadians have shared in the full. Barbadian contractors, foremen, artisans and workmen are flourishing on the demand for homes from Barbadians. Even although we are rapidly moving towards the Bermudian condition, where no citizen of that territory outside the highest income brackets can now hope in his lifetime to earn enough to allow him to buy a home for himself, the construction business in Barbados is certainly not going to complain of this. A foreign-owned concern is said to be the largest construction business now operating, but lam confident that Barbadian enterprise is such, and the spirit of competition in this industry is such, that no company can ever be sure that its share of the market will not disappear overnight with the conditions that now prevail. Many good judges consider that the true contribution of the tourist industry to the economy is the construction boom and its resulting bonanza of jobs, job training, building expertise and general know how. It is significant that a century-old trend is at last being reversed, and that Trinidadians are coming here for the first time to find jobs in the building business. But against all this there is an unwelcome side. Building costs are already unnecessarily high in Barbados. Material costs are higher than in Trinidad and, in most cases, very much higher than in North America or Europe.

Shipping and freight costs do not alone account for this, since monopolistic practices by building

material importers and the weight of customs duties and local taxation also contribute, Why then has the Prime Minister decided to make things worse by increasing the tax on cement, on paint, and Increasing, , the package tax, and this at a time when the first cloud is showing Itself on the construction horizon? Much of the building boom has been generated by tourism, and It has become clear that there is not going to be the same number of new hotel rooms built this year as so handsomely supported the building booms of 1968 and 1969, Perhaps the new taxes are an indirect way of cashing-in on the expected rebuilding of Broad Street, but it will be tragic if a net set to catch a whale first traps all the little minnows - and out of courtesy to the hon. senior member for St. Andrew I will not say 'mullets' - who are hoping to put up their modest two or three-bedroom houses.

2.55 p.m.

I have referred to the close connection between construction and the hotel business, and I will now deal with the taxation proposals for the tourist industry. I must start by stating what I had foreshadowed at the beginning of my speech. Our Party has been the protagonist of putting some of the taxation load that Barbadians have to carry on to the hotel industry. We believe in it; we have preached it from platforms for many months now, and when the Prime Minister was reported in the London Press as saying that Barbados did not need investment -and, Mr. Speaker, I am not saying that this is what the Prime Minister said; I am saying that that was the substance of the London Press report. - I was interviewed on the B.B.C. in London and gave my opinions which previewed those of the Prime Minister.

For a long time in this Party we have thought that the hotel business is getting away with it too easily, Mr. Speaker, The hotel has not paid as much in taxation, and for some years to come will not have paid as much in the way of taxation as has been spent on the Tourist Board by the Barbados Labour Party Government and by the present Government. That business is not suffering. The tourist industry is not suffering today. I do not say this in any spirit of hostility to the hotel operators. As far as I am concerned, they deserve the grateful thanks of Barbadians for coming to the Island to invest when first given the incentive green light nearly 15 years ago by the then Barbados Labour Party Government. These hoteliers have stayed to help our economy take a great step forward in the intervening passage of time.

Both Governments have contributed to make this possible. I am not seeking to be selfish or partisan about this. The Barbados Labour Party administration built a modern Airport and a Deep Water Harbour, and the present Government has carried on with the Tourist Board expenditure and has maintained a positive attitude of welcome to hoteliers and others seeking to come in to invest in the tourist business. I do not think we have had any Minister of Tourism who could be attacked for having a restrictive attitude to tourist investments in this Island. Both Governments and all the Ministers of Tourism, whatever their drawbacks, in other respects, must be congratulated for the fact that they were rewarded by seeing tourism doubled in five years from 1956-19611 doubled again in the next five years,

and increased at a steady rate ever since 1966. But none of this, Sir, Government enterprise notwithstanding, would have been possible were not investors willing to come here, put their capital and their enterprise in; and so we owe a debt of gratitude to foreigner and Barbadian alike for what they have done for our country in respect of the tourist business,

Nonetheless, the pioneer days are over. The only frontiers in St. James and St. Peter are on 'Stagecoach West.' We no longer have to assist a struggling industry, one that is trying its best to get a .foothold in our economy. Enough is as good as a feast, and I for one am not ashamed of a few crumbs and more from the tourist table. What I cannot understand - and the Prime Minister's speech has done nothing to enlighten or assist me - is why the Government or the Minister of Finance - for I hardly think there is any other member who has or could have contributed to an act of policy such as this - has hit upon this particular method of taxing the industry.

Hotel accommodation in Barbados is largely sold on what is called the Modified American Plan; that is, a charge is made for the room, breakfast and dinner. This system allows the hotel to achieve a degree of certainty in providing meals - always the most difficult part of any hotel operation - that hotels which offer only 'European' or 'Continental' plans of 'bed alone' or 'bed-and-breakfast' cannot attain. Any charges on gross receipts, such as the Prime Minister has instituted, are going to fall on the most fragile part of a hotel's service if it includes the charges made for meals, and it will inevitably cause some shifting and re structuring of the accommodation plans now offered. Already, Mr. Speaker, I am informed that there has been discussion among hoteliers as to whether they will be justified in continuing to maintain the same staff for the service of meals under the new dispensation. In Jamaica, a system which the Prime Minister so summarily brushed off in his speech, is in full operation as a means of taxing the hotel industry. For taxation purposes an allowance at the rate of US $10 per meal is deducted from the overall charge which a guest pays - if he is on a meal plan - and a tax per head is then calculated. In this way the hotels maintain a full meal service and continue to employ a large staff.

It is through their food operations that the hotels in Barbados mainly contribute to employment. Paradise Beach', well known as one of the best run and most profitable now operating, employs a staff of 260. 'Sandy Lane', as reputable for its cuisine as for its situation, has 320; the Hilton, 1 am informed, around 400 at peak times. If the food operation in hotels is made less profitable by this new tax and is reduced in consequence, it is the dining room employees who will be the first to suffer. Apart from the construction that tourism has brought in its wake, the main contribution that the business brings to Barbados, as far as I am concerned, is employment, and any tax that threatens employees in any way is suspect to the extent of the threat. Far better, we say, to have had a straight head tax calculated on the price of rooms with a review of the meal allowance, if it appears that the hotels are transferring their more profitable operations to the restaurant and away from the room charges.

Before I leave this tax, Mr. Speaker, I would like to disassociate myself from any suggestion that the hotel industry is forever entitled to a special taxation position because it was encouraged to come to Barbados by taxation concession and other privileges. I observe that this point is reported as being made in the course of representations to the Prime Minister. I observe that the Hotel Association has even gone so far in its ignorance as to offer to discuss with the Prime Minister alternative arrangements for taxing the industry. This is merely amusing; it is a point that no reputable Government or any Party in Barbados can accept, since the power to tax can be fettered only by considerations of wisdom, fairness and public policy, not by any special privilege. I know of no rule that says that if a business is not taxed when it starts operations it can never be taxed thereafter without its consent.

There is another point on the hotel industry. A good deal has been said to the effect that it is pricing itself out of business. Why has not the Minister been more discriminating in the application of this tax? In Puerto Rico, I am informed, the tax position is made much easier for hotels which charge less than US $10 per day. This tax which we now have in Barbados is going to fall and is falling with equal weight on the receipts of small hotels and guesthouses who cater for the more modest pockets, especially of visitors from other West Indian Islands, and the new less well-off North American travellers atwhomthe industry is now aiming as on the pockets of the rich, luxury hotels. 3.05 p.m.

This is another field in which positive action to help the cheaper hotels would have been better than mere words about over-pricing. In passing, Mr. Speaker, may I comment on another tax, which, although not directly placed on the hotel business, is associated with it. I refer to the increase in the Property Transfer Tax for non-resident purchasers, and I say of it only that we on this side would be glad to see it higher. The need for land is at an astronomical level here in Barbados, and Barbadians would be glad to see a really decisive attack made on land prices by reducing foreign demand for the land of this country.

Mr. Speaker, hotel operations do not cover the whole tourist industry, and the position of apartments and even apartment hotels is still too easy after this Budget. The most extraordinary profits are being made by the owners of apartments without their being subjected to any more than the ordinary income tax which you and I, Sir, like most other Barbadians have to pay on what we go out and sweat eight or more hours A day for. I am certainly disappointed that the Minister did not exercise his ingenuity on the apartment owners who merely have to sit down at home and draw their rents, But perhaps we should say as a House as a whole that even if the apartment houses are not caught next year, 1971, they should not expect that 1972 will leave them unscathed. There seems to be already a little flight from the hard work involved in any hotel into the cushy life of the apartment business, and one of Barbados' oldest hotels vanished into the fiery night a few years ago to be reborn a little way down the road as Apartments. It is a Finance Minister's duty to follow the profits, -with an 'f', Mr. Speaker; I do not mean that the Minister has to go to Porey Spring to see if the street lights are installed yet - and see if they are yet ripe for the plucking.

Mr. Speaker, other taxation proposals I wish to deal with are those on beer and gasolene. I am amused as much as anything else by the duty on beer. Some time ago, the Board of the local brewery refused to employ a member of our Party on the grounds that he was such - that is to say, a B.L.P. member. He received a letter informing him of this and saying that the brewery had already suffered because of its supposed sponsorship by our Party when it was granted pioneer status in 1960. That tax holiday has now expired on the company achieving its tenth birthday, and far from being rewarded for its blatant act of political discrimination, it now has a birthday consumption tax to pay as well as the ordinary taxation to which all companies are subject. But I think they can bear it, and I for one will drink Banks as happily as ever.

As far as the new duties on gasolene are concerned, Mr. Speaker, I think that they should not have been introduced at a time when motoring is going to become more expensive anyway by reason of the increase in insurance costs that will inevitably follow the new Third Party Insurance Bill. There may have been a certain convenience in settling with the service station operators and raising revenue at the same time, but I do not think that Barbadians will appreciate this tax or think that it is fair to the public at this time, and the tax in any case seems to have failed in its purpose of getting the filling stations to open for longer hours.

Mr. Speaker, taxes such as those on fruit juices, soaps, perfumes and the other long list contained in the Budget I leave for the comments of other hon. members including, as far as I am concerned, not only the members of the unofficial Opposition, but members of the Government as well. But before I close I would like to deal with another tire some perennial which we meet in a Budget Speech. This is one brought over from the Estimates debate. I refer to the question of Capital Estimates. Year after year a large programme of Capital Works is promised to Barbados. In one election year I think it reached $18 million. This year it is projected for $24 million. Never in the history of the Democratic Labour Party regime in this Island has the Government been able to carry out its programme of Capital Works. Meet of the time there has been a short-fall in money, and the rest of the time there is a short-fall in technical expertise. Now this year we are told that the Capitol Works Programme is to be financed entirely by loans. In other words $24 million in loans in intended to be raised, but where is this going to be raised from? This is one year we cannot complain of the public debt having gone up, but the Prime Minister has said in his speech that loans are difficult to raise, and that it has not been possible in the present financial atmosphere to raise a loan on the London Market, We do not see it, and we do not think that the wool should any longer be pulled over the eyes of Barbadians of having a promise of an enormous Capital Works Programme and the reality of a ghastly unfulfilment. Last year's Capital Works Programme, as far as we can discern from the figures made available to us, was financed out of past surpluses on Current Account. This year's surplus, as we see it, is likely to go towards financing the increase in salaries. We do not see this programme of Capital Works. We do not believe that the National Debt of Barbados should be put in pawn to the tune of nearly 30% for one year's Capital Works, anyway.

Sir, this leads me really to my final point. We have had, Sir, in the Prime Minister's Speech, a statement that in pursuance of his policy he will rely on the principle of deficit budgeting to avoid the inflationary situation and that he will budget for this deficit and not for a surplus; but the whole point is that you do not have deficit financing merely by budgeting for the deficit. You have it by achieving a deficit, and year after year the Prime Minister bud-gets for a deficit and achieves a surplus. It is not budgeting for this deficit that makes for progressive financial proposals. If you wish to avoid a deflationary situation, you have to inject purchasing power into your economy by expanding the money issue or by otherwise. If you withdraw money from the economy by producing a surplus and allowing the volume of lending to shrink at the same time as happened last year - that is exactly what happened last year; there was a surplus and there was a shrinking in the volume of lending - you necessarily produce a deflationary situation which shows, itself either in contracting purchasing power or reducing capital spending on the basic necessities such as roads, schools, water, electricity and so on. This reduction in capital expenditure is what seems to have happened last year.

Sir, we on this side of the House believe that it is time for a proper analysis of the inflationary and deflationary forces at work on our economy. That is the real problem facing Barbados in the next decade. Shall we as the Prime Minister threatened wake up and find we do not have a country? Shall we wake up and find we have become another Bahamas, a territory which although it has a bigger budget than Barbados has only a third of our population, yet cannot take any of its economic decisions at home, and when the travel agents of North America organise an official boycott of the Bahamas the Government of the Bahamas finds it has to slash its budget by over a third? Are we to become Another Bahamas or Bermuda?

3.15 p.m.

Or are we to hold the balance between inflation and deflation here in Barbados? Are we to aim at the steady expansion of tourist income while maintaining at the highest possible state our existing agricultural economy? We say that this is what we must aim at; we must aim at an expansion in Barbados in which the money derived from such expansion remains here without inflating the price of goods. We would want to see a careful price control which would use the benefit of our great Import Bill to avoid Inflation. We would want to see the merchants and those who sell goods in Bridgetown more their profits from volume rather than from unfair prices. We do not want to rest on the fact that Barbados already has an excellent infra- structure of basic services; we would want to see education at secondary level expanded and made genuinely available to all those parents who demand it without consideration of their income. This Budget, we cannot see, will assist Barbados in that direction; we cannot see that. All that we can see is that the same tired, old formula has been trotted out again - many promises, much talk, many new taxes, no real approach to the problem of reducing Government expenditure, no real approach to the problem of holding prices steady, no real belief that in this way the people of Barbados who have to be responsible for the expansion of our economy will act so as to give the greatest possible benefit to all the inhabitants of our Island, It is not often in House of Assembly that the occasion to

repeat the famous words of Oliver Cromwell arises, but we say to this Government "You have sat there too long; in the name of God, go". I beg to move the motion standing in my name.

Mr. HINDS:

Mr. Speaker, in rising to second this motion I am heartened particularly by the words of the Prime Minister made in his Budgetary Proposals which draw the attention of the people of Barbados to the fact that our main economy, sugar, has fallen by an amount of $7.3 million during the 1969 year period. Mr. Speaker, I should say now that Nero fiddled while Rome burnt; the situation here in Barbados is slightly yet drastically different. Our Prime Minister fiddled his words, and without setting them to music, he said he did not care whether or not he ever saw another cane blade growing in Barbados. The next result of all of this is the drastic reduction in the value of our sugar production until this day. Our receipts, Mr. Speaker, have fallen from $22.1 million, and we have got to bear in mind this one fact, that in the City of Bridgetown they witnessed three fires destroying property here, but throughout this entire Island night after night the main economy of this country is being destroyed by fire and there has been no question, no consideration given by the Government to the appointment of a Commission to enquire into the causes of these fires in our sugar industry.

Mr. Speaker, the Prime Minister's Budgetary Proposals have given us quite a few things to talk about; one thing that must matter to us very considerably in this sugar industry is Government's in-decision, or disregard on the other hand, for those peasant proprietors scattered throughout this Island who make their very considerable contribution to the economy of this country, They are the people who art suffering until this day, and many of them cannot get their crops reaped. Nothing whatsoever has been done to help those poor people; this is one of our main concerns, but the Prime Minister in introducing his Budget tells us that it was a nationalistic budget. We have got to look and examine what such a Budget could really mean, what It portrays for our people. We find that it is a Budget that taxes our people for their own cleanliness; from a cake of soap back the Prime Minister is taxing for them, and these things we intend to deal with as we go along in greater detail.

We are told that our economy continues to face the problem of rising prices. That is nothing new to us; bat what one had expected to hear in the Prime Minister's Budgetary Proposals was how Government intended tackling the situation to reduce the high cost of living in this community. Nowhere in this Budget can one find any suggestion on the part of Government that they are able in any respect to grapple with the problem of the high cost of living in a country such as this; so you will find, Mr. Speaker, if we were to look at it, some of the factors which have contributed to the burden on our taxpayers. There is mention by the Prime Minister of the expansion of the tourist industry, and from one look at it one can see quite clearly what a disservice the Prime Minister has done to this country when he took the taxpayers' millions - and I say millions because even the Prime Minister does not seem to know exactly what is the cost of the Hilton Hotel today - he cannot say with any precision, but when the Prime Minister sees what contribution to the tourist industry private enterprise is making, and he has still taken the taxpayers' hard-earned money to build the Hilton Hotel, one will see and agree readily that there is

an imposition upon the taxpayers of this country that private enterprise, given the encouragement by Government would also have imposed upon the taxpayers of this country. In other words, we could have had a Hilton Hotel without any inconvenience or any increased taxation on the taxpayers of this country.

Mr. Speaker, the Prime Minister tells us that the effect of devaluation is becoming weaker, is being felt not as greatly as in the past. We wish that we could believe the Prime Minister knew what he was talking about, but to suggest that there is a slower rate of price increase recorded and that the effects of devaluation are becoming weaker, we say that this is a blatant attempt by the uninformed and decrepit to grapple with the high cost of living facing the nation. 3.25 p.m.

That is the situation in which the present Government finds itself. We must admit that increased wages must be had, but to permit the rich to continue increasing prices is the surest way of giving a negative effect to any increase in wages that might be offerede whether by Government or by private enterprise, and nowhere have we found that the Government has shown any corresponding ability to deal with a situation such as this. What we are now certain about is that throughout the broadcast of the Minister of Finance he has shown to the country that he himself is uncertain as to what is responsible for the high cost of living and what is contributing so readily to its ever-ready increases. This is a situation which no nation can be expected to stand idly by and allow to continue,

Mr. Speaker, our total exports during 1969 are said to have fallen or declined to $8.8 million. One has to take quite a number of things into consideration in dealing with this matter. One hears at every turn of the tide of the new industries that are being established in this country, and particularly those new industries that are established for manufacturing for export only. Now, while we must admit that these new industries would take time to get off their feet and to reach maximum production, one has to take into consideration the fact that they must show some levelling-off effect on our export drive and our export earnings if they are to mean anything. When, in the face of all of this, we still find that our export earnings fall to $8.8 million, then there is a big question which the Minister of Finance has to answer to this nation. How best he can get around it, he and he alone must know.

Mr. Speaker, perhaps I would do better to turn now to the question of income tax, and there is one very important thing which should not be allowed to pass by unnoticed.

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

Mr. HINDS:

Mr. Deputy Speaker, the Prime Minister has taken the opportunity to warn the nation that, in a year such as this, the Current Account of the Government is heavily in deficit. Those are the words of the Minister of Finance. He regrets that the Ministry of Finance, although it continues to receive representations for the separate assessment of husband's and wife's income tax, Government cannot in ! the year 1970 make any concession in this respect, but that the position is being kept under review.

Mr. Deputy Speaker, when one takes into consideration the fact that with the ever-increasing cost of living, the steady rise in prices, in addition to the increases inflicted upon us by the Government in these Budgetary Proposals; when one sees and hears the crying needs from people in every walk of life, how can the Government in the year 1970 still tell us that it sees no possibility of reducing income tax? A married man and his wife get an allowance of $1,400 a year. Exactly what is the purchasing power of $1,400 a year in 1970? A single person gets $800. Let us look at the allowance in respect of children. A child under the age of 12 gets an allowance of $270. One has to bear in mind that this allowance is on an average of $5 a week, Now, if the child is at a University or attending a school, exactly what does this Government Intend to do with that child? What can $5 a week do for a child attending school?

Mr. Deputy Speaker, this Government seems to be definitely bankrupt of ideas in dealing with certain matters, and it is a case where the Government wants money and it has to find money whether or not It is frittered away, The direct way for the Government to get money is by way of taxation, and it wants to hold on to income tax as long as possible. We art urging upon the people the necessity for making recommendations to Government in connection with this matter, The Government must not only keep this matter under review; the Government must take active steps to remedy the situation,

Sir, we have had a case where a single man, a Head Teacher of a school, tendered his resignation to the Governing Body of that school. He had neither chick nor child; he was drawing a salary of $1,050 a month, but, in tendering his resignation to the Governing Body of that school, he pointed out that he could not get ends to meet. Sir, what is the position of the poor artisan? The Government needs these people, and it should go into a matter of this sort and see what remedy can be applied as expeditiously as possible.

Mr. Deputy Speaker, the matter of the increase in the price of gasolene has been mentioned by the hon. senior member for St. Thomas with very considerable effect, but one has to take into consideration, today, the fact that many carpenters and masons are today buying a motor car or some other means of motor transport to take them to and from work. When one sees that the price of gasolene has gone up by 8 per gallon, one has to take a serious view of this, especially when one sees that the increased price of 8 per gallon is not done with a view to relieving the situation at the gasolene stations. Here is a case where the Government, wanting money, has seized the opportunity to get something for itself at the expense of

the travelling public whilst getting a little from the gasolene distributors. 3.35 p.m.

It is not fair, Mr. Deputy Speaker, We feel that something ought to be done in a matter of this sort.

Now let us turn quite briefly to this question of fruit juices, detergents and the case where the Government has decided to tax people for the very cake of soap for their own cleanliness. One has got to be realistic in a matter of this sort. What cogent reason can Government produce for imposing a consumption tax on a cake of soap? Who uses the cake of soap? In every house in this country the necessity arises for a cake of soap to be bought to make the little babies smell sweet and clean the pores of its skin. From the smallest child in the home must have the benefit of a cake of soap. If that is the case, Mr. Deputy Speaker, what does the Government intend doing with our people? Are we to understand that we have a Prime Minister who has a spite even for the little children in the cradle? We know quite well, Mr. Deputy Speaker, that there are lots of fathers of children who care not whether their diapers get washed. I am sorry the Prime Minister is not here today, because he would bear me out that he knows of some children - he must know of his own children -who have been left without a coke of soap, with nothing to eat, and the parents have to go to the Queen Elizabeth Hospital and try to pinch a cake from there to carry home to bathe the children, The Prime Minister would know what I am talking about. His own father had to come to his rescue in a case like this. What is wrong that a cake of soap has to be taxed?

Every person in this country who has a little 18' x 10' and owns the land on which the house stands is trying at the first opportunity, in view of the fact that the lumber which is imported into this country today is infested with termites before it leaves the lumber store, to change up even if not more than the front of his home and put up wall, because it reduces the cost of repairs in the long run, and it is the type of structure against which they can secure a loan. The Prime Minister now comes in 1970 and increases the price of cement that these poor people are trying to buy here and there to improve their homes, and he does this after having promised in 1961 that if the people voted for his Government they would have had a cement factory in this Island. Now that they can get a bag of cement at what people consider a reasonable price, it must no longer be reasonable; they must have a tax imposed on it. That is the type thing we are faced with, Mr. Speaker, and we say that these things need to be reviewed.

On the question of varnishes and lacquer no con-side ration is being given to the little furniture makers and joiners except the big ones in Roebuck Street, in assisting them to get machinery to produce the furniture, and the Government has now imposed a consumption tax on lacquer, paints, enamels and varnishes making it increasingly difficult for these people so that when the manufacturers have to buy materials at a higher price they have to ask more when they carry them to Courts, Cave Shepherds or any of these wholesalers who in turn are going to ask more. From whom are they going to ask mo re? They are going to ask more from the Civil Servants, postmen and all these other people who have had

their increases during the past few weeks. You have given them an increase of 25% or 33 1/3% or whatever it may be in one hand, and you are bending over backwards to take it back with the other hand. This is what is being done by the nationalistic budget.

Mr. Speaker, our womenfolk have been resorting to the use of imitation jewelry because they cannot afford to buy the high priced jewelry. Now that the Prime Minister has found that a young lady can have two or three pairs of earrings to the same frock, he has put a tax on imitation jewelry. It would be of considerable interest to find out exactly how much the Prime Minister intends getting from all these things.

With regard to washing-machines, the Prime Minister feels that these are not for the peasant. She must still continue with the jucking-board and the low tub jucking out her navel. Hence his view on a washing-machine is that it must now be 5% more. What is the reason for all these things?

GOVERNMENT BUSINESS

Mr. DEPUTY SPEAKER:
It now being 3.45 p.m., it is now time for Government Business.

THE PUBLIC ORDER ACT, 1970

Mr. St. JOHN:
Mr. Deputy Speaker, one of the first matters we on this side would like to clarify, in dealing with this Bill, is to remove the impression which the Prime Minister of this country has been trying from the time the Trinidad situation developed to convey in the minds of Barbadians, namely, that the Barbados Labour Party was a Party which did not believe in law and order, and that it was a political Party which was dedicated to the removal of Government by unlawful means.

3.45 p.m.

Only a person with the type of mind like the Prime Minister would advance such a proposition, as we have repeatedly said that the whole history and the whole attitude and action of the Barbados Labour Party since its formation has always been that it believed in the ballot box and not the tommy gun; but what we are against, and will always be against, is any Government thinking that it can arrogate to itself and arm itself with laws on the Statute Book which can suppress free opinion in a country. It was for that reason that no political Party ever in the history of the Caribbean carried on a more strenuous campaign than we did from the moment the proposals were submitted for the proposed Constitution in 1966 by the other side.

Few people in Barbados know that the document which is now the Constitution of Barbados is a document which bears little resemblance to the proposals put forward by the Government on the other side, and it is the same thing that we have when we come to the Bill before us today. The Bill that is before the He use has little relation to the Bill as announced by the Prime Minister in his Market Square spaeeh, but after the public disclosure by a well-known member of the Democratic Labour Party in the formal? a letter to the Press about the objectionable aspects of restriction of freedom of. speech to the extent that people would have to have a licence, people would have to tell the Commissioner of Police the contents of their speeches - after such an outrageous suggestion was criticised even by their own Party member, it appears that the Government had a change of thought. In addition to this, other evidence has now come forward to show that even although they may have had a change of thought in one direction, namely in respect of the contents of the speeches, the original Bill that was laid on the Table of the House by the Leader of the House is even different from the one that was first circulated, and the difference is so material, because in truth and in fact it wag their real intention that they wanted to so re strict freedom of expression and freedom of assembly In this country that they were going to place it by way of licence and on unlimited power to grant or refuse in the hands of the Commissioner of Police.

I want to make it positively clear; we have gone through the provisions of this Bill, and the Labour Party, stands committed to having unrestricted freedom of assembly and freedom of association; but we can see that in every country in the world there are no such things as absolute freedoms because if any individual's freedom is absolute, it would mean by its very nature the restriction of another person's freedom. We cannot agree, however, with the necessity for Part II of this Bill, and we are happy to note that with Part II of this Bill, the only place in the British Commonwealth that has comparable provisions is Barbados. There is no precedent anywhere in the British Commonwealth for a provision whereby to hold a meeting you must go quite normally and ask the Commissioner of Police for permission. There is no precedent for that; we can never on the floor of this House or anywhere else support such an unreasonable and unnecessary restriction upon the ability of any political Party in this country to organise itself or to hold a meeting.

This is very, very serious, because no one on the other side or anywhere will be able to convince me that the mere act of calling a meeting and inviting people to come to the meeting by itself could ever

lead to disorder. That could never be so. You must go a stage further; there must be something said at a meeting or something done at the meeting which creates the disorder, so that the proper way, in our view, to tackle any problem of disorder which can arise is to create a specific series of offences relating to words or conduct at public meetings. There is absolutely no necessity at all - and I challenge the Leader of the House; I challenge any member -the lawyers, the pseudo-lawyers on the other side and those who do not believe in law, the supporters of Rap Brown, the supporters of Stokeley Carmichael - I challenge them to produce to me on the floor of this House or anywhere, not only today but at any time, any comparable provisions in that respect. It is easy for us to say that they are going to propose new modifications to this Bill in that the Commissioner of Police can only refuse permission to hold a meeting in certain circumstances; Sir, you are well familiar with the difficulty which periodically we have in this House when powers are granted to Civil Servants, and the objections that are taken when members of this House attempt to get redress against the activities of the Civil Servants on the floor of the House. We are always met with the objection that the Civil Servants cannot defend themselves in this House and it is, therefore, unfair to bring their conduct into public debate. It seems to me startling that the Government by this Bill is prepared to draw straight into the political arena the Police of this country, for if you say that the person to grant and the person to refuse the permission is the Commissioner of Pallet, surely by the very nature of drawing the laws in that form you are identifying and bringing into public focus and Into political focus a Civil Servant, and you are putting him straight into the firing line in the event of refusal. The difficulty, of course, and reason why it has to be done in this way is because of the bankruptcy on the other side; had the other side sufficient Ministerial material that it trusted or that it believed had the ability, they would have In the floor of this House the Minister responsible for law and order and security. There would be no difficulty then because the powers could have been granted to the Minister, but I know that the backbenchers on the other side feel it is odious to grant any power to any nominated Minister in the Other Place of this importance; so they are trying to solve their internal Party difficulty by trying to bring the Commissioner of Police into the public arena, putting him in the position whereby he would be in the political firing line.

It is obvious that this power is of such great importance that if you are going to bring the Bill to vest it in anyone, it ought to be vested in a Minister of Government or the Governor-General and someone in the Lower House. That states our attitude in relation to Part II.

As far as Part III is concerned, the constitutional validity of Part III, none of us would be able to question this because of the fact that it reproduces an existing law, for our Highways Act, as amended, now empowers the Commissioner of Police to license a public march, so that Part III basically is only a reproduction of an existing law.

3.55 p.m.

With reference to Part IV, for the first time now the hon. Minister comes into play, and my first objection to Part IV is the fact that you are seeking to vest the power to ban all public meetings

throughout Barbados in the hands of a person who has never faced the electorate and, in all probability, will never face one in his life. If you are saying that you feel you must arm yourself with the power whereby you can ban all public meetings in Barbados for a period of time, it is my submission that the proper person to arm with that power is a person who is responsible to the House of Assembly, who is supposed to come here Tuesday after Tuesday and whose conduct can be questioned at any time in the House of Assembly by the elected representatives of the people.

It is shocking that any Government should think that it is fit and proper to entrust such a power in the hands of a nominated person. The only person that a nominated Minister is responsible to is the Prime Minister; he owes his livelihood to the Prime Minister and nobody else; he has no electorate; he does not need to campaign or to go into any constituency; he does not understand the purpose of public meetings; he has never participated in them. All of

The Prime Minister of the country was the first person who tried to identify the Barbados Labour Party with violence; they knew that their political Party WAS slipping ground in this country, and they wanted a white back lash; they wanted to be Governor Wallace of Barbados; they wanted to be people who wanted to project themselves and say: "We are for law and order; they are for anarchy and chaos." What a cheap and dirty political trick! And the thing is that so lacking are the moral standards and the Journalistic standards in this country, that the Advocate and Rediffusion would allow their known supporters of the Democratic Labour Party to pervert the purpose of proper information that they would go along with the Prime Minister and twist and distort everything like that, That is what has happened; that is what wants controlling, What we should really have in this country is a law saying that any newspaper or any Journal that wilfully distorts the report or the attitude at any political meeting should be able to be fined; that is what we really want, because that is nothing else but a wilful, calculated, dirty attempt to try and induce fear in the minds of the public in this country as to the activities of the Barbados Labour Party. That will never be able to silence us into saying that the banking structure in this country, the income distribution in this country, and even that the productivity of this country has got to be increased, so that when we look at Part VII which deals with the offences of racial violence, sections 33 and 34, we have been operating under the laws of sedition in this country.

No member, as far as I know, of the Barbados Labour Party has ever been prosecuted for sedition, not even when the Prime Minister was a member thereof, and I believe, from my understanding of it, he is the only person that made a speech near to sedition. When they prosecuted the Leader of the Opposition, they prosecuted him for speaking the truth about the Speaker. (Mr. CRAIG: Hear, hear, man!)

Mr. DEPUTY SPEAKER:

May I draw to the attention of the hon. senior member for St. James that Standing Order 29(6) has not been repealed.

Mr. CRAIG:
Mr. Deputy Speaker, if I were to draw to your attention a book published by Gordon Rhodes.....

Mr. DEPUTY SPEAKER:
When this Chair has spoken it will not be told by any hon. member what to do; will the hon. member please take a seat.

Mr. CRAIG:
Mr. Deputy Speaker, ...

Mr. DEPUTY SPEAKER:
Will the hon. senior member for St. James please sit!

Mr. CRAIG:
Sir, I shall.....

Mr. DEPUTY SPEAKER:
Will the hon. senior member for St. James please sit!

Mr. CRAIG:
Sir, I shall.....

Mr. DEPUTY SPEAKER; Will the hon. member for St. James please leave this Chamber for the remainder of today's sitting.

Mr. CRAIG:
Because of your request, I shall take.....

Mr. DEPUTY SPEAKER! I will ask the hon. senior member for St. James to leave the Chamber for the remainder of today's sitting. Mr. Marshal, please ask the Officer to take the hon. senior member for St. James out of the House.

Mr. CRAIG:
Sir, if it be your request, so shall I leave; that pleases the Gallery.

Mr. DEPUTY SPEAKER:
The hon. senior member for Christ Church was addressing the Chair; will the hon. senior member for Christ Church please continue his address?

Mr. St. JOHN:
1 cannot continue with tzo hon. members standing, Sir; I believe that is a breach of the Standing Orders. 4.25 p.m.

Mr. DEPUTY SPEAKER:
May I read Standing Order 36(7)

"Members who are ordered to withdraw under paragraph 2 of this Order or who are suspended from the service of the House under paragraphs 3 to 6 of this Order, shall forthwith withdraw from the precincts of the House and shall be excluded there from for the remainder of the sitting or for the period of their suspension as the case may be." (Asides.)

He is suspended for the remainder of today's sitting. If the hon. senior member for St. James remains in this Chamber, I will have no alternative but to name him.

(Mr. CRAIG bowed to the Chair and withdrew from the Chamber.)

Mr. DEPUTY SPEAKER:
The hon. senior member for Christ Church was addressing the Chair.

Mr. St. JOHN:
As I was saying, Sir, on the Statute Books and in the Common Law of this country there are offences which deal with the promotion of racial strife in this country. Section 33, as introduced in this Public Order Act, is a Section which is taken from the Race Relations Bill in the United Kingdom, and it seems to me that the Government of this country, instead of putting such an offence as this in an appropriate place where it should be, namely, in a compendious Bill dealing with race relations in this country, has put it here. Let there be no doubt about it, from-reports reaching us, there is a type of activity in this country where some people feel that black people cannot have dignity, and the amazing thing is that you do not get this all the time from people of different complexion, but you get it from black people.

Not so long ago in this country girls were told that they could not wear an Afro-hair style at BWIA, That is what happened at BWIA, and the Manager there is black. That is the sort of thing that is still going on in Barbados because some people feel that, because it is not good for their image and their company's image, if people adopt habits which become associated with a particular movement, their duty as employers is to tell their employees that if they do not conform to their wishes they will be fired. This is still happening today in Barbados. The trouble with the Government - it is just like Dr. Eric Williams" Government - it is completely aloof from what is going on in the country. When you look at the age structure of the other side of the House, you will see that it is out of touch with things; it is tired and exhausted.

Sir, you get these troubles when people are crying out for a response from a Government for the injustices that are perpetrated in the society, when they have lost so much faith in the Governmental machine. Do you know you are lucky in Barbados, because the only thing that is sustaining the people in Barbados is the certainty that the Barbados Labour Party will win the next election? That is all that is sustaining the people; they know and they feel and they have faith that we will win the next election with legitimate means. The only thing we have to watch is the political juggling on the other side when it comes to registration of the new constituencies. The burden of our contention is that the few Clauses in this Bill that are not objectionable should not have found their way into this House of Assembly under the guise of any Public Order Bill.

Sir, when you talk about a Public Order Bill, Great Britain introduced a Public Order Bill at a time when Nazism was rampant in Europe, and supporters of the Nazi Party were in the United Kingdom. I understand there were even supporters in Barbados, Sir. I understand that prominent members of the House of Assembly were Fascist-inclined in those days. To show you the difference, Sir. Barbados

weathered the storm of so great and eminent political members of the community today being in the front line of so odious a philosophy, and we did not find it necessary to follow Great Britain and introduce any Public Order Act at the time. Why is it necessary now?

Sir, it is our contention that nothing has happened in Barbados and nothing is likely to happen in Barbados which necessitates the introduction of a Bill in the name of any Public Order Act. There are about four Sections in this Bill which are useful Sections which are consequential developments to existing legal provisions which can conveniently be put alongside of your own existing laws by way of modification and upgrading, and all of the unobjectionable powers would be granted to the Government. 4.35 p.m.

As to the rest, they offend our concept of free-dom. It was said by the Hon. Minister that there is no such concept in English law as a right to hold a public meeting. Now what the Government has said here is that a public meeting by way of definition is not only a meeting in any public place that one would normally associate with a public place, because by definition it is as follows: -

"Public place" means any highway, street, public park or garden, any beach and any public bridge, road, lane, footway, square, court, alley or pas sage, whether a thoroughfare or not; it includes any open space and any premises to which, for the time being, the public have or are permitted to have access whether on payment or otherwise."

Do you mean that if I have a quarter of an acre patch and I grow things on it you will tell me it is a public place too? The hon. member has only read part of Constitutional law, but when you read Constitutional law, although there is disagreement among jurists in England as to whether you have a right to hold a public meeting, there has never been any disagreement among jurists that you have a right to hold a private meeting at any time. But what you have done is to; extend the definition of 'public place' to such an extent that you have now included in a 'public place' places which in the United Kingdom would be regarded as private places. Do not attempt to fool us with that. That is what happened because the theory behind the decisions that have been given is that if it is a 'public place', disorder is likely to arise from the holding of a meeting re suiting in an encroachment on the rights of others; but if you have a meeting to which the public is entitled in an enclosed place upon the payment of a fee, you can have your own stewards and you can enforce discipline within there. Under this definition, once the public can go in there upon the payment of a fee, it becomes a public place, and that is the encroachment we are talking about.

I want to get this across quite clearly. This Bill is a completely different Bill from what the Prime

Minister talked about in the Market Square. It seems as though the internal rebellion in the Democratic Labour Party was such that when it came to drafting, the instructions that were given were narrowed considerably after Dr. Hunte's letter, and no doubt after some of the other members of the Democratic Labour Party decided in their minds that it would not go down good with the public of Barbados to attempt to stifle the Barbados Labour Party to any large degree, they decided they were going to whittle down the effects of the Bill. This Bill as it is, incur submission, is a totally unnecessary Bill because, as I have said previously, the four sections that have any merit can be added to other parts of the law. I can think, in particular, of a Bill here dealing with employer and employee relations dealing with race discrimination in Barbados, because the Kiaki King Trade Unionist has only now discovered that there are people who are encouraged here by one Department of Government, namely the Industrial Development Corporation those things he is indifferent to, and this House is expected to entrust the power of preventing public meetings in his hands. That, Sir, to us is abhorrent.

I concede that Clause 16 has the power which could be useful in a country, because It seems to me to be a situation between a state of normalcy and a state of emergency, and the Constitution of Barbados does have power similar to most other Constitutions. The Governor-General in certain specified circumstances, subject to the approval of Parliament, can declare a state of emergency.

What Clause 16 seeks to do, as I understand it, is to empower the Government to declare a cooling-off period by banning meetings or marches during a specified period, but there are other objectionable features to it. What is objectionable is that, although under the Constitution, after a state of emergency is declared, it can only continue for one month, and a two-thirds majority of the House of Assembly must continue it, in this Bill it is drafted in such a manner that it can continue in force for one month, and it should be subject to a negative Resolution. Now, if those who were responsible for framing and drafting the Constitution thought it necessary to protect the liberty of the subject to the extent that during a state of emergency, wherein liberties are curtailed, the continuance of the curtailment should not take place without the concurrence of a requisite majority of the elected representatives, what are we to sit here now and do? Are we going to allow some nominated Minister with a bunch of lackey son the otherside who are going to come here, see this matter as DLP vs BLP and say "Aye" as soon as Mr. Speaker puts the motion? Are we going to vest in them the power of continuing to ban the freedom of speech and the freedom of assembly in this country, a right which has been exercised from time to time in Barbados, a place with little tradition of violence and with little tradition of trouble? Are you going to give up this ancient practice in this country and vest it in the hands of the Government? Are we in the Legislature, who are elected upon the basis that certain important rights in this country would not be taken away unless there is a two-thirds majority, going to submit to this sort of law today? It is impossible for as to vote in favour of that Part of the Act in its present form, Sir.

We continue and we reach Part V. There is little of substance in Part V except this: the Table of Sources in this Bill sets out the position in Jamaica, and I note that throughout this Bill special consideration has been given to trade union activity, whereas in Jamaica, when meetings and marches

are banned, they are banned not only for political parties but for trade unions as well. But in Barbados, because of the collusion between the Government and the Kiaki "King, the Secretary to the Barbados Workers Union, the Union must have absolutely unrestricted freedom when legitimate political Parties cannot carry on legitimate activity! Under the guise of trade unionism, political activity can be carried on by the Kiaki King of the Democratic Labour Party. That cannot go through; it is making nonsense of this Act; it is legislation against a background of political ignorance of what takes place in this country. There is no more politician in this country than Frank Walcott, but the trouble with him is that the people in St. Peter rejected him, He has no more political base other than going on the Democratic Labour Party platform; he cannot come here; he has lost the power to come in here; he has to wait until his turn comes again, if it ever will come. We are objecting to any special provision being made for any trade union in this country.

Sir, this is what we say and it is what is logical. If you say that in the interest of public safety and for the preservation of public order public meetings and marches in any part of Barbados should be banned, then we say that all types of marches which have a political flavour should be banned.

4.05 p.m.

No member on the other side can truthfully say that trade union activity in Barbados does not have a political flavour with the General Secretary of the Workers' Union so closely identified and intimately connected with the hierarchy of the Democratic Labour Party. It is easy to see why in Jamaica they specifically refuse to allow the trade unions when there is a ban to be exempted, because we know the J.L.P. have their trade union and the P.N.P. have their trade union. If this law goes through, Mr. Deputy Speaker, we are happy to say that we have a union registered too and all of us would become officers of it, and that would be making a nonsense of the law, because if you say you have to have these powers because of the situation that developed in Trinidad, let us not forget that it was the threat of the march by the Oilfield Workers' Union from the South to Port-of-Spain which precipitated or is allegedly said to precipitate the state of emergency in Trinidad. Trade unions in the context of the Caribbean area are used by officers for political activity. The only trouble is that the Kiaki King cannot tell the members of the Barbados Workers' Union how to vote. He cannot prevent the rank and file from voting for the Barbados Labour Party, no matter how much he preaches. What you are doing as a result of exempting the trade union is breeding dissension among the ranks of the Unionists when your duty ought to be to pass such laws as to provide for harmony among the unions and for separating union activity from political activity.

Mr. Deputy Speaker, from the time trade unions were formed, it was recognised that there was a close connection between trade union activity and political activity. It was also recognised that every member of a trade union does not necessarily share the same political view as other members. It was for that reason that if you look at the Trade Union Act you will see that there is a specific provision which says that the funds of a trade union cannot be used for political activity and that they must have a separate

political fund and that members are only called upon to pay a levy for the political fund if they consent. We know that in Barbados the Kiaki King does not work the trade union that way, because after the last election he brought a political case against the hon. Junior member for St. Peter in which it WAS said that the hon. junior member for St. Peter accused him of using Union funds for political purposes, and when he was cross-examined in the witness stand he had to admit that the Union's gasolene and the Union's car was used right through his campaign and that he was a candidate for a political party. I therefore caution hon. members. How can you expect us on this side and the public to swallow that if the situation is such in Barbados that it Justifies the Government in banning all meetings or marches, we can allow trade unions to march while political Parties cannot march? It is absolute nonsense, We will never accept that part at all, If the situation is such that you need a cooling-off period, all political and semi-political activity must be banned.

Mr. Deputy Speaker, we come now to Part VI, Now it is amazing to me that Part VI should attempt to say that if you want to advertise a meeting you must get permission from the Commissioner of Police to use a loudspeaker for the purpose of advertising the meeting. Sometimes I really and truly wonder what the Government thinks of the people of Barbados. From time immemorial and from the time there was the invention of loudspeakers, people in Barbados used them for advertising political meetings without offence to anyone at all, because the content of the advertisement is simply a notification that a meeting is taking place tonight and you have your hirers or supporters telling them who will talk and what they would talk about, and they used other language to encourage them to come to the meetings. Now you must go and ask the Commissioner of Police permission to do that. What are we coming to? Are they saying that the fact of advertising a meeting alone to invite people is going to cause disorder? It is at this point that I will deal with the Hon. Leader of the House. He quoted the Constitution and said that the Constitution envisaged that certain restrictions would be placed upon freedom of assembly, freedom of speech and so forth, but the very Section 20 that he quotes shows, if I may read it, that "except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, and for the purposes of this section the said freedom includes the freedom to hold opinions without interference, freedom to communicate ideas and information without interference and freedom from interference with his correspondence or other means of communication." Subsection (2) says "Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision -

(a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health."

Now, Sir, how can it be reasonably required in the interest of public order for a person who is going to advertise a meeting - not to hold a meeting, not to speak at a meeting - to have to get permission from the Commissioner of Police for it? I understand the restrictions at election time as is contained in the Representation of the People Act, because when election time is on, passions are high. There are specific election offences which are contained in the Representation of the People Act.

4.15 p.m.

Everybody is willing at that time to submit to restrictions, niggling though they be, because the whole objection is that you have to inform the Commissioner of Police, because in order that the law be enforced, the Police are required to be present at the meetings. But we have carried on campaigns, and I do not think that you could have stronger campaigns carried on in Barbados than was carried on here in the seven or eight or nine months prior to November 1966 in Barbados. They were rough campaigns; they were tough, campaigns; there was no disorder in Barbados; there was no preaching of burning -the only preaching of burning that you had was by the supporters of the other side, and the people did not regard them seriously because they never carried that out - so that every country that is bringing in laws must bring those laws in in relation to its political traditions. One thing you can say about the Barbados Labour Party; it established a good and proper political tradition in this country when it comes to dealing with democracy. Not even the Prime Minister could deny that; he cannot deny that a proper tradition has been laid in this country; the only time it was broken was when the Prime Minister was in the Barbados Labour Party, when he advised people to burn white people and put them in boats at St. George. (Mr. CRAIG: Hear, hear) He was the chief racist in politics they had around here, so that it seems to us to be odious that we at this stage, because of something that took place in Trinidad, and because of the fact that you may have one or two semi-lunatics walking around Barbados - one of the good things about Barbados is that it is a small country and everybody knows everybody else's families and everybody knows that lunacy often runs in families (Mr. CRAIG Hear, hear,) and people can analyse genuine political doctrines from bus riders; people know who is who, so that any idea or any threat, - the best thing that ever happened for the Caribbean is for Stokeley Car-michael to come down to the Caribbean, because I am sure that after Stokeley Carmichael spoke, people regarded him in the same light as they regarded Enoch Powell. (Mr. CRAIG Hear, hear.) But what the Government really wants to suppress is the genuine and legitimate criticisms of the Opposition in this country; what is needed now is a frontal attack upon the traditional system of economic ownership in Barbados. (Cheers) (Mr. CRAIG Tell it to them.)

That is what you want to suppress, and trying to utilise the Carmichael Black Power fiasco; even today one of the debauched radio stations in Barbados -I mean Rediffusion - published at five to seven this morning a news cast saying that the Barbados Labour Party and the Black Power group in Barbados were planning demonstrations in the House of Assembly; only a debauched journalist - and there are plenty of them in Barbados - only a debauched Management would do that, because they feel that by doing that they are currying favour with the Prime Minister of the country.

to feel that people in Barbados should not have trade union rights after there has been a tremendous number of law suits in Barbados based upon wrongful dismissal in which judgment and damages have been awarded against them, in which in the background only a blind man could not see that the reason for the dismissal was because of the fact that they felt the particular employees were too aware of their

rights.

We also have places like Holiday Inn where scandalous treatment is meted out by some little Canadian and American twirps who are the friends of Government and feel they can do anything once they have certain sponsors in Barbados. How can anybody on the other side expect the Opposition Party in the context of 1970 to support a Bill which says that if you make a speech or publish documents which are likely to incite hatred, even if you do not intend it, by reference to their national origin, you are guilty of an offence? Well, Sir, you will have to prosecute the Barbados Labour Party on this, because it will be campaigning that the resources of Barbados belong to Barbadians and not the North Americans, Canadians, Arabs or Jews. We will be campaigning upon that basis and no law will stop us, because when you look at what is happening throughout the world today, you will see what is happening not only in black countries, but in white countries. I have a document from Australia setting out the Prime Minister of Australia's attitude to foreign investment, and he sets out the criteria and says that Australian resources are for Australian nationals. When people down here preach that Barbados' re sources are for Barbadian nationals they say we are preaching race hatred in this country just because coincidentally 99% of Barbadians happen to carry certain pigmentation.

Mr. Deputy Speaker, I beg to move that further consideration of this Bill be postponed.

Mr. ELLIOTT MOTTLEY:
I beg to second that.

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

SUSPENSION OF SITTING

Hon. J. C. TUDOR:
Mr. Deputy Speaker, I beg to move that this sitting be now suspended until 5 oclock.

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

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

4.45 p.m.

On Resumption:

Mr. DEPUTY SPEAKER:
When this sitting was suspended, the hon. senior member for Christ Church was addressing the Chair.

Mr. St. JOHN:
Mr. Deputy Speaker, I was on the point of world-wide movements today, and I was pointing out that section 33 of this Bill has to be carefully looked at when it attempts to create an offence by a person "to publish or distribute written matter which is threatening, abusive or insulting, being words or matter intended or likely to stir up" -and this is an important point - "or capable" - it is not what you intend, it is "or capable"-"of stirring up hatred against any section of the public in Barbados distinguished by colour, race, creed or ethnic or national origins." As I was saying, even in white countries in the wo rid, in Australia, New Zealand, in Canada, nationals of those countries have found it necessary, if they are not to permit a situation in which the wealth of the country is extracted by foreign investment, to pass laws, to carry on campaigns pointing out the dangers of non-nationals owning more than a certain percentage - or in some cases nothing at all - in certain types of economic activity in their country.

If you move from there and you go to a country like East Africa, you find that laws are specifically passed to ensure that re tail trade and certain aspects of commerce can only be carried on by nationals of the country, so that it seems to me that as a result of this type of legislation you are putting the speaker or the publisher in an unnecessary restrictive position when his object and intent is a beneficial one, where a man is advancing a point of view for the interest of the country as a whole; but according to this, if the consequence is that it is calculated or likely to stir up hatred against a non-national, he has committed an offence. Section 33, I suggest, is one that is unnecessarily wide. I can understand the need for legislation in a country where people try to promote hatred against a person on account of the fact that he happens to be of a different colour, or he belongs to a different religion, because certainly as far as a man's colour is concerned he is not responsible for that, and what we also have to remember too is that here in Barbados many people have large numbers of relatives, friends and cousins in other parts of the world. 1 believe that the origin of this section was the United Kingdom Race Relations Act, and I would prefer to see a suitably drafted section as part and parcel of a general Race Relations Bill in this country where you would take a lot of the other bits of legislation dealing with race relations and put

them together in a compendious Bill in the same manner as they have done in the United Kingdom.

This is not part of the Public Order Act in the United Kingdom; this is not part of the Public Order Act is Jamaica; this is not part of the Public Order Act in Hong Kong; when you consider the Public Order Acts that have been introduced in other parts of the world, they have been introduced against the background of particular movements in existence in their countries. In the United Kingdom, as I have said, it was a Fascist movement; in Hong Kong it is easy to see the provisions of the Public Order Act having their origin there because of its proximity with China, and attempting to repress or restrict or control activities by people who are in favour of the Chinese system of Government. In Jamaica it is well known that there is a section or large bodies of opinion in Jamaica who feel that their only hope is to remove the Government, and in addition to that, it is noteworthy that in Jamaica they have never found it necessary to include the provisions dealing with meetings. All the Jamaica legislation deals with is marches, but it does not deal with meetings because in the tradition of Jamaica, political expression has always been marches and demonstrations, not public meetings. They did not use public meetings; it is not a form of political expression as it is in Barbados, and even in Jamaica they have never found it necessary to control public meetings.

As I have said, and if I may just sum up by saying this, this Public Order Act with the exception of some four or five sections - and I will recite the sections - the section prohibiting and giving the Police power to check disorderly behaviour at public meetings; we have gone through that campaign in Barbados, and I think that when you have political supporters on the other side trying at a public meeting to disturb the carrying on of a lawful public meeting, that there should be legislation on the Statute Book to give the Police power to remove the offender from among the meeting. But that is conduct; you are legislating there against a kind of conduct, because unnecessary use of the person's freedom of assembly or freedom of movement in that context is restriction of the other person's freedom to communicate ideas or freedom to receive communication of ideas; so I can understand that.

We can understand the section which deals with the stirring up of hatred on account of race or creed we can understand that section. We can understand the section that deals with any person in any public place or at any public meeting using threatening, abusive or insulting words or behaviour, because right now under our Highways Act if people use blackguarding language or things of that kind you can get them convicted, and that could legitimately be extended to a public meeting. I can understand section 34 which deals with words and conduct which incite people to kill or to do physical injury, or to destroy or damage property, because those are offences, and that is conduct which is akin to malicious damage, threats and things of that kind. 5.10 p.m.

We can understand the Section which empowers the Police to take away offensive weapons at the meeting, because political realists would recognise that one way of removing or preventing people from

being elected whom you do not like is to remove by the assassin's bullet. That is a preventive power. The burden of what we are saying is that when you Look at all of the Section sin the Act, you will see that the Opposition have no objection to measures or laws being introduced which prohibited certain things, but we are strongly objecting to any provision where by a licensing system is being introduced for people to set the stage to express their ideas. That is why we are opposed to the relevant Darts of the Bill which deal with that.

Mr. ELLIOTT MOTTLEY:

Mr. Deputy Speaker, if I may begin by referring to a quotation on the question of public meetings. I should say it goes like this "The problem of control of public speech is one which ought to be approached from the point of view of the private citizen and his need for protection rather than the safety of the State and the officers." I cite that because having read this Bill and its Objects and Reasons to make provision for the maintenance of public order, etc., it is quite clear that the purpose or object of this Bill is not to protect any particular individual, except those portions dealing with the protection of the white people in this country, but it is a Bill designed to protect this State and its officers. If my quotation means anything, it means that wherever inferences can be drawn, one inference is quite clear and it is that the method of approach that has been adopted by the Democratic Labour Party in bringing this Bill before the House is certainly the wrong method.

The Objects and Reasons of the Bill, set out in two pages, are the Objects and Reasons as to why the Government is bringing this Bill before this Chamber. I would like to believe that I am a practical man; I would like to believe that I am a realistic man, and, in holding those views, I believe I am right in saying that the sole purpose of bringing this Bill before this Chamber is purely to prevent and to stop the spread of Black Power in the West Indies. I think the Prime Minister of this country should realise that there is one thing which he cannot legislate to stop or bring any legislation to stop, and it is an idea. Black Power in the West Indies and in Barbados is an idea that is meaningful to Barbadians, and, despite how much legislation the Prime Minister or the Democratic Labour Party may see fit to bring here, this is not the method or the manner in which to deal with Black Power in this country.

I am not one of those who will believe and say that this Bill is not aimed at the official Opposition but at another political Party. I do not believe in that; that is what the Government may want us to believe today. I remember that in 1965, when I did not belong to any political Party, I campaigned on the platform of a group known as "The Under Forties", and I remember the attack made upon us by the Government. I fully remember the talk at the Convention of the Democratic Labour Party about fire and acid; all the talk about bringing methods of Nkrumahism to Barbados and so on.

I do not believe that, purely because the Government believes the Barbados Labour Party is now gaining strength in this country, the Government will say: "The Bill is not designed to interfere with

you, but with a minority Party." I have no doubt that, when the Government becomes fully aware that it is going to lose the next election in this country, it will use this Bill against all political Parties, and particularly against the Barbados Labour Party.

Now, Sir, as I said, as far as I am concerned, the whole purpose of this Bill is an attempt to legislate against an idea - an idea of Black Power in the West Indies. What, therefore, as I see it, is the question of Black Power in the West Indies? I am not versed in all political ideologies, but I would like to believe that by Black Power I understand two things. One is the recognition of the dignity of the black man's personality in Barbados; secondly, it is what I would call Black Economic Power, despite the speeches made by the Leader of the House in Independence Square of what is meant by Black Power: "We have a black Government, we have a black Chief Justice, etc." That is why I say that Ido not mean Black Political Power, but, on the contrary, I am talking about Black Economic Power. Political power of itself is of little use if at the same time you do not have economic power. Political independence by itself is of little use if at the same time we do not have economic independence.

Sir, since November, 1966, we have had political independence, but even today, as I speak, we do not have economic independence. This economy is far too tied up in the hands of certain selected people whose only object is the furtherance of their own objectives and the exploitation of the workers of this country - a situation that has been allowed to continue in this country even under the auspices of a so-called Socialist Party like the Democratic Labour Party. Even a Government that is supposed to be a Socialist Party has allowed the period of the 1960's in Barbados, as I have said already in this Assembly, to be known as a period of economic consolidation of the white business community in this country.

Sir, if one were to look at some of the causes idea of Black Power will catch on in our so-oday, I think one will find the lack of economic power in the hands of black people. I can safely add another reason: one can trace it, from the political point of view, to the failure of the West Indian territories to unite in a strong political federation. I think, as we go on, every little politician in the West Indies, each in his own hamlet, is beginning to realise the stupidity of his ways in not forming a Federation. 5.20 p.m.

I believe, Sir, that Sir Arthur Lewis has always pointed out that as far as the West Indies were concerned, the main reasons for a federation were not economic reasons, but were political reasons. He said over and over that the best way to maintain good government, law and order in the West Indies was to have a strong political federation, and I think that the West Indian politicians are now realising this. I can safely say that we in the Barbados Labour Party would be justified for our stand when we said all along that the only salvation for the development of the West Indies, both economically and politically, would have been and still lies in a federation.

Now, Sir, let us go back for a moment and look at the definition of what I would refer to as Black Power - a community where the dignity of the black man and his personality is recognised. Do we have such a community in Barbados? I do not propose to answer that. I should let you and the members listening answer for yourselves. What I would say is that it is difficult to come to a conclusion that you have a society where the dignity of the black man is upheld because we have a Government that in the latter part of the 1960s could allow a Government agency, namely, the Development Corporation at the time, headed by a person who is supposed to be a black man - and when I think of Sam Ashby it reminds me of Franz Fanon's definition of black face, white mask' - to advertise the working class people of Barbados in a New York newspaper as cheap black labour. We allowed the Industrial Development Corporation headed by Sam Ashby to advertise the work-ingclass people of Barbados in a manner that one cannot say you have respect for the dignity of the black man of this country, because nobody having any respect for the workers could invite people to come to Barbados and invest because we have cheap black labour. It was the Democratic Labour Party that allowed that situation to exist. It was brought to the attention of the Government as far back as June last year when the hon. senior member for Bridgetown raised a point, and the Leader of the House said they knew about it and were going to do something about it, and yet today nothing has been done about it. Sam Ashby still remains head of the Industrial Development Corporation. Is it any wonder, therefore, that the idea of Black Power, meaning the dignity of the black workers, would catch on in this country? When a Government of black people can allow another black man to advertise workers in this manner and they are positively aware of it and allow the same man to remain in his position, is it any wonder that such ideas would catch on? As the hon. senior member for Christ Church has said, looking at the Government, one sees quite clearly from their ages that they are completely out of touch with the aspirations of the young people of this country, and it is not sufficient merely for the Prime Minister to get in Independence Square and tell the young people of this country to rebel. They are rebelling. They are tired of the traditional attitudes and customs of their parents, and to that extent they are rebelling. They are not making any revolution, but they are rebelling against certain set ideas in this society. They are tired of seeing the masses of this country exploited by the white economic power structure; they are tired of seeing the workers of this country exploited by the Barbados Shipping and Trading, by the K. R. Hunte group and by Plantations Limited. That is what they are tired of, and this Bill cannot stop them from being tired of such exploitation, because if people lose their dignity and self-respect, you may as well kill them. What is man if he has no dignity or self-respect? The Government through this Bill is trying to kill and emasculate the dignity and self-respect of the young black people of this country. I am absolutely certain, Sir, ...

Mr. DEPUTY SPEAKER:

Will the Marshal of the House order the gentleman in the yellow shirt and wearing dark glasses in the Gallery to leave immediately? And may I warn all visitors to the Gallery that they are here at the will of the Chair, not as a right.

Mr. ELLIOTT MOTTLEY:

As I was saying, Sir, if there was no talk about Black Power in this country, this piece of legislation would not have been brought before this Assembly, When during the Independence debate we in the

Under-Forties suffered, when we could hardly keep a meeting, the Government liked that; they condoned that, There was no talk about public order then; but now that opinions are being expressed in this country that are contrary to the opinions held by the Democratic Labour Party, you get this Public Order Bill, because it is a deliberate, wicked and malicious attempt by the Democratic Labour Party to stifle all opposition in this country. This is not the first time that we are talking about the dictatorial tendencies of the Prime Minister, You cannot legislate for an idea, and therefore it is incumbent upon the Government of this country to sit down and have dialogue with the young people to see what are their needs and aspirations, what they are calling for and why they are rebelling against the existing order. Do not just sit down and legislate against it and try to cut them out. Let the Government sit down and discuss with them what are their legitimate grievances.

I am not condoning any attempt by anybody in this country on political platforms to preach violence. 5.30 p.m.

As the senior member for Christ Church has said, we in the Labour Party believe in the Ballot Box, not bullets. Even at this stage we have every confidence that with the help of the electorate in this country and with God's help we in the Labour Party will form the next Government of this country, and therefore we have absolutely no necessity to preach violence either in here or on any political platform. We recognise that we were defeated in 1966 because the electorate of this country did not feel at the time that the Labour Party was prepared to run the country, and we are prepared to wait the five years because we know the longer the Government continues in power, the easier it is for the Barbados Labour Party to win the Government, because the longer they remain in power, the more they are getting on with stupidness. An example of the height of their stupidity is Part II of this Bill dealing with the question of permits to hold public meetings.

That is not the answer, to treat people in a society who have legitimate grievances by legislating against them; if you do, you will drive them underground. That is not the method; sit down and have a discourse with them because they have legitimate grievances. How can the public of this country continue to feel satisfied that there are no restrictions against the insurance companies taking premiums out of this country? I am not going into this in detail, but how can the public continue to feel satisfied with a Government that plays no part at all in the private sector of the development of this country? How can members of the public feel satisfied with a Government that continues to allow banks to operate in this country with an unfettered jurisdiction? These are all questions that the Government must sit down and discuss with the people of this country. It is their country; it is not the country of the Democratic Labour Party; it is not their country for the Democratic Labour Party to dictate to other people. The time has come when the Government must sit down and have discourse with the people to see what their legitimate grievances are.

Now what is the attitude of the Prime Minister to these people? As soon as you do not agree with the Prime Minister, he finds no time for you. In 1965 because the Under-Forties did not agree with the Prime Minister, he called them black humbugs; in 1970 because the Black Power movement in this country does not agree with him, he calls them misfits and dropouts from society. I It is quite clear to anybody that if there is one thing which the Prime Minister cannot stand - and if you look around his Government you will see it - he does not like young people, and he cannot tolerate youth. Why else would a man take a man like the senior member for St. Peter into his Party at this stage? Not because he likes young people; the only young people he likes around him are the young people who can agree with him, the young people who must depend upon him for a livelihood in this country. He does not like young people around him who would stand up and say: "Mr. Prime Minister, you are wrong; have back your Ministry; I can make a living outside, and I am not here to cater to your whims and fancies." Therefore you find that once you are young you are a misfit and a humbug in society, or you are a black humbug. But it was the same Democratic Labour Party in 1961 who then campaigned throughout this country as the Party of youth, and today because they fully realise that the young people of this country do not want them, they switch their attack to criticise the young people; so long as you are young, you are stupid.

Now, Sir, what is the attitude of the Democratic Labour Party in this country? If there is one thing that is quite clear it is this, that the Democratic Labour Party is too much involved and entrenched with the white economic power structure in this country; and the latest thing that has happened - I see that in the Democrat last week there was a picture of the Prime Minister and some Jews in this community -I do not know if he is becoming like Sammy Davis -another black Jew; he may very well be - but when you look around at the associations with the Democratic Labour Party, look at the newspaper they publish, look at the company that publishes that paper - the Trident Publishing Company - I do not like to call names, but if you check in the Registry of this country to see who are the shareholders and the Directors and the Secretary of that company, you will find members of the Jewish community, members of the Syrian community in this country. Is it any wonder therefore that the Democratic Labour Party would bring a Bill like this before this Assembly? The Government wants to keep entrenched in their position with the Jews and the Arabs of this country - and do not mind they call themselves Arabs; in the United Nations they might be black, but in the context of Barbados they are white, and I believe it was the senior member for St. Thomas who said that the Prime Minister of this country should receive the Nobel Peace Prize because he succeeded where the United States Government, the Russian Government, the United Kingdom Government and the United Nations have failed. He has brought the Jews and the Arabs in a community together, for the support of the Democratic Labour Party, and that is a big achievement because the Jews and the Arabs are making hell for one another in the Middle East; but the Prime Minister can bring them together.

It is quite clear why they have come together, because they realise that they can only maintain their privileged position in this society if they support the Democratic Labour Party and do everything to keep the Democratic Labour Party in power. But the young people will not tolerate this any longer; they have a share and interest in this country; they want to see the economic control of this country being broadly spread in the hands of the masses of this country. If you look at the Democrat: you will see what I mean;

you will see in the advertisements La-zar's store, Moses, Abed and the London Shop. What conclusion can you reach? What opinion can you come to other than that these people - not only is there a picture this week but.....

Mr. DEPUTY SPEAKER:
I know the hon. junior member for the City will not read newspapers.

Mr. ELLIOTT MOTTLEY:
I am sorry, Sir I do not know if the Prime Minister in that picture was being made an honorary citizen of Israel; he is now becoming like Sammy Davis - a black Jew. 5.40 p.m.

Let us look at the Prime Minister, not what he is today. The Prime Minister now says: "You cannot attack my people." Let us look at the Prime Minister as he was in 1951. When the Prime Minister came back to this country and he joined the ranks of the Barbados Labour Party - perhaps that was the only good thing he has ever done in his life - he got at Ellerton and said that they should take all the white people in this country, put them in a lighter and send them out to sea and make sure that they drowned because they take very long to die, orwords to that effect. He said that we should send them adrift. In 1951 he said that we should take all the white people in this country, put them in a lighter without an oar and send them adrift in the sea without food, and yet the same Prime Minister is now coming to this Assembly to v say that we cannot criticise the white economic power structure in this country! It was good for the Prime Minister in 1951, but it is wrong for the Opposition to do it now. We cannot have double standards in a community.

As you will recall, Sir, one of the few white men in recent years, the late T. T. Lewis, who was the junior member for the City who sat in this House of Assembly like myself, was a member of the Barbados Labour Party. In 1951 the Barbados Labour Party was running the late T. T. Lewis, a white man, for the City of Bridgetown. It was the same Prime Minister who got on a platform and said then that no black man should ever vote for a white man. The Prime Minister of this country in 1951, although T. T. Lewis was on the same platform with him, said that no black man should ever vote for a white man; yet, in 1966 the same Prime Minister took a white man -not even Barbadian white man, but an Englishman by the name of Captain Morgan - he can be best described as Captain Morgan because he brings to mind the activities of a pirate.

Mr. DEPUTY SPEAKER:
I hope the hon. Junior member for the City is not making reference to a member of the Other Place.

Mr. ELLIOTT MOTTLEY:

I said Captain Morgan Sir, because he brings to mind the activities of a pirate; yet the Prime Minister in 1966 could ask the same black people he told in 1951 not to vote for a white man to turn around and vote for a white man! You cannot have these double standards in a community, Sir.

That is not all, Sir. If the Prime Minister were abusing white people in 1951, then in 1964 and 1965 the same Prime Minister was recommending a man called Mr. Martin for a job at Harrison College in preference to a black Barbadian. It was the Civil Servants who were on that Board who went to the meeting and nominated Mr. Martin who had a recommendation from the Prime Minister, which anybody knows would carry more weight than any other recommendation; yet, today, the same Prime Minister wants to make it an offence and to lock up black people in this country for abusing white people!

Sir, 1 was not born during the time, because I was only born in 1939. I understand that when the Leader of the Opposition who in the 1930s fought on behalf of the working-class people in this country and at the time of necessity had to abuse the white Conservatives of this country, never once did you see the white Conservatives, as powerful as they were with all the members of the Assembly, introduce a Bill like this. When the Leader of the Opposition was campaigning on behalf of the working-class people of this country, when a man called E. K. Walcott was the Attorney General and was powerful enough be cause he had the members of this Assembly to support him in introducing a Bill to make it an offence for the Leader of the Opposition to curse white people, he never did it. Today we have a black Prime Minister who is going to make it an offence for black people to curse white people, but the white people did not make it an offence for black people to curse them! Is it any wonder that the young people in this country are annoyed and cannot tolerate such behaviour?

Now, the most surprising thing in this Bill is the fact that the Prime Minister of this country wants to pass legislation which says that you must have permission to hold a meeting. I believe you were in England studying at the time, Sir, and I was not up there yet. I do not know whether many people will recall the night that the Democratic Labour Party was in the Opposition, and they went under Government House's window and held a meeting to abuse the white people of this country. I refer to the time when the Prime Minister, the Leader of the House, did that, but today the same hon. members are earning here to this House and they want to restrivt the right of the Opposition to criticise the Government! The Barbados Labour Party did not introduce legislation to pravent the Opposition from doing that, Sir. We had no fear that in 1956 the people were going to reject them,

Sir, how can a Prime Minister go from a stage where ha is prepaid - and his Party was the only political Party in this country, the Democratic Labour Party, to go under a window at Government

House"- to hold a political meeting to curie the Governor and all the white people, and now the iame Prime Minister wants to make It an offence even to hold a meeting without a permit? How can we accept these double standards? What do you think the people will think when we have these double standards? I can only come to the conclusion that it is rank dishonesty and an attempt to stifle the Opposition in this country.

Sir, I do not accept any talk by the Leader of the House when he is trying to give us the impression that this legislation is not directed to us but to somebody else. It is because he is in one of his good moods today that it is not directed to us, but when the injections at the Mental Hospital wear off, what will happen to the Opposition? Suppose they run out of medicine at the Mental Hospital, do you not think we will have to face this Bill? (Asides.) Ask the senior member for St. Joseph.

The senior member for Christ Church has said that we welcome legislation to prevent the breaking up of meetings. We welcome it, but I say that it is surprising to see how long it has taken the Government to do something about it. I re member well, as a member of the "Under Forties" on a platform in the Lower Green holding a political meeting, that no sooner than the Chairman said "Good night, Ladies and Gentlemen", the hirelings of the Democratic Labour Party stood near the platform and started to sing "Abide With Me" and interrupted our meeting. The Democratic Labour Party did not see it fit at the time to bring in a Public Order Bill with these provisions, because they were at that stage, paying people to break up meetings of the "Under Forties" and the Barbados Labour Party. I remember well at that same meeting when a motor car with the registration number M. 17 came up Cheapside Road and stopped in front of our meeting. A certain gentleman got out of the car; he came with a placard and did his best to break up the meeting. Those things cannot be right, Sir. 5.50 p.m.

Everybody knows that during that same campaign the Democratic Labour Party paid people to go around this country at night and curse people. I know for a fact that on Sunday mornings they were lectured to by the Leader of the House and the Prime Minister at the Democratic Labour Patty Headquarters. They used to tell them what they must say when they go and abuse all the white people in this country; but at that time the Prime Minister was just easing his way into the white economic power structure. New that he is fully eatrenehed in it, new that hi has identity with them and now realises that the only way his Government can continue in Barbados is to get money out of them to bride people for votes, he suddenly decides he must protect these people from the same people who cursed them than. People will not tolerate these double standards. How could anybody with any sort of dignity really have any respect for a Prime Minister with this set of double standards?

Mr. Deputy Speaker, I am really sorry the Prime Minister is not here, Just let us look briefly at one or two provisions in the Bill, 1 do not agree with Part II of the Bill which says you must have permission to hold meetings, And, Sir, I do not like this idea of fooling people. In the sources Comparative Table

dealing with Part II sections 3 - 8, in an effort to fool people, they say Jamaica 1957, section 7, Adapted for meetings. Anybody reading the Bill would believe that Jamaica has provision that requires permits for meetings. That is not so. I checked the Jamaica laws myself and I have them here, and in no part of the Jamaica legislation is there any requirement that any political Party or any person at all must have permission before he can hold a meeting, and it is sheer, rank dishonesty on the part of the Government to do this sort of thing. In fact nowhere in the Commonwealth is there any provision which requires any individual to have permission to hold public meetings. But the Government is not only satisfied to put that in; they go further. They say that the Commissioner of Police on application made to him can grant or refuse permission. Sir, when the Commissioner of Police refuses permission, what are we going to do about it? They say you can appeal to the Minister. That is an over-sized joke. Could anybody really seriously say that if the Commissioner of Police refuses to give you permission unless you belong to the Democratic Labour Party that the Minister will give you permission? They should not try to put this sort of thing on the public. What is more important, if they are going to have any provisions against meetings - with which we disagree entirely - and marches - which is the present position, I feel that if the Commissioner of Police is going to refuse to give permission for a march, he should be made to give a certificate setting out the reasons why he refuses to do so, and armed with that certificate, you should be able to appeal.

Sir, permission to appeal to a Minister is nonsense. If you are going to have the right to appeal to a Minister, it should be made absolutely clear that the Minister should appoint a Board to hear the appeal. Under the Town Planning Legislation appeals are made to a Minister, but the Minister must appoint a Board or tribunal to hear these appeals; it is not left to the unfettered discussion of a Minister of Government. Even under the emergency provisions of the Constitution as is done in the emergency legislation in Trinidad, if people are detained, they have a right to appeal to a tribunal appointed by the Minister, but they do not appeal to the Minister himself. So under this Act there must be provision to appeal from refusal to allow a march-not refusal to hold a meeting because I do not belive you should be required to apply for permission to hold a meeting at all - and that should be a tribunal appointed by the Minister to hear that and to see whether the grounds for refusal as stipulated or set out in the certificate of refusal by the Commissioner of Police are solid and reason able grounds because if the grounds are unreasonable, then there should be no objection to the march taking place.

Now, Sir, under Section 28 which requires per-mission to use a loudspeaker, nowhere at all do you find this. In the Comparative Table you will find that Section 28 Is new, This is something thought up by the Democratic Labour Party to stifle the lawful and just criticisms of the Opposition. This sort of thing is not right. Under section 29 you cannot use a loudspeaker after 11 o'clock in public unless you get permission. This also is new and adapted for loudspeakers. This is the greatest piece of repressive legislation that any Government in the West Indies has ever attempted. Even Bradshaw in St. Kitts looks like a believer in Democracy when compared with this. This has now placed the Barbados Government as the most oppressive Government in the entire West Indies. The simple fact is that the Government is now faced with ideas they cannot meet. The Government is proving ineffective against the ideas of young people in this country, and the only resort which the Government sees necessary is to resort to legislation to suppress lawful and just criticisms in this country. I said on platforms already that any

attempt to whittle away any of the freedoms guaranteed for the citizens of this country is a direct attack on each and every individual in this country. I am not a believer in the idea that this legislation is to suit any particular person. This is legislation designed to suppress just criticisms in this country, and that is why I believe that meetings and marches are essential characteristics of any democracy. 6.00 p.m.

That is why I started with the quotation dealing with the problem of control of public speeches, and as I said this is one which ought to be approached from the point of view of private citizens and their need for protection rather than the safety of the State and its officers; and when you analyse this legislation one thing is quite clear, that the approach of the Government is an approach to protect the Government and the white economic power structure in this country, and has nothing to do with protecting the rights of the individuals of this country.

Mr. SMITH:

Mr. Deputy Speaker, I intended to vote on this Bill and not to speak; but after hearing the hon. senior member for Christ Church make his point I decided to speak. He said he could not say that this Bill was necessary. I know how the hon. member for Christ Church felt when he said that; he feels that you would be having people like himself and myself on the platform at all times. That is how he felt, because he cannot be nasty on a platform; he does not know how to.

I cannot agree with some of the criticisms le-velied at a Bill of this nature; there are some of the Clauses in this Bill that I am prepared and willing to support if the hon. senior member for Christ Church moves the necessary amendments, There are some that must be amended. One has to make an appeal to a Minister; imagine your humble servant has to appeal to a Minister, if there should be one, in the persons of the hon. Junior member for St. Peter and the hon. senior member for St. Thomas. Imagine what would become of me; imagine your humble servant appealing to either one of them as a Minister.

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

On a point of order, Mr. Speaker, if the hon. member would give way, let me give an assurance to him and to any other hon. member that should this Bill remain law when we are in power 1 will never under any circumstances refuse a representative of the Democratic Labour Party, or be party to the refusal of any member of the Democratic Labour Party holding a public meeting. Never in any circumstances would 1 ever sit in a Cabinet where a public meeting sought to be held by the then Opposition or by any member of this House was refused by the Commissioner of Police, and the Commissioner of Police would have to look for a job if he refused a meeting.

Mr. SMITH:

He would not refuse a meeting, but he would try to stifle one from talking; he would try to lock him up, carry away the apparatus to lodge a case, but who would believe him? Everyone knows how I feel about a nominated member being a Minister; everyone knows that from long ago. I, a representative of the people, make an application; my application is turned down, and a nominated member, one who does not have to see with the electorate at all, he does not care what he does, he is there and he can tell every elector and representative in this country "no", and you cannot do him one thing! I cannot agree with that; I would prefer the appeal to be made to the Chief Justice, and especially the one we have now, one who was born, a decent one, one that you can afford to trust and put your life into his hands. He is one who is quite willing, according to the old lady, to give Jack his jacket. When you appeal to him, then justice will be done; but a Minister? A nominated one? One like the one I just referred to? You could just as well rip the Bill up, if you are going to do that.

Clause 38(1) reads as follows:

38. (1) Any applicant for a permit under this Act who is dissatisfied with the refusal of the Commissioner of Police to grant the permit or with the terms of the permit may, within seven days of being notified of the decision of the Commissioner of Police, appeal in writing to the Minister.

I would say appeal in writing to the Chief Justice of this country and let justice be done. There are quite a few amendments that would have to be made to this Bill, but not to say that it is no use, not to say that it is unnecessary, I do not know if you have ever heard, but if you should listen to some of the responsible people in this country on A platform, there could not be more lustiness, slinging til sorts of mud at on individual; and must we tolerate this any longer? No, we cannot. You have some people getting up on a platform and insulting the people who are listening to them; all they are telling the people is how to curse and abuse, and how they feel about an individual, insulting them. Nothing educational from start to finish, Must we tolerate this any longer? This Bill can cut both -sides; the Government may be blamed now for bringing it in, the Opposition may oppose it, but it may turn around; the present Opposition may be the Government.

I do not know if you were here, but we had some very hectic meetings, and do you know they had choirs singing "Now the labourers task is o'er" and "Abide with me" and all kinds of funeral hymns; must we tolerate this any longer? I say no.

6.10 p.m.

They were singing all sorts of funeral hymns - "Abide With Me" and soon. The man who was

addressing the meeting could not hear himself. Must we tolerate that sort of thing any longer?! say no. I am sure that there is a particular individual who is very afraid to go back on a political platform because of the treatment meted out to him that night. Could this Bill be unnecessary? I say that it is necessary with a few amendments. I would not say that all is well, but we must have everything on a standard. We cannot expect any and every thing with two eyes to get up on a platform. If they do not have anything to say, then they will have to get down, but they will not be allowed to abuse people. There are some people like children; some children cannot say "Mother" plainly, but they can curse; they can say: "Kiss this place and that place" and you can understand what they are say ing. We cannot tolerate such behaviour any longer. We must have decency in here and on the platform.

Sir, if a man has a case he can put it forward. I can stand up and talk for three or four hours without having to abuse anyone. I have never abused anyone yet; I do not know how to. I either took a leaf out of the hon. senior member for Christ Church's book, or he took one out of mine. I believe he took one from my book, because I was in this thing before him. I was never nasty at anytime. I cannot be nasty at any time; I will put my case to the people so that they can understand it. Through having the ability to put my case to the people, 1 cannot put a word over to my people inside here on the broadcasting equipment!

Sir, as I have said, an hon. member calls this an unnecessary Bill, and I am sure that he does not mean that when he says so. He means that the Bill should have certain amendments, because he cannot tolerate nastiness. I tolerated it for a very long time and I had to pull out, and he will soon have to pull out, too, because he cannot stand nastiness. Nothing happens before its time. Cleanliness is next to Godliness, and this Bills tends to do some cleaning up. It says: "Any person who desires to organise, hold or call together a meeting in a public place shall, at least 2 days before the day on which it is proposed to hold such meeting, apply to the Commissioner of Police for a permit, " This part of the Bill does not say how the Application should be made in person or In writing. There should be some definition to Indicate how you should apply to the Commissioner of Police for a permit for holding a meeting. For instance, I may go to the office of the Commissioner of Police tomorrow and tell him the names of the people who are likely to speak at the meeting. It should be stated here whether the application should be In writing or be made in person. This is something I do not understand.

Now, Sir, mention has been made of "calling together a meeting in a public place." lam not a lawyer or a draftsman, and what I have to say may sound foolish. I think the word "public" should be inserted, because I have seen a religious meeting in a public place. I feel that it should be a public meeting butf of course, this is not my line, and I do not know much about it. If you were talking about old iron, then I would have been able to talk for a long time on that. This type of thing calls for brains. The application must be made at least 2 days before the day on which it is proposed to hold a meeting.

Sir, you are telling me that I should make the application at least 2 days before the day on which it is proposed to hold the meeting, but you should also tell the Commissioner of Police how long he should take to reply. If I wanted to hold a meeting on Sunday night; I applied to the Commissioner of Police on Thursday, then the Commissioner can wait until Monday morning to reply and Sunday will have passed by. This calls for an amendment. For instance, the Commissioner of Police may not be responsible for the delay; the letter may remain in the Post Office and the Commissioner of Police did not receive it until the Saturday morning and so on. The Commissioner of Police should be told the time in which he has to reply. Of course, it may depend oh the Government in power. The Commissioner of Police may have to submit the application to the Minister before he can grant a permit. He may receive instructions that the Minister should see the applications first, and that can hold up things.

With regard to what was said about stifling or muzzling the Opposition and things of that sort, I can remember during the regime of my Government a programme used to come over "In the House." 6.20 p.m.

Do you know, Sir, I was told it was banned by my Government? It was nothing nasty; it was just what happened in here, but it was banned by my Government; so these boys had better be careful when they are criticising and remember that they have birds on the pasture. They must always be clean and not try to throw all rocks. I know and you know that the Government has all the power, and it is not always that they and certain members of the Opposition go too well. Some may go as I have been accused for going too well with them; but when it comes to passing laws for the protection of the country we are nothing to do with Government or Opposition. We want to keep Barbados clean; we want to keep it above the map, and we must not sit back and allow nastiness to interfere with the good running and good thinking of our people; and as soon as it begins to show its ugly head, let us put our feet on it, That is all I am concerning myself with. Let it be sold all over the world that Barbados is a nice little country, Up to now I travel most places and whenever I meet people, they always praise Barbados. Let us keep it that way regardless of how we feel about each other. In here we can lash each other; I can give and I can take in here, but do not let it be said that we are encouraging violence in any way. We are men; we are not Sunday School children. Do not think that because the hon. senior member for St. Thomas tried to ban me from talking that I have anything against him.

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

On a point of order, the hon. senior member for St. Joseph must give me a break. The wire cutting is over; the barbed wire is down. Nobody has tried to ban the hon. senior member for St. Joseph from talking. How could I? Only you can put out members, rightly and wrongly. I cannot stop members from talking.

Mr. SMITH:

Sir, banning is very modest, but when he is going out of his way to bring a case, good dear me, that is going too far.

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

On another point of order, you should interrupt, Mr. Deputy Speaker, and tell him that you persuaded me not to bring the case against him. It is you and only you who are responsible for no criminal charge having been brought. You met me privately and particularly asked me not to prosecute the hon. senior member for St. Joseph, and I accepted your very wise advice.

Mr. DEPUTY SPEAKER:

Point made.

Mr. SMITH:

Sir, you are still a very good friend of the hon. member because you prevented him from making himself look ridiculous. You did not want him to look ridiculous because I really look at the hon. senior member for Christ Church as a man who knows his stuff, and when the Hon. Prime Minister threatened to prosecute me for malicious damage to public property, the hon. senior member for Christ Church.....

Mr. DEPUTY SPEAKER:

May I interrupt the hon. senior member for St. Joseph? The Bill before the House is on the Public Order Act, 1970. Will the hon. member please address the Chair on this particular Bill?

Mr. SMITH:

Yes, Sir. I will do that because I was put out last Tuesday and I do not want to be put out so soon again; so I will obey the Chair. You would not do it, but if you were to ask the hon. junior member for St. George on my left, when the hon. junior member for Bridgetown was straying all over the world, I turned to him and said "You see, two lawyers!" You have made it perfectly clear that this is not two lawyers; this is a layman and lawyer. I drew it to his attention and the hon. member rambled all over the place. He went down to the Mental Asylum, he went into the Doctor's shop, he talked about medicines, injections and everything. I have not mentioned any thing so yet, but I will keep to the Bill. I am not lucky and I do not want to be put out at least this afternoon, but 1 only wanted to make that point. At the time, however, the hon. senior member for Christ Church called across the floor and said that was bogus law and said it could not happen. Now who is right? The hon. senior member for St. Thomas or the hon. senior member for Christ Church? That made me think that the only way I can feel happy in Court with lawyers is when 1 win, but when the case is going on I am still unhappy because I do not know what points are going to be raised, and it looks to me that you can twist things to suit yourself, though not

with a strong Judge or Magistrate.

With respect to the Bill, I say that two days is time enough, but we should know the time in which we should receive an answer from the Commissioner of Police as to whether or not it is in order. Some people do not want to apply to the Commissioner of Police, but the Commissioner of Police has the authority to give me a gun licence and he has the authority to take it away. If he has authority to give you such a dangerous weapon, do you mean to say you cannot allow him to give permission to hold a meeting? A gun can kill, but a permit cannot, and we have to let him know that we have confidence in him. I am not telling you that all would be as it should be, but after all you have to trust somebody, and the Commissioner of Police is the man to give permission. The section says that "any person who desires to organise any public march shall, at least 3 days before the day on which such public march has to take place, apply to the Commissioner of Police for a permit. Every application under subsection (1) shall contain particulars of the name or names of the person or persons desiring to organise the public march to which the application relates, the purpose or purposes of the march, the point of departure, route and point of termination of the march, the hours between which the march will take place", and so on.

"The Commissioner of Police on an application made to him under section 10, may, in any case, grant or refuse the application." In this section you give three days, but in section 4(1) you only give two days. I wonder why you are moving around like this with two days in one section, three days in another and seventy-two hours in another. 6.30 p.m.

Sir, here again, section 23(1) (b), page 16, "any public march in progress which comes within the specified distance of any scheduled premises, during a sitting of either House or during a sitting of any Court or during normal working hours as the case may be, ..." I believe that this section means any

House of Parliament, but it says "during a sitting of either House"; it could be my house. You cannot blame me; if you have this and I was having a meeting in my house, it says "during a sitting of either House", and it should include the words "of Parliament"; that ii my poor knowledge about it and if I am wrong, tell me I am wrong, but I am too right to be wrong, I am sure you will agree with me that this is a slip-up, If I were a lawyer and I was charged, you could see how easily I could win my ease, Clause 28(2) states:

(2) Any person who desires to operate or to cause to be operated a loudspeaker in any public place for any purpose mentioned in subsection (1) shall apply to the Commissioner of Police for a permit -

(a) in the case of a meeting or march for which a permit under this Act is required, at the same time as the application is made for a permit for that meeting or march; and

(b) in the case of a meeting or march, for which a permit is not required under this Act, at least 24 hours before the first day on which it is proposed to operate such loudspeaker.

That is only for the use of a loudspeaker; I feel that that means a loudspeaker going along the street advertising your meeting. You must have a permit for that, but what is the difference if I do not use a loudspeaker but call up Rediffusion or Radio Barbados and ask them to put it on the air for me? That is not a loudspeaker. I must apply for a permit to use my loudspeaker, but I can go to Rediffusion and pay to have it broadcast and the people will know just as well and I will not have to ask for a permit; what is the difference? I feel we could save ourselves the time to worry with this particular section, because the same thing you want to do lean by-pass and still have done; I do not think you could be so rude as to stop Rediffusion from putting it over; so the people will know it. If I want to let the people in St. Joseph know I am having a meeting tomorrow night and it is too late, or I am too lazy to goto the Commissioner of Police for a permit, or I do not care to go, the people will still know it. It is not every meeting, especially in the country, that you use a loudspeaker; you put it on the air. There are some people who owe Rediffusion a lot of money because they put these notices over and then do not pay. I will have to agree with the senior member for Christ Church that this should be out, because it does not serve any useful purpose in this particular instance.

Now, Sir, section 31:

"31. Any person who in any public place or at any public meeting -

(a) uses threatening, abusive or insulting words or behaviour; or

(b) distributes or displays any writing, sign, or visible representation which is threatening, abusive or insulting. "

There is a fine for so doing. It did not state, except one of these words really would define or would bring in, heckling, On a having a meeting, you would not hear him using abusive language, but there would be heck-ling and calling out the name of the speaker or things like "We do not want to hear you"; that would not be insulting or abusive, but it would disturb the meeting up to a point:, I feel the word "heckling" should be there because one doss not abuse the speaker when he is speaking during a meeting, or use any threatening language, but they hackle him to throw him off his stride. You get a little hackling in here sometimes only to get you off your stride; I have just been told that heckling caused a man to go out, I hope that these notes are being made by the Minister and that the word "heckling" will be inserted, because heckling is a dangerous thing; it does not allow the speaker to speak at all.

Sometimes one man gets another one, they will hear that I am having a meeting somewhere, or even you, Sir, are having a meeting in St. Philip tomorrow night, and one fellow takes the other one who likes the bottle and gives him about three bottles, and when the meeting starts, he is talking Latin and French and you cannot talk, but he is not abusive. I hear there is one called "Hog Pen" who is a real hog pen at meetings. (Mr. J. M. G. M. ADAMS: He beat people for you already.) I do not know him; believe me, I do not know him. Do you mean he heckled me? (Mr. J. M. G. M. ADAMS Frank Walcott cursed you and he wanted to beat Frank Walcott.) So much the better for this Bill; this should have been in operation long ago. You will be surprised to know that I was speaking in St. Lucy at a meeting and somebody said that I was as ugly as a wet crocus bag, and I could not do any thing mo re. (Mr. J. M. G. M. ADAMS Tudor paid the man to say so.) I would not believe that the Hon. Leader of the House did that; you could say the Speaker, too.

Hon. J. C. TUDOR:

On a point of order, Mr. Deputy Speaker, could I hear just what I am supposed to have done?

Mr. SMITH:

The hon. senior member for St. Thomas just told this House that you paid a man to heckle me in St. Lucy, and to say that I am as ugly as a wet crocus bag.

Hon. J. C. TUDOR:

Mr. Deputy Speaker, I issue a double denial; first, I deny that I did it, and secondly I deny that the hon. member is as ugly as a wet crocus bag; but what I did do in St. Lucy, I stopped a member of the Barbados Labour Party from abusing a lady for whom I have the utmost respect, and who is the mother of the hon. and learned senior member for St. Thomas. 6.40 p.m.

Mr. SMITH:

Sir, the hon. senior member for St. Thomas says he believes it is true, and the hon. senior member for St. Thomas encouraged that same man to abuse me up hill and down ditches! He would not abuse me, but he has people to do it for him.

However, this Bill will control that sort of thing. (Asides.) "A person is guilty of an offence under this section if -

(a) he publishes or distributes written matter which is threatening! abusive or insulting; or

(b) he uses in any public place or at any public meeting words which are threatening, abusive or insulting.....

This is a first-class paragraph, and I am sure I will be able to hold someone with it.

" (2) A person guilty of on offence under this section is liable on summary conviction thereof to a fine not exceeding $2,500 or to imprisonment for a term not exceeding 12 months or both."

This is also a first-class one.

Sir, I notice the fines here are $2,500 in some cases; $5,000, $500 and $100. Why have they made it on a sliding scale? If a man knows that he is contravening this Bill, I would say that $2,500 is easy. I say that the scale of fees should be the same.

I am returning to the question of the appeal to the Minister. I am against it; the hon. senior member for Christ Church is against it, but which is worse? Now they allowed it to be inserted in the Constitution of this country that it is legal to nominate a person from the Other Place and make him a Minister. The Opposition cannot deny it and they cannot criticise it, because they allowed it to remain. Now, if I were present at the time I would never agree to a nominated member becoming a Minister, I do not think they

allowed it to remain be cause they did not know about it, but they allowed it to remain so that if they came into power they would do the same thing. I say this is wrong. Why is it wrong? Suppose I ran for St. Joseph and the people rejected me. If the Government then nominated me to a seat in the Senate and made me a Minister, it would be putting me back on the shoulders of the people who rejected me. That would be telling the people: "You have not done him anything at all; you knocked him out as an ordinary back bencher, and now he is top man wearing his collar behind, " It is not fair to the people, but the Opposition allowed that to happen.

Sir, if tomorrow the people in St. Joseph rejected me, and the Government nominated me into the Senate and offered me a Ministry, I would not take it. It would not be fair to the people; there would be some reason why the people rejected me; they would not want me, and the Government would be throwing me back on their shoulders. They would then have to reject the entire Government in order to reject me. The Opposition had a pool of lawyers up there when this Constitution was being considered. I do not think a layman went to England with them. I am talking about my Party. (Asides.) Of course, Freddie Miller knew everything, but a lawyer does not know everything. They felt that you could find better material up there than they could find in here, but it was not fair to the people. Do you know that there are some people who will never catch the Judge's eye in order to get in here? (Abides) L. B. Brathwoite could never get in here. (Asides)

Mr. Speaker, have you heard the lawyers in here heckling me? Why not send them outside? Of course, you are all lawyers, and you cannot say anything to them. (Asides) Of course I could go out; I am an old man now, and you do not want old men over there. The hon. senior member for Christ Church said that the old men must make up their minds to go out and let the young boys come in. (Asides)

Mr. DEPUTY SPEAKER:
I must call on hon. members to observe Rule 29(6).

Mr. SMITH:
Sir, the hon. senior member for St. Thomas is still carrying on.

Mr. J. M. G. M. ADAMS:
Sir, I was only saying that the hon. senior member for Christ Church said that the hon. senior member for St. Joseph said that he could cut the wire because it was a bogus law. That is all.

Mr. SMITH:
I am sure the hon. senior member for Christ Church knows it is a bogus law.

Mr. St. JOHN:
That is obvious bogus law; otherwise he would have been prosecuted already, Sir.

Mr. SMITH; Sir, I will not call him by his name if it is not bogus. Then he was only trying to frighten the Prime Minister, because he said I could go on and cut. I now realise that he wanted to get me in trouble. 6.50 p.m.

Mr. DEPUTY SPEAKER:
The Bill before the House is the Public Order Act, 1970,

Mr. SMITH:
Anyhow, the Prime Minister was my friend because my colleague was pushing me into it and the Prime Minister prevented me from doing the cutting; so he is my friend.

Sir, I will finish just as I started. The Bill should have been here long ago. Lots of people would be out of this House and a lot would be in if this Bill was in existence. It is a fair Bill, but it needs some amendments. I am in agreement with the amendments as suggested by the hon. senior member for Christ Church. In other words, we should not allow it to pass in this way, but the real protective Clauses must remain. I am in favour of the Bill so that we will be able to get our platform speeches at a very high standard. There will be no more mud-slinging, and if you do it you will be punished. The soul that sinneth must die.

SUSPENSION OF SITTING

Hon. J. C. TUDOR:
Mr. Deputy Speaker, I think this would be a convenient time to take the break.

I therefore beg to move that this sitting be suspended until 8 o'clock.

Hon. G. G. FERGUSSON:
1 beg to second that.

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

On Resumption;

Mr. HINDS:
Mr. Speaker, you intimated to the House earlier that the electrician or some mechanic was effecting repairs to the overhead fan. I wonder if he has completed the repairs.

Mr. SPEAKER:
I understand that, had he attempted to carry out the repairs, all the fans would be unable to work today, and that he is returning tomorrow morning as early as public servants start to work.

When the sitting was suspended, my information is that the hon. senior member for St. Joseph had just completed his speech,

Mr. HOPPIN:
Mr. Speaker, I have heard some comments made about this Bill which is undergoing its second reading. I am in complete agreement with this Bill especially in relation to the conduct of meetings. As has been stipulated in the Bill you are requested to give the Commissioner of Police the names of those who are supposed to speak, and also the matter on which they are speaking; but it is noticeable, as has been the case at most meetings recently, that people leave their homes especially for political meetings to hear others being dragged down by the Opposition and even sometimes members of my Government. I am making this quite clear. I feel that this Bill has come at an appropriate time so that when people coma out to address meetings, they should speak about policy and their intentions instead of having matinees which can be of no use. I agree with the provisions that have been laid down here. There are certain things, as have been said by the hon. senior member for Christ Church as well as the hon. senior

member for St. Joseph, that I feel should be amended, and I feel that every member should make some kind of contribution on how he feels about a Bill of this nature which is being introduced into Barbados for the first time. As my Government has brought it, I am entitled to support it. I agree with some of the amendments as suggested by the hon. senior member for Christ Church as well as the hon. senior member for St. Joseph.

I have heard some disagreement about appealing to a Minister. Now if the Commissioner of Police is under the Ministry of Home Affairs, regardless of whether the Minister of Home Affairs is in this Chamber or the other Chamber, he is the appropriate Minister to appeal to. Some other hon. member in his discussions said that you should appeal to the Chief Justice. I feel that is carrying it a bit too far, because I see nothing wrong in appealing to the Minister, and if he is on my side this time, as has been said in an aside or on the other side, it makes no difference. Some other hon. member said that this Bill is to close the mouth of the Opposition. I do not see it that way, If the Opposition feels that they are the alternate Government, they are trying their best to win the Government - as has been said here on the floor today, they will be the next Government whenever the elections take place. That is their belief, but we know that we would not introduce anything In a Bill that would be harmful either to the Opposition or to the present Government; so I do not see the fear.

Mr. Speaker, Governments are in power for a time; they do like to be there for as long as ever, but changes take place, and as I see it, this Government has a long life-span. The Barbados Labour Party has a right to feel that they will win the next election, but we know that in introducing this Bill it is nothing to cause us to be afraid of losing the Government. 8.10 p.m.

This Bill is an appropriate Bill for the control of meetings and the behaviour at meetings, and I feel it has come at a time when an election, regardless of how near or far it is, would make those speakers, when they go on a platform, deliver proper speeches other than berating other contestants, bringing out facts about their parents which are not necessary to get them in here. We want the contestants to make known their policy and their intentions and to have the meetings conducted in a proper way.

With regard to the question of applying for a permit to use a loudspeaker, it is rather annoying sometimes to hear these loudspeakers going through the districts advertising the meetings. If an application has been made, I think it will be done in a proper way. To allow all and everyone to use a loudspeaker, come around offices or certain places where people are working to disturb them, this Bill makes provision against that, and I also agree with that point.

For the time of holding a meeting not later than 11 o'clock at night, that is very good. If the Opposition

or if the Government has something to say, they can say it within that time; you need not have a meeting beginning at 7 o'clock, finishing at 1.00 a.m. without making your point. Those meetings were just a rehearsal of unfortunate incidents in which some of the poor contestants found themselves involved - things they might have done, and these things the people are not really interested in; they want to hear policy and what your intentions are. I feel that if the Government or the Opposition has anything to say, three or four hours is time enough for them to say it and allow the people who are listening, and who probably would have brought along their children to be enlightened, to go home and sleep and come out fresh the next day instead of being stale.

I heard someone make comment about the time, but it is time that we limit the length of a meeting so as to prevent people from repeating themselves for a whole night. I know the junior member for the City made a great representation on behalf of the Black Power Movement here this afternoon; we have nothing against it and he would probably like to carry on - as he is saying now "stop talking nonsense" - but it is not nonsense. This Government is not against the Black Power Movement as that member has said, nor we are not running them underground! as has been suggested, to come up again; but everything should be done In a proper way. There should be law and order, and this Bill, in my opinion, sets out to save Barbados from things similar to what have happened in our neighbouring island, Trinidad, It Trinidad had a Public Order Actf I am of the opinion that they would not have been in the plight that they are in today; so therefore, Mr. Speaker, with those few remarks I support this Bill, and as suggested, with the few amendments that the senior member for St. Joseph and the senior member for Christ Church made. This Bill is a good one for law and order here in Barbados.

Mr. CORBIN:

Mr. Speaker, this Bill seeks to make provision for the maintenance of public order, and makes reference to public meetings, marches and processions. I have been sitting here this afternoon and I have been listening to the various speakers and I gave each one a very brief hearing. This Bill is of a very good nature; I can assure you of that. It is for the protection not only of the Government, but for the Opposition and for the inhabitants of Barbados. If the hon. members would look with the right kind of eyes and in the right direction, they would see that the war cloud of vengeance is hanging over the West Indies and over the Eastern countries, and we have to make laws to protect the inhabitants of this country. I have been hearing a lot being said about the Com-missioner of Police, but the Commissioner of Police and his Officers are here to protect us; and if we do not have any confidence in them, to whom must we go when we have trouble? If a riot breaks out tonight, the Prime Minister, the Governor-General, the Commissioner of Police and the Leader of the Opposition should get together and decide what is to be done; so therefore if we have to wait until war is declared to prepare our ammunition, we would be very late.

Mr. Speaker, the right and fit person who should issue this permit is the Commissioner of Police because he is in charge of law and order, and anyone who wants a permit can go to that Department and obtain one for his own protection. When anyone gets that permit in his hand and goes and has a public

meeting anywhere, no one can go and disturb him because the Commissioner of Police will post Policemen to protect him. What some members may fear is abusive language. There are certain members who cannot address a public meeting unless they abuse someone, and I am glad that this law is coming into force because it will protect a number of politicians and people in the Island.

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

On a point of order, I really hate to interrupt the hon. junior member for St. Andrew, but will he tell me which section of the Act would protect anybody or any individual from being abused, especially on the grounds the hon. junior member for St. George stated, or from having your parents cursed, your habits attacked, whether or not you have been to prison or anything like that? Which section of the Act will protect anybody from things like that?

8.15 p.m.

Mr. SPEAKER:

No point of order.

Mr. CORBIN:

Sir, I wonder why the senior member for St. Thomas is getting hot, For what should I give way?

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

Sir, if he does not wish to give way, he need not give way.

Mr. SPEAKER:

He has not given way.

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

If he is not giving way, then what Is the point of his asking me a question?

Mr. SPEAKER:

May I remind the hon. and learned senior member for St. Thomas that, as I am advised, he has not yet spoken? Two hon. members are on their feet. When we go into Committee, perhaps, the Section which

the hon. member has in mind will be discussed,

Mr. CORBIN:

I am not giving way. There are certain members of this House, especially the hon. member who has just sat down and one who was sent out of this House today, who believe that nobody knows anything but themselves. Let me make you to understand now, Sir, that I was sent here by the people of St. Andrew, and he was sent by the people of St. Thomas. They are listening to us; we are their lighthouse and their guide; they will listen to what I have to say as well as to what you have to say. Because the hon. member went to Oxford University or wherever he went, he still had to come back here and pass before he could get in here. (Asides)

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

On a point of order, Sir. We have both taken the same examination to get in here, but he did not take one to get into Oxford University, if he is going to be offensive.

Mr. SPEAKER:

No point of order.

Mr. CORBIN:

Mr. Speaker, I assure the, hon. member that I have the same qualifications as he has to enter this House of Assembly.

Mr. SPEAKER:

Let us avoid personalities and continue with the Bill.

Mr. CORBIN:

Mr. Speaker, as I have aforesaid, law and order must be maintained. I said that the Commissioner of Police is a right and suitable person to issue a permit to anyone who is going to speak at a public meeting, because he is in charge of law and order. Why are hon. members so afraid to hear that the Commissioner of Police has the power to issue permits? The hon. junior member for St. George has just said that there are members on both sides of the House who cannot conduct themselves in a very commendable manner especially on political platforms. (Asides)

Mr. SPEAKER; Members not addressing the Chair, please observe the Rules:

Mr. CORBIN:

Mr. Speaker, the only thing that can bring discipline to those hon. members is death, I am sorry to see how they treat you. They do not treat you with the respect due to you. (Asides.) You can keep that until you are ready to talk, I can say that I have confidence in the Commissioner of Police and his Officers, I can go to sleep at night knowing that .they will protect me; I can walk the street under their protection; wherever I go in Barbados I am protected by the Commissioner of Police and his Officers. I have confidence in them at all times, Any man who does not have respect for law and order is in dense darkness. (Asides.)

I am saying, Mr. Speaker, that because sentence against the evil doer is not speedily executed, it is therefore left in the heart of the sons of men to continue to do wickedness. If I were in the Chair, hon. members would have to keep quiet. When I stand up sometimes at public meetings and see the conduct of members on the platform, it shocks my modesty. They open their hearts, they praise God with the very mouth with which they curse their brothers. Can the fountain send forth sweet and bitter water at the same time? You must either get bitter or sweet. It is for this Bill to send forth bitter or sweet, and if it sends forth bitter, you will be apprehended. (Mr. ELLIOTT MOTTLEY: Did you read the Bill?) Yes.

Mr. Speaker, this Bill will protect the Government, and it will protect the Opposition. Do you think I cannot read? An hon. member asked me earlier today to spell the word " resolution", but I am in the House and he is outside today. The people of St. Andrew have sent me here, and I intend to conduct myself in a proper manner and to live up to the standard which is required of me. I will not cause my people to cast their confidence away. After they have sent me here, I would never like to abuse the Chair. Let us maintain law and order.

This Bill seeks to protect the inhabitants of Barbados. People come from various countries to Barbados to have their political meetings and to go on any platform. You now see people walking about the streets and holding meetings without permission, and it will soon lead to some kind of friction and cause a fire in Barbados such as would blaze in the heart of man and riot will break out. This Bill is to protect us, and by so doing law and order will be maintained. We can go to sleep when we have law and order and sleep in peace. Without law and order, where are we? For what do you think we are paying the policemen? They have given us good service and they are worth every cent for which they are working. I can assure you that as soon as this Bill comes into force we will have better discipline in this House, outside the House, and at public meetings. That is why I am glad to see this Bill. I am willing to support this Bill in all of its stages. I see nothing in this Bill to reject. (Asides.)

Mr. SPEAKER? The hon. Junior member for St. Peter has caught my eye, and let him alone catch my ear, Let the hon. junior member for St. Peter proceed.

Mr. HINDS:

Mr. Speaker, if words were needed for condemning the approach of the Government in introducing this Public Order Bill, those words have come to us from the mouth of the Hon. Leader of the House. He was at pains to say that ignorance of the law is no excuse, 8, 25 p.m.

In saying so, Mr. Speaker, it brings to mind the Government's disregard, neglect and callous approach to the requirements of this community, Despite the fact that numerous policemen lined the court yard, the streets surrounding the Public Buildings and what not, and that people were barred from entering this Assembly to See and hear what was going on - the Government has seen fit to marshal their forces against the masses of people - but the Government never for one moment thought this Bill as one of such importance that it should be published in pamphlet form, published in every newspaper, posted up at every police station, at every shop, at every rum shop for that matter, at street corners so as to give the people of this country an opportunity to read it, digest it and discuss it amongst themselves before it became law. Here is a case where all the Prime Minister has done is to get up in Independence Square, trot out what he wanted to trot out to the few people who could hardly understand what he had to say, and has taken the first plane and gone and left the Leader of the House to come to the House and introduce a Bill of this sort.

Remember, Mr. Speaker, this is a Bill which can impinge upon the liberty of the subject; it tends to trespass upon his freedom, and does more than that; it seeks to take away a right enjoyed by the citizens of this country for many years and to give the Commissioner of Police a licence against the citizens. What is lacking in this exercise today is that until this very moment the Government has not seen fit to lay the foundation upon which the necessity for introducing such a Bill should be based. The Government has not put before us any case in point, any extraneous circumstances, nor has it drawn to our attention anything that is happening that could not happen yesterday or the day before to impress upon us the necessity for introducing a Bill of this sort at this time.

I want to say, Mr. Speaker, that I understand that the Leader of the House is armed with what he calls reports of speeches made by certain members of the community. I want to tell the Leader of the House - and I am giving the Leader of the House my own experience - that many of the reports on which he is attempting to rely in a matter of this sort are not worth the paper on which they were written. I can testify that I have had some experience in a Security Office in this Island, and were it not for the integrity and uprightness of the Security Officer, many people who walked the streets of Barbados in

those days could have been put behind bars or could have been sent to Pelican Island, and they could have been sent just at the snap of A finger, many of them having committed no offence whatsoever. A policeman who was supposed to have gone on duty went about At night gambling in the streets and in the night clubs, a man who is now chief hatchet man for the Democratic Labour Party in the Pine. I speak of a policeman called Elon Jessamy. You have to call people's names because this is a serious business. Jessamy went into all the gambling clubs at night and then next morning presented reports, and if the Leader of the House had seen these reports he would have called on the Commissioner of Police to despatch not ten or twenty, but forty, fifty or sixty innocent citizens to Pelican Island and elsewhere,

Mr. Speaker, it is against a background such as this and with that wealth of knowledge as to the functioning of the Police that I want to warn the Leader of the House. I am not suggesting for a single moment that there cannot be instances where some silly member of the community can go and commit an offence, get on a platform and incite the mob to do violence or to overthrow the Government by force or else. We are nothing to do with that whatsoever. What we are willing to say is that you should use your laws to crush that person, let him have a fair trial and get him where he ought to be; but we are not for a single moment going to remain in this House and encourage the Government to use a lot of lying policemen. I want to go further. This is a case which very heavily depends on what the Police do, and Mr. Speaker, I am going to call the names of some others. We have in the Royal Barbados Police Force today an Assistant Commissioner called George Reid; we have an Inspector called Lunn; we have Inspector Barney Lynch and we have Sargeant Chandler who lives near Paynes Bay. I want to say that Inspector Lunn, Assistant Commissioner Reid and Sargeant Chandler are three of the biggest criminals alive today.

Hon . J. C. TUDOR rose.

You can rise as much as you like; you can defend them as much as you like. You may rise to defend them because you might want to be associated with them.

Hon. J. C. TUDOR:

Mr. Speaker, whatever the merits of the case the hon. member is arguing, surely it cannot be right and proper for him to refer to three members of the Royal Barbados Police Force as three of the biggest criminals. There has to be a limit to this kind of thing. This is nothing to do with the merits of what he is saying. I am not concerned with that, but it is his manner of presentation.

Mr. HINDS:

Mr. Speaker, is the Leader of the House now saying that they are not criminals? Is the Leader of the

House saying that they would not take false oath and encourage people to do so?

Hon. J. C. TUDOR:

Mr. Speaker, the question cannot be what I would say or would not say. I am saying, Mr. Speaker, that it cannot be right and proper for a member of this House to refer to three policemen as three of the worst criminals he has ever known in this Island or whatever it is. This is really sheltering under privilege and it cannot be right,

Mr. HINDS:

Mr. Speaker, this is a Bill which seeks to give from the rank of Police Corporal permission that, if I am keeping a meeting, these same criminal-minded people can walk up to my meeting and manufacture - and will manufacture as they have done already - things I did not say, and try to get me before the Court, With respect to Barney Lynch, something has got to be wrong with the Prime Minister's head. The Prime Minister said in open Court in respect of Barney Lynch that he was known to get his own nephew to swear to a false affidavit to take the then Attorney General Mr. Burton out of a very difficult situation. Are you telling me that you are inviting me to pass laws to put in the hands of these same people.....

8.35 p.m.

Mr. SPEAKER:

I would suggest to the hon. member that although he is not offending directly any Standing Order, he refer in a general way without any continued specific reference to individuals. 1 am not saying the hon. member is of fending any Standing Order, but I would just suggest that he refer in a more general way.

Mr. HINDS:

Mr. Speaker, my information is that there is a policeman in this House taking notes. A policeman is in here, with your permission, taking notes and it is a matter which must be investigated, if members of this Hon. House are subjected to this sort of thing. This is a matter which I am drawing to Your Honour's attention.

Mr. SPEAKER:

Let the hon. member proceed; I have instructed that Mr. Marshal investigate.

Mr. HINDS:

Yes, Mr. Speaker, what I am saying is this; you will understand that this is one of the things which the hon. senior member for Christ Church specifically mentioned in his address, that is, that the Police were being brought by this Act into what is called the firing line. They are now being made politicians in this particular respect. That is the situation with which we are faced; but we say "No". What we are saying is that the Government by its approach to this Bill sets out to divorce itself from the masses of people; it sets itself in the position as holding the people ignorant of what is about to take place in this country. One must bear in mind that the passing of legislation, whatever kind it might be, must be based on the public interest, whether that interest be economic, political or otherwise, and it must take into consideration circumstances which are existing or are likely to exist at any given time. It must take into consideration the tempo and the atmosphere that is prevailing at any given time. All we have seen, all we have heard and all we have known up to the moment is that one or two individuals are fouling the atmosphere by night and that they can be prosecuted. There is already legislation to provide for that. But there is one strange thing in the whole exercised and that is that one of the people who set about to foul the atmosphere by night, and by day as well, happens to be on the pay roll of the Government, and in this particular I ought to say on the payroll of the Leader of the House.

Hon. J. C. TUDOR:

Mr. Speaker.....

Mr. SPEAKER:

I would ask the hon. member to bear in mind Standing Order 26(5); when he says a member of the House is paying someone who is fouling the atmosphere - one gathers in a criminal respect - he must be more than wary of using offensive and insulting language about members of the House; I am reminding the hon. member to beware of that.

Mr. HINDS:

What I said, Mr. Speaker, is that there are a few people about here fouling the atmosphere by night and one of the people happens to be on the payroll of the Leader of the House. He puts over his classic Oxford English and he would not do that. I did not say he fouled the atmosphere.

Mr. SPEAKER:

I am only asking the hon. member to beware.

Mr. HINDS:

Of what, Mr. Speaker?

Hon. J. C. TUDOR:

Mr. Speaker, on a point of order, the hon. member has said that there are one or two people fouling the atmosphere by night, and that one of them is on my pay roll; Mr. Speaker, I object to that.

Mr. SPEAKER:

My ruling as to that is that the hon. member went close to the border line, but he just avoided crossing and that is why I advised the hon. member to be wary. Had he suggested that this person, allegedly on the payroll, was on the payroll for that purpose, the hon. member could be called upon to withdraw that statement.

Mr. HINDS:

Mr. Speaker, I did not say the person was on the payroll for that purpose.

Hon. J. C. TUDOR:

Mr. Speaker, with great respect, I have noticed for some time now that when appeals are made to the Chair from this side of the House for protection, and hon. members opposite take advantage of their privileges as members of this House to do things which are contrary to the rules of this House, members on this side of the House do not get your protection and I will never again make an objection. 8.45 p.m. I would like to say this, and I say it with great respect..

Mr. HINDS:

Let him move a vote of censure against you, Sir.

Hon. J. C. TUDOR:

Mr. Speaker, I say this, and I say it with great respect Never again, no matter what is done in this House between now and the end of this Session, will I rise on any point for any reason at all to seek the protection of the Chair.

Mr. SPEAKER:

I want it to be perfectly plain that when I heard the Junior member for St. Peter use the remark which he did, I was alert and was mindful that he was on the point, apparently! of crossing the borderline

between that which is offensive and insulting and that which is not, and I warned the hon. member because I had not heard him say - and this is where he would have crossed, in my view, the borderline - that this person was on the payroll for the specific purpose, or for the object, of performing the actions of which he had spoken and which he deprecated. That is where I differentiate between the crossing and the failure to cross the borderline; but I would ask the hon. junior member for St. Peter to continue with the subject matter and to maintain the highest possible line in respect of the Bill which is before us.

Mr. ELLIOTT MOTTLEY:

On a point of order, Sir. 1 believe I am right in saying that no attack can be made on Mr. Speaker unless it is done by a substantive motion. The speech made by the Hon. Leader of the House would appear to be a very serious attack on the ruling of the Chair, and it has not been done under a substantive motion.

Mr. SPEAKER:

I rule that the hon. junior member for St. Peter may proceed with his address.

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

On a point of order, Sir. Obviously, all of us have the greatest respect possible for the views of the Hon. Leader of the House, but Your Honour, with respect to those views, does not need to apologise. I believe that no hon. member, when he really considers in sober reflection the remarks made by the hon. junior member for St. Peter, would say that they are either a breach of privilege or offensive. As a matter of fact, I would ask the Hon. Leader of the House not to be so hard on this occasion.

The subject matter of the complaint will be adverted to in my own speech, but that is not why I mention it. It is not, in my respectful submission, which agrees with Your Honour's ruling, offensive to say that somebody is fouling the air and is being paid by somebody else. Leaving that aside, Sir, I would appeal to the Leader of the House that he should not, at this stage, give any impression that because Your Honour does not give a ruling in favour of the majority Party that Your Honour is, therefore, not protecting them. We have, over and over again, felt that we have suffered from majority verdicts in the House. I do not believe anybody can really think that that was an unfair ruling. I would appeal to the Hon. Leader of the House to consider his rather bitter remarks.....

Mr. SPEAKER:

I am listening to the hon. junior member for St. Peter.

Mr. HINDS:

Mr. Speaker, during the course of the speech made on this Bill some emphasis was laid on Section 11 of the Constitution. Section 11 deals with the fundamental rights and freedoms of the individual. Here we are dealing with this Bill, and nowhere has the Leader of the House introduced or shown any point which suggests that in his opinion, or in the opinion of his Party or of the Government, the fundamental rights and freedoms of the individual stood threatened,

As I have gold before, it is not good enough for the Leader of the House to arm himself with dossiers of no value whatsoever. There is nothing to suggest to us that the liberty or freedom of anybody stands threatened. As if to make proof more conclusive on this point, not many days ago I took opportunity to ask the Leader of the House whether he had a statement to make about a threat that had been made or held out to the Commissioner of Police, the Deputy Commissioner of Police and other people. I well remember the Leader of the House sitting in his chair but leaning forward to me and in a low tone of voice say. "Not yet." Here it is: the Leader of the House comes before us to introduce a Public Order Bill, which he wants us to believe is so very necessary on account of certain circumstances. 8.55 p.m.

Up to this moment the Leader of the House is not prepared to take hon. members into his confidence and convey to us any information as to threats. Mr. Speaker, it would be silly of us in Opposition if we did not make it known that it is the intention of this Government to use every means at its disposal to remain in power for as long as it possibly can, by hook or crook.

Mr. SPEAKER:

Now I must ask the hon. member to withdraw that statement that it is the intention of this Government to use every possible means to remain in power by hook or by crook, because that can include criminal, unconstitutional and other methods. I ask the hon. member to withdraw.

Mr. HINDS:

I will have to withdraw that, but I did not say it about individuals; I said it about the Government.

Mr. SPEAKER:

But the Government are individuals, several of whom are members of this House. Let the hon. member proceed.

Mr. HINDS:

No matter how true it is, I have withdrawn it. What I am saying is that we have seen today a lame and sick excuse on the part of the Government to introduce a Bill as serious as this is, one which seeks to encroach upon the ranks, privilege sand freedoms of the individual. Mr. Speaker, it is no easy thing having a situation where a political Party or a group of people, for that matter, find that their rights and privileges are being taken away and that if they have genuine grievances they cannot decide to get together and hold a public meeting and discuss those grievances without prejudice, race hatred, violence, the overthrow of Government or anything of the kind. This Bill now prevents the freedom of assembly and expressing your views in a manner such as I have described. This Bill is telling us that you can no longer go into Independence Square or the Market Square during working hours and hold a public meeting unless you get permission from the Commissioner of Police. What greater nonsense could there be? What we are saying is that nothing has happened in Barbados and nothing will happen in Barbados to justify the placing on the Statute Book of a Bill such as this at this time.

The plain fact of the matter is that within the Government's minds there are a few people whom they feel should be locked up. Let them lock them up. The law is there for sedition and for whatever offence you commit. If it is a case where the Government feels to arrest certain people and put them on trial and if they go before a Jury they would not be convicted, that is not my fault. That does not justify the Government bringing this Bill before us today. The Government is trying to get away from having persons charged with certain offences both before a jury and be tried by a Judge or Magistrate, and one has got to be ultra-cautious when it comes to the question of a person's liberty.

Mr. Speaker, I want to say that we have had Magistrate Perry in this country who deliberately issued a warrant for my arrest and wilfully hid himself at a man called Khan at Worthing so that he could not be contacted for me to get bail on a Saturday afternoon, and the warrant that was issued for my arrest was not backed for bail. Are you going to tell me that I can be invited to be a party to passing a Bill such as this where a policeman above the rank of Corporal can get his gang together, go into the Barracks at night after a meeting and ask: "Did you hear what this person said?" , put it together to suit himself, present a report to the Commissioner of Police next morning who sends a copy to the Governor-General, a copy to the Director of Public Prosecutions and copies to the Prime Minister and all the Ministers, get everybody that is worthwhile confused, and there is a select Magistrate put by because you do not want that person to have a fair trial by going before a jury to be tried by twelve of his peers?

Mr. Speaker, I am not supporting anybody going on any political platform or anywhere preaching violence, race hatred or the overthrow of good government or committing any criminal offence whatsoever. I do not support that and the Barbados Labour Party would not support that. But this is what we are prepared to stand by; we mean to see to it that if the worst criminal, whatever his station in life, is arrested and a case can be made out against him, let him be accorded a trial that if he is convicted, in his own heart of hearts he can content himself with saying that he has had a fair, clear and honest trial, and not the type of trial that Lunn and Chandler would let him have. That is what we are concerning

ourselves with, Mr. Speaker, the liberty of the subject is one of the foremost concerns in a matter of this sort.

Sir, the point has been made about applying to the Commissioner of Police for permission to hold a demonstration. With the volume of traffic we have in Barbados today, Mr. Speaker, and with the feelings that can be generated amongst people almost over- night, I support the idea that the Commissioner of Police should be notified when any political Party whatsoever or any group of individual!, trade union included, wants to have A demonstration or march.

9.05 p.m.

The Commissioner of Police ihould direct the routes, the Commissioner of Police should sit with the people who are applying for this permission and discuss with them, reason with them as to the question of the timing of this march or this demonstration. All of those things ought to be gone into, not for you to say: "I would like to demonstrate between 9.00 and 12.00 this morning" and the Commissioner of Police says "You can only demonstrate after 3.00 p.m.", but one should sit with the Commissioner of Police and discuss with him in a reasonable and calm manner the pros and cons of any such application - and, remember, there must be a time limit. When I say a time limit, I me an a matter of about twelve hours during which the Commissioner of Police can decide. We must remember that Barbados is a small country; we have Police Stations throughout the whole of the island; the Barbados Police Force is now motorised; so if an application was made to the Commissioner of Police for permission to hold a meeting at Pie Corner, St. Lucy, which is 19 miles away, the Police at Crab Hill can repair to Pie Corner, and within an hour have a factual report made to the Commissioner of Police as to the situation in Pie Corner, as to whether a meeting could be held without causing any difficulty in that particular area.

These are the things we have got to address our minds to; it is not a case where you just give the Commissioner of Police authority to refuse permission to hold this meeting or this demonstration; we do not want that at all. The right of the citizen is being trampled upon by this Bill, and whoever stands up on the floor of this House and says he does not see it, Mr. Speaker, there is none so blind as he who does not wish to see. The Leader of the House must not feel himself - and I want to tell you now there is no hon. member on that side of the House should feel himself so removed that he cannot find himself sitting before a jury tomorrow; I want to tell all of them that. Do not mind how many friends they have in what channel, circle or anything of the kind; they can find themselves sitting before a jury tomorrow arising out of even a motor car accident. What we are telling hon. members on that side of the House - not because you are members of a Government today; put the shoe on the other foot for tomorrow - how do you know that this same Bill will not be used against hon. members on this side of the House the day after? I like to call a spade spade, and the Government would like us to believe that there is one particular gentleman that this Bill is aimed at; but I am saying here and now that any Government which finds itself having to legislate against any one individual in a community is a Government that is not

worth its salt; it is a Government that can be dangerous; it will legislate against A today and B tomorrow. I am appealing to hon. members on that side not to associate themselves with any Government that finds itself trying to place on the Statute Book a law, after it has been rammed down their throats, trying to make them believe there is only one man in the community that they are trying to aim it in this particular Bill.

Mr. Speaker, there can be many A one man the day after this Bill is passed and I am warning hon. members on that side. The Leader of the House in introducing this Bill tried to say that the whole point of the Bill - if I made my notes correctly, and I think I did - is that it will uphold the two-Party system of Government, That is a note I made here and I think I am right. Mr. Speaker, are we to understand that if this Bill is not placed on the Statute Book that there will be no up-holding of the two-Party system of Government in this country? When the man in the street talks nonsense it might be piercing to the ears, but it is definitely nauseating to the stomach as anywhere else when the Hon. Leader of the House places himself in a position to be doing some thing like that. What we have seen in this country is this; not that this Bill is intended to uphold the two-Party system, but something is operating in the mind of the Hon. Leader of the House; something is definitely worrying him; it is worrying his conscience. It is not to put the two-Party system into focus; it is a case where it is intended to bring the one-Party system into operation, and if I go further I will point that out.

This is a Bill intended to put the Opposition underground. The Government knows that it has plans for holding an election, and this means that the Government's plans will be for changing the present constituencies that we now have and the Government is arming itself so that the Opposition will have to take it or leave it. We will not be in a position to get on a political platform and criticise the Government in any particular respect on matters of this sort, because it is known that some of the candidates that the Government intends to place in the field are some of the money people from amongst the Jews, one of them particularly, Mr. Speaker.

Mr. SPEAKER:

I would suggest to the hon. member to keep to the subject matter.

Mr. HINDS:

I am talking about race hatred. I am laying the foundation to show where the Government does not want us to be able to talk about race hatred; you will not be able to criticise a person because of his race. The hon. junior member for St. Andrew, the Leader of the House had him near to him and he kept shouting in his ear "Riot, riot". You will understand that the only person up to now who has used that word is the hon. junior member for St. Andrew, but he does not know the meaning thereof. (Mr. CORBIN I know the meaning of "policeman" and you should be locked up.)

Mr. SPEAKER:
Members not addressing the Chair! Let the hon. member continue.

Mr. HINDS:
We have got to read this Bill and examine it very carefully to see what the Government really intends to put on the people of this country; this is not a foolish Bill.

9.15p.m.

Mr. Speaker, you will find here that the Leader of the House, in introducing this Bill, draws it to our attention where the Commissioner of Police can refuse permission for the holding of A meeting if he has reasonable grounds for suspecting that it is going to cause or can cause any sort of unpleasantness, or words to that effect. I have been searching this Bill, and I do not find any such reference to the Commissioner of Police about any reasonable grounds for refusing to grant permission to hold a meeting. I cannot find it, and to the best of my knowledge it is not part and parcel of this Bill, It may be that it is the intention of this Government to introduce an amendment, but even then we must attack any such suggestion about the Commissioner of Police refusing when he has reasonable grounds, because his grounds or what he may think are reasonable grounds, when they are investigated, may have come from very spurious sources; hence, how can the conclusion that he has arrived at be termed as reasonable? Nevertheless, what is the position of the applicant who wanted to hold the meeting? What is the position of a political Party? A political Party would be made to look foolish, and they would have been denied their rights.

Mr. Speaker, if the Leader of the House had advanced, at any time, any suggestion in any part of this Bill which was worthy of consideration by hon. members on this side, and made us feel that the Leader of the House, apart from reading out what the Crown Law Officers had given him to read to us without his digesting it and understanding what it is all about - we might have been moved in certain respects to pay attention to it. You will find, Mr. Speaker, that this Bill is to empower a policeman from the rank of Corporal to stop a meeting if, in his opinion, the conveners of the meeting or some of the speakers have made use of remarks - I wonder if in the course of addressing a meeting someone says that a policeman is an ugly fellow, would that be insulting? Would that be sufficient reason for a Corporal or Sargeant to walk up and stop a meeting because it has been said that two or three policemen are ugly people? Is that insulting language? But that is not all. If a police man walks up to the convener, or the chairman, or one of the speakers at a meeting and gives an order that the meeting must be discontinued - hear this: "if the person neglects, or refuses, or fails immediately to act....." - Now we are members of the Opposition, and if we want to hold a public meeting a Police Corporal can drill us all about. He can tell us to stop the meeting immediately and we will have to move on. The Bill says that a Police Corporal can tell us to move on immediately and we have to act immediately.

Mr. Speaker, I will tell you that I believe the Government in handling this Bill is laying the foundation for the lower ranks of the Police Force, who are dissatisfied for more than one reason, to walk up some day to the Commissioner of Police, the Assistant Commissioner of Police and others and tell them that they must act immediately. I think this Bill is laying the foundation for that. The lower ranks of the Police Force will march to the Commissioner of Police and other Officers and tell them: "I have heard the Prime Minister talk about people trying to stir up mutiny in the Police Force." I think this Bill will lay the foundation for mutiny in the Police Force and, perhaps, the sooner the better.

Mr. Speaker, in Part, III we have this question of 3 days for a march. With Barbados as small as it is, why should one have to give 3 days' notice to hold a march? What has happened? If a march is to be held, why has the Commissioner of Police got to be told? Who is he? The Commissioner of Police has to be told the purpose or purposes of the march! Mr. Speaker, if you operate apolitical Party, the Commissioner could hardly believe that an application to hold a march would be with a view to giving its members physical exercise. You could go to the Garrison freely and do that; you could go on the beaches of this Island and do that - I mean except the Hilton and other places with private beaches. Why has this been introduced in this Bill? Sir, an estimate of the number of persons marching will have to be given.

Mr. Speaker, suppose a political Party intends to hold a march and it is felt quite genuinely by its Executive that 1,000 will be taking part, but out of curiosity 15 minutes after moving off the march swells into 2,000, and by reaching another mile another 500 to another 1,000 have joined the march. What would be the position in that case?

9.25 p.m.

When we get by Nelson's Monument, is a Police Corporal going to come out and say that "this looks like more than 1,000 people whom you said were going to march with you; you now have 3,000 and you have to stop the march here."? Is that what we are to expect, Mr. Speaker? Or are we going to see the Police horses brought out so that if you say you are going to have 1,000 people marching and the number increases, they will estimate 1,000 and use their horses to block off the others who can follow as they like and come in at points? Or will the Police use their horses to trample people?

This Bill, Mr. Speaker, if one is not careful, can create the kind of riot that the hon. junior member for St. Andrew has been talking about in this House. We do not want to see any riots in Barbados. All our people want is an equal opportunity. We want our black brothers and sisters to have an equal

opportunity with those who now control the economic set-up; we want an opportunity for our little girls who are employed on our industrial estates to be given a wage that is humane and to work under conditions that are humane; we want to see them treated like human beings, and we want to be in a position at all times to stand up against the North Americans, Canadians or whoever they are who come down here and employ our girls on Broad Street, pay them only $16 or $18 a week, and have the girls remain on the premises after 4 o'clock to do certain things which I would not like to describe here for the some $14 and then drop them by the bus in their cars on evenings be cause the girls want to hold the job - not that they like it. That is the kind of thing that we want to be able to stand up on the floor of this House and criticise forever. That is the type of thing we want to be able to go from pillar to post throughout this country, from soap-box to soapbox and from comer to corner, in every highway and hedge and in the cane-fields and tell the workers how we feel. We would not go in the cane-fields to tell them that it is time that the estates were taken over and divided up, and that Mussons and DaCosta should cut up the estates and give them half an acre each. We do not go for that kind of jazz, We would not do like the Prime Minister and make them believe that the tenantry lands would be taken over from the plantations and sold cheaply to the tenants. We would not do these things unless we meant them. What we say Mr. Speaker, is that the Government of this country has laid the foundation for the situation of unpleasantness which they would have us believe is existing or about to exist in this country. The Leader of the House has little children still leaving Pie Corner in St. Lucy at 6 o'clock on mornings..... (Asides).....is causing little children, because he could never be a father. He is causing little children to be catching a bus at 6 o'clock on mornings leaving Pie Corner and beyond and journeying to St. Leonard's School to receive only a half-day's education. He has them wandering about the streets for the rest of the day before they get back home, and when they drive that distance to St. Leonard's on mornings, they would take a second lunch before they go into school, and some go into school sleepy and tired. It is when we go into Pie Corner or Crab Hill as I did last Saturday and talk to the people there and show them exactly what this Government is doing with them and their children, that these people in truth and in fact are coming around to appreciate the fact that what they thought was goodness is no longer goodness. That is the type of thing that has laid the foundation for the situation that the Government is now afraid of. You will understand, Sir, that it is this Government that has set the people's minds topsy-turvy; it is this Government that has caused people to be spying one against the other even in the very Works Department. We have heard it said in here that unless you have the passport of the Democratic Labour Party you cannot get a job in Government. It is that type of thing that is getting this country as upset as it really is. You will find that in your Public Works Department many casual workers who were entitled to back pay have not received it up to the moment, but they are telling you that the Minister has received his. These are things that need settling, and the sooner you can settle these things that mean so much to the people, the better. Many of them have been called upon to retire and yet cannot get the pension or gratuity to which they are entitled. They have to wait for years. That is what has got people uneasy. They no longer have any faith in the Government or the country. They are also faced with the fact that stretching from Bats Rock in St. James to points further north in your own constituency, Mr. Speaker, there is hardly any access available to the coloured people of this country to be able to go and get a sea bath. There is nowhere along the sea-coast that any black man in Barbados can purchase a house spot in the area stretching from Bats Rock in St. James to Maycock's Bay in St. Lucy and beyond. That is the type of thing that must annoy our people and has laid the foundation for all the unrest that the Leader of the House would make us believe exists.

Mr. Speaker, we have had in our midst a gentleman who has been teaching people how to make Molotov cocktails. Are we to understand that teaching incitement to violence cannot be met and pun-iihed by any of the existing laws? We are concerned with the preaching of how to make Molotov cocktails and where to throw them, I understand that the same gentleman is saying now on his political platforms that it is the Leader of the House who has accused him of saying where to throw the Molotov cocktails. Sir, certainly if the Police have information that they can convey to the Government, to a Minister or anybody for that matter that anybody is making offensive weapons or weapons that can be used for committing offences, are you going to tell me that the Police are not armed with sufficient powers to get a search warrant and do what is necessary under the circumstances to bring the manufacturer of such instruments or weapons to a halt and bring the of fender to justice? What are we hearing? What kind of country are we living in?

9.35 p.m.

What we are maintaining is that we have seen that there are other countries which have a Public Order Act on their Statute Book, but we are maintaining that the circumstances which warranted the placing of those Acts on the Statute Books of those particular territories do not, I repeat, do not presently exist, and in the foreseeable future we do not see them existing in Barbados. You will find, Mr. Speaker, in this Bill at some places there is reference to Clauses and at others reference is made to sections; I am not for a single moment attempting to criticise the draftsmanship of the Bill; I am not in power to do that; but I am sure that it certainly does not lend itself to showing our draftsmen in the very best light possible, and I would urge that not only we make amendments to certain sections but that the Bill needs being put back on the stone. It needs being made up afresh, and we need some body's pen going through certain Clauses and removing those parts of the Bill that are offensive to human dignity, and seek to encroach on the rights of the individual.

We have heard where the Leader of the House was at pains to read to us section 20 of the Constitution which deals with the protection of freedom of expression. This section reads like this: "Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, and for the purposes of this section the said freedom includes the freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference and freedom from interference with his correspondence or other means of communication." Mr. Speaker, when this section speaks of interference, freedom to do this or to do that without interference, it means freedom to act without interfering with the freedom of another individual; that is what it means; so one must see in this light that if an attempt is made by the Government or by the individual to encroach on the freedom of another individual - it goes further than that because the moment there is an encroachment on the freedom of one, one is encouraged by the trespass of the other to react in a manner that can spread the idea which is wrong, and we believe that this section forms part of the Constitution for the simple reason that there should be no mistaking the fact that interference with the freedom of the individual is interference with something that is sacred, so to speak. Section 20 (2) of the Constitution states "Nothing contained in or done under the authority of any law shall be held to be inconsistent-with or in contravention of this section to the extent that the law

in question makes provision -

(a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health;....."

Mr. Speaker, we have heard the Leader of the House introducing this Public Order Bill, and he has not until this moment suggested to us that it is being introduced in the interest of defence; if so, in whose defence is it being introduced? Is it being introduced in the defence of the individual or in the defence of the State? If it is in the defence of the State, to what extent, if any, is the freedom of the State or the protection of the State interfered with? Is it introduced for public safety? Whose safety? Who are the members of the public whose safety stands threatened? Questions have been posed to the Leader of the House and he has given no reply; is it for public order? Mr. Speaker, nobody can deny that up to the present moment there is nothing but peace, perfect peace, the due observance of law and order and the upholding thereof in this country of ours. Nobody can suggest otherwise, and we on this side of the House ought to be happy people to see that - in the face of the Government attempting to make us believe that law and order are in such disarray that the threat to life and property has reached such an extent that there is the necessity to introduce a Public Order Bill. None of these things is visible; none of these things is known to any one individual sitting around this Table on either side of the House; so how can all this be happening? This is one of the fancies of Government that whatever is hawked and talked all about around Harrison's corner and all about Trafalgar Square, in all the Government offices is being kept as top secret. It is very easy therefore for two or three policemen to get together and frighten the Leader of the House and the Prime Minister; I cannot say for a single moment if either the Leader of the House or the Prime Minister deserves being threatened; I do not think so. Nobody has to threaten them; they are the biggest threats to themselves because by their daily actions; their introducing this very Public Order Bill is a threat to them whenever they decide to face the ballot box again.

9.45 p.m.

Mr. Speaker, has this Bill been introduced in the interest of public morality or public health? There is no epidemic; there is nothing which tells us, as I have said earlier, of any breakdown of law and order in this country. Even in our schools the Leader of the House has admitted that there has been a discovery of dope. That does not mean that there has been any breakdown of public morality, or public health, or public order. There is nothing of the kind, Mr. Speaker; so what are we hearing?

Sir, we are saying that this is a case where the

Government is hiding behind something. There is no justifiable reason for introducing a Bill of this sort, and that is why the Leader of the House is left to hold the bag today. He cannot explain what it is all about. If we turn to Section 21 of the Constitution it states:

"21, - (1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association! that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to political parties or to form or belong to trade unions or other associations for the protection of his interests."

Mr. Speaker, this Bill sets out to deprive and to deny people of their right to assemble freely, except at the time when a General Election is announced. There is no question of free assembly in this country, at least, for political purposes. That is what this Bill amounts to. It is to deny us the right of free assembly for political purposes. In other words, there is no political Party, as I have said earlier, that could come out here and speak if the greatest wrong has been committed by a Government and criticise it, and tell the people why the Government should not be voted for, except at a time when a General Election is declared, or you have to go to the Commissioner of Police to get a permit to come out and air your grievances. Why is the Commissioner of Police now being made part and parcel of the political setup of this country?

Mr. Speaker, one has to bear in mind that whatever Party is in power, the Police are expected to do their duty. The Commissioner of Police has to function in the same manner, irrespective of which Party is in power. It cannot be fair to the Commissioner of Police to place him in this invidious position. We are urging upon the Leader of the House to see the necessity to have all of these matters reviewed and re-examined, and to see whether it is necessary to bring a Bill of this sort at a time such as this.

Mr. Speaker, I find that there is no emergency, or any such condition, such as is referred to in the Constitution under Section 25 or anywhere else, and there are provisions laid down there to bring this into effect. I feel that the Government's handling or mishandling of the presentation of this Bill is enough to create a disturbing situation in our community which we hope will not take place. We feel that the Leader of the House, by arming himself with the type of spurious information about what people say and did not say and what they did at meetings, and finding it a basis upon which a Bill of this nature must be introduced into the House, is unfair to the community at large and to hon. members on this side of the House, more so.

I, Mr. Speaker, like other hon. members of the Party, cannot see the necessity for a Bill of this sort and we say so; but we are asking the Government to reconsider the situation where it seeks to make

provision for a trade union to be used as a political weapon. We are asking that this be not done in this case.

Mr. J. M. G. M. ADAMS; Mr. Speaker, I happen to be on my feet, but I have not risen to start my speech, I am moving that further consideration of this Bill be now postponed.

Mr. ERNEST MOTTLEY:
1 beg to second that,

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

SUSPENSION OF SITTING

Hon. J. C. TUDOR:
Mr. Speaker, I beg to move that this sitting be now suspended until twelve noon tomorrow.

Hon. K. N. R. HUSBANDS:
I beg to second that.

Mr. J. M. G. M. ADAMS:
Mr. Speaker, ! wonder whether the Leader of the House would accept an amendment to provide that the House be now adjourned until twelve tomorrow, but that the Order Paper for tomorrow's sitting be the same as the Order Paper for today's. I should like to speak on it, but I do not intend to make any long speech. Instead of suspending he should use the word "adjourn" and he should add after "twelve o'clock tomorrow" the words "and the Order Paper for tomorrow be the same as today's."

Hon. J. C. TUDOR:
May I know from the hon. member why he wishes me to do that?

Mr. ERNEST MOTTLEY:

Mr. Speaker, it is very simple. If you suspend the sitting today, then the hon. senior member for St. James will not be able to come in, but if you adjourn and let the Order Paper be the same - 1 do not think the Leader of the House would attempt to deny the hon. senior member for St. James, who has been chastised for his folly, from having the right to contribute to this very important debate. Will that be Your Honour's ruling?

Mr. SPEAKER:

As at present advised. 9.55 p.m.

Mr. ERNEST MOTTLEY:

If a sitting is suspended, it goes on to the next day. That is my only reason for asking.

Mr. HINDS:

Mr. Speaker, in making this request of the Leader of the House, we just want to convey the point that it is our view that when the Deputy Speaker suspended the hon. senior member for St. James for the remainder of today's sitting, he had no intention of having him suspended for any period which extended into tomorrow. In other words, if the Deputy Speaker had the presence of mind that the sitting would have gone on until now, he would have suspended him for three hours instead,

Mr. SPEAKER; The hon. member is not in order in suggesting what the Deputy Speaker may have had In mind.

Mr. HINDS:

Mr. Speaker, the Deputy Speaker is with us and it is not everything that His Honour the Deputy Speaker would have said from the Chair to the House; but we do meat when we leave here, and that is the reason why we are asking him to accept the suggestion.

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

Sir, the speeches made -by the hon. senior member for Bridgetown and the hon. junior member for St. Peter have expressed the views for which the Leader of the House asked very admirably. Let us have peace if we can have peace -peace and love rather than war and hostility. All of us were sent here by the

electorate, just as the hon. junior member for St. Andrew has said. The only examination we have had to take to come in here is the one that is measured in votes. Let not the tyranny of a majority carry over from one day to another. Let not the majority spirit decide to keep out the hon. senior member for St. James over and beyond the day of his transgression. Forgiveness, Sir, is one of the greatest virtues. He has not had any opportunity to apologise for himself, and obviously no member on this side would do other than to offer an apology for what he has done. He has telephoned hon. members on this side of the House to express certain views. (Asides.) Well, Sir, I know the telephones are tapped. I did not know the telephones of the House of Assembly were tapped by the Minister of Communications and Works. How does he know what the hon. senior member for St. James said?

Hon. N. W. BOX1LL:

On a point of order, I do not think the hon. member should use that remark about telephones being tapped, and furthermore that they were tapped by me. I know he said it in jest, but he cannot make that kind of statement because these things can get out of hand. He knows it is not true and I ask him to withdraw it and to make an apology to the House, or he too will be named.

Mr. SPEAKER:

I am now speaking to the hon. senior member for St. Thomas.

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

1 gave way to the hon. junior member for St. Andrew who rose to speak.

Mr. SPEAKER:

But he has sat.

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

Because one of the Ministers told him to sit and he sat. (Loud Asides)

Mr. SPEAKER:

There is something approximating to grave disorder. Now, objection has been taken to a remark which the hon. senior member for St. Thomas made which purported to convey the implication that an hon. member of this House tapped the telephone. I ask the hon. member to withdraw.

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

Your Honour, let us get this clear. With great respect, I do not want to have any quarrel with anybody, First of all, lam not aware that I said that the hon. Junior member for St. Thomas is tapping telephones. I thought I said he was not tapping them. I will call for the words, Secondly, I did not hear him object even. I heard him saying he was not tapping them too. I did not hear him ask for the words to be withdrawn. Thirdly, I wonder if you can tell me what Standing Order would be offended even by saying it. I am not objecting; I am just a little bewildered. I am not aware that I said the hon. Junior member for St. Thomas tapped telephones.

Mr. SPEAKER:

I am getting the exact words now, 10.05 p.m.

Mr. SPEAKER:

The words are as follows "He has telephoned hon. members on this side of the House and has expressed certain views. Well, Sir, I know telephones are tapped; I did not know the tele -phones of the House of Assembly were tapped by the Hon. Minister of Communications and Works", The latter part of what I have read, although it is, if I may say so, very cleverly placed, "I did not know the telephones of the House of Assembly were tapped by the Minister of Communications and Works" would imply that although the hon. member states that he did not have the knowledge, yet that the Minister of Communications and Works might have tapped them, and I ask the hon. member to withdraw.

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

Mr. Speaker, I appreciate that the earlier intervention of the Leader of the House has rattled the Chair.

Mr. SPEAKER:

The Chair is far from being rattled.

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

Are we not really making ourselves just a bit ridiculous by that? Before I withdraw the words, Your Honour, just let me put them into context for the record. I said of the hon. senior member for St. James that he was telephoning the House and the Minister of Communications said "No, Tom, no" and shook his head, and I then said, "Well, I know that the telephones are tapped but I did not know that the telephone of the House of Assembly was tapped by the Minister of Communications", obviously merely a roundabout way of saying that there is no way the Minister of Communications and Works could know what the hon. senior member for St. James said to me. Is that not commonsense? I have no

intention of disobeying the Chair or of getting up in any childish tantrum and saying that I would never again make an objection, but are we not making ourselves a little ridiculous and giving the appearance perhaps of ridiculousness for a hidden motive when something like that is objected to? The Minister did not even object; he got up and spoke in a joking way about it. The burden of my remarks was clearly that the Minister could not know of the telephone conversation which had taken place between me and the senior member for St. James; if there is anything in those words that requires to be withdrawn, I withdraw it.

Mr. SPEAKER:
The words are hereby withdrawn,

Mr. J. M. G. M. ADAMS:
Sir, the next time I give a report to this Hon. House of a telephone conversation I receive, I ask Your Honour to pay attention to the House so that Your Honour would know what is going on and invite any hon. member who by gesture or word suggests to the House that I am not telling the truth to withdraw the gesture or words which can be Just as offensive as an actual speech, I was not going to object to the Minister of Communications shaking his head to indicate that what he thought I was saying would be a lie; he was making fun; I was making fun; and you know that, too. The House is merely made ridiculous when the public is concerned at the language that passes from one side to the other and comes back; the House is merely made ridiculous when an exchange such as that is categorised as being against the Rules.

Mr. SPEAKER:
The hon. member has made his point.

Mr. St. JOHN:
I just want to get a ruling from Your Honour as to the meaning of "today's sitting", when the Chair makes a ruling and says it is in operation for the day's sitting. As I understand it, is it correct that "today" means the day in question and expires at 12 o'clock? (Hon. K. N. R. HUSBANDS No.) I am not asking the defeated Speaker to give a ruling; I am asking the present Speaker.

Mr. SPEAKER:
A day's sitting.....

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

Mr. Speaker, before Your Honour replies, can I remind Your Honour that when I raised this point with Your Honour privately, Your Honour said that if you did not feel too tired you would take home Erskine May's and look it up? And you also advised me that you would consult the Clerk as to what the correct ruling was, and I suggest that before you reply Your Honour take those steps.

Mr. SPEAKER:

I never told the hon. member "if I did not feel too tired" because I know exactly what to do when I feel tired, and 1 want my brain to function at its best.

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

If there is one thing I am sure of is that the actual words Your Honour used had to deal with your feeling tired when you go home tonight; I am sorry Your Honour's recollection should be at variance with mine.

Mr. SPEAKER:

And I am sorry the hon. member's recollection is at fault.

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

Even recollection is a matter of Standing Orders now? The Speaker remembers one thing and an hon. member remembers another about a private conversation?

Mr. SPEAKER:

The hon. member has made his alleged point of order. My ruling on this matter is, as at present advised, and unless I see any reason to come to a contrary opinion..... (Mr. ERNEST MOTTLEY! On what?) that any day's sitting will continue, if suspended indefinitely, from one day to the other; hence when Standing Orders are suspended for a day and we go beyond that day after midnight, that continues to be that day's sitting which is carried over. That is my ruling as at present advised.

Mr. J. M. G. M. ADAMS; Standing Orders are suspended for a sitting, not for a day. Will Your Honour accept address based upon English precedent tomorrow morning perhaps when the hon. senior member for St. James comes and takes his seat?

Mr. SPEAKER? I have given my ruling on this matter. Now there is a motion before.....

Mr. J. M. G. M. ADAMS rose

Mr. SPEAKER:
Has the hon. senior member for St. Thomas completed his point of order?

Mr. J. M. G. M. ADAMS:
Sir, I am not on a point of order; I am making a speech on the motion to suspend the House until 12 o'clock tomorrow; I have been interrupted by the hon. senior member for Bridgetown with my consent, and by the hon. senior member for Christ Church. (Hon. N. W. BOXILL Oh, no, Mr. Speaker, on a point of order.) and by the hon. junior member for St. Thomas on a point of order.

Hon. N. W. BOXILL:
He made his speech al-ready, sat down and got back up on a point of order. He is not making any more speeches here; the question must be put.

Mr. SPEAKER:
Mr. Clerk has told me that the hon. member, according to the record, rose and said, he was merely putting a question but was not doing other than that, when according to the records, the hon. member rose on a point of order. That is what I am told is in accordance with the record.

Mr. J. M. G. M. ADAMS:
I have risen on a point of order? (Mr. SPEAKER Yes.) Could the Reporter be asked to say what were the words immediately after "a point of order"?

Hon. N. W. BOXILL:
On a point of order, I am not going to stand for this. 10.15 p.m.

Mr. SPEAKER:
According to the record, this is the first substantive speech on this motion by the hon. senior member for St. Thomas; therefore, he may speak on the motion before the House.

Hon. N. W. BOXILL:
Mr. Speaker, on a point of order. (Asides.)

Mr. SPEAKER:
Let the hon. member make his point of order.

Mr. J. M. G. M. ADAMS:
He said I rose on a point of order. Is he rising on a point of order, too?

Hon. N. W. BOXILL:
My point of order was simply this. The hon. member got up and addressed the Chair and set down; the senior member for Christ Church got up and addressed the Chair and sat down; then the Junior member for St. Peter got up and Addressed the Chair. This question should be put.

Mr. SPEAKER; The hon. junior member for St. Thomas has made his point, but I am guided by the record, which I hope is not inaccurate. I can go no further than that.

Mr. J. M. G. M. ADAMS:
Mr. Speaker, I am so inundated under these points of order, speeches, and everything else, that I am unable to find out what the views of the Leader of the House are on the adjournment. I am suggesting, with respect to the House, that the greatest respect you can give to the electorate of Barbados is not casually and thoughtlessly to exclude its representatives from this Chamber, It creates bad blood of on unnecessary sort; it creates spite; it creates future discord, and there is no reason to prolong it. To make assurance doubly sure - as I understand it, Your Honour is quite prepared to consider an alteration in Your Honour's ruling if Your Honour were shown sufficient authority - let us adjourn the House so that the senior member for St. James can take his seat tomorrow. (Asides)

If you want some realistic talking, the senior member for St. James' behaviour is not going to be

improved if you keep him out of this debate altogether It is in the interest of getting on with the business of the House now and for the remaining year or two years of its life that this suggestion is made. Let any hon. member of that side think of how he would look at a situation where he rose on a point of order, was told to sit down and, of course, misbehaved because he concluded that he was wrongly told to sit down. Nobody is glossing over his misbehaviour, but how would any hon. member on that side feel if he rose on a point of order, was told to sit down, and then be kept out of the House for an entire debate when it was not necessary?

I honestly wonder if nobody in this House has any objectivity at all. I wonder whether nobody is able to get out of the political skin and look at a political situation, free of its political imperatives and supported only by its personal qualities. Where is the decency of hon. members? Everybody is not the same. Some of us are hot-tempered, ignorant, quarrelsome, arrogant; some come in here the worse for drink; some come in here the worse for temper, and this applies to members on both sides. Some come in here and curse and abuse each other. We call each other criminals, douche-cans and so on. We pass remarks about "bulling" in here. Is an attitude to keep the senior member for St. James out of this debate one calculated to reduce the temper of the House and restore the position of the House of Assembly to one of public esteem during the next two years? Let not the sun go down upon thy day of wrath, Sir.

Mr. Speaker, I can say for myself that I have never borne a spite against any member of the House from one Session to another, if even we feel that we are on the receiving end of many unfair decisions. Why should this be pursued in a manner like this?

What do you want to do? Do you want to make the hon. senior member for St. James a hothead for the rest of the Session? Do you want friendship destroyed? I am not questioning Your Honour's ruling, although I feel that when Your Honour studies the precedent properly Your Honour might feel able to come to a different conclusion,

Mr. CORBIN:

Mr. Speaker, when justice has reached its end and can be secured and society can be protected, it is the prerogative of the Speaker to show mercy. I would suggest that, since hon. members have negotiated for the senior member for St. James, the negotiations should go through to enable him to return to his seat on the morrow. I feel that if hon. members would reason in a quiet manner some good suggestion would be arrived at, I move that the suggestion be adopted.

Mr. St. JOHN:

Mr. Speaker, I want to elicit the reaction from the Hon. Leader of the House. If he is not going to

accept the suggestion, then I would move that the word "suspend" be deleted and the word "adjourn" substituted therefor, and at the end thereof add "that the Order Paper for tomorrow's adjourned meeting be the same as today's".

Hon. J. C. TUDOR:

Mr. Speaker, I do not feel able to accept that amendment. On the other hand, I am personally in some sympathy with the arguments which have been advanced. My suggestion would be that, since Mr. Deputy Speaker will be in the Chair tomorrow at twelve noon, it would be proper for the offending member to address a letter of apology to Mr. Deputy Speaker Which he can receive before he takes the Chair, in Which case Mr. Deputy Speaker may then use his discretion as to whether he willindulge the hon. member. This is my view.

Mr. ELLIOTT MOTTLEY:

Mr. Speaker, ...

Hon. N. W. BOXILL:

Mr. Speaker, he cannot speak now, because the Minister has replied.

Mr. SPEAKER:

The hon. junior member for the City may only speak now with leave, because the Hon. Leader of the House has already replied.

Mr. ELLIOTT MOTTLEY:

Mr. Speaker, with all due respect to you, I do not want any leave. One thing is quite clear. A motion was moved by the senior member for Christ Church, and, without giving any time for that motion to be seconded, Your Honour allowed the Leader of the House to speak and that is improper.

Mr. SPEAKER:

There was ample time for the motion to be seconded. The hon. member may, with the leave of the House, speak.

Mr. ELLIOTT MOTTLEY:

I do not want any leave, Sir.

Mr. SPEAKER:

The hon. member may not speak except with leave which the hon. member says he is not seeking. The amendment was not seconded, and the Hon. Leader of the House exercised his right of final reply to the motion that this sitting be now suspended.

Mr. ELLIOTT MOTTLEY:

I do not think you are being serious, with all due respect to you, Sir,

Mr. SPEAKER; The question is, "That this sitting be now suspended until twelve o'clock tomorrow. Hon. members of that opinion will please say "Aye", and others of a contrary opinion will please say " No", I think the "Ayes" have it.

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

Divide. 10.25 p.m.

A division was taken as follows:

AYES:

Hon. J. C. TUDOR; Hon. K. N. R. HUSBANDS; Mr. YEARWOOD; Hon. G. G. FERGUSSON; Hon. A. DaC. EDWARDS; Hon. N. W. BOXILL; Mr. LOWE; Mr. SARGEANT; Mr. SPRINGER; Mr. CORBIN Mr. WEEKES; Mr. HOPPIN and Mr. SMITH - 13.

NOES:

Mr. ERNEST MOTTLEY; Mr. HINDS; Mr. ELLIOTT MOTTLEY; Mr. St. JOHN and Mr. J. M. G. M. ADAMS - 5.

Mr. HINDS:

Mr. Speaker, what vote was recorded for the hon. junior member for Bridgetown?

Mr. SPEAKER:
A vote of "no" was recorded. Mr. HINDS On what grounds?

Mr. SPEAKER:
On the grounds of collective voting by members of Her Majesty's Opposition. Thirteen members voted "Aye" and five members voted "no". I therefore declare the "Ayes" have it, and accordingly this sitting now stands suspended until tomorrow at 12 o'clock noon. 10.30 p.m.

On Resumption:

Mr. DEPUTY SPEAKER:
When this sitting was suspended last night, the hon. senior member for St. Thomas had risen to address the Chair.

Mr. Hinds rose.

Mr. DEPUTY SPEAKER:
The Bill before the House is the Public Order Act, 1970, and the hon. junior member for St. Peter has already spoken on that Bill.

Hon. N. W. BOXILL:
Mr. Deputy Speaker, there is something I would like to draw to your attention that affects this Chamber. When I shouted across at the hon. member to tell him to sit down, I noticed visitors in the Gallery shouting across to me and telling me some nonsense. I would like to make it clear that these people come in here on sufference and they should not get into the debate. What we do in here is a matter for us and not for them. If they come here and do not like what we are doing, they have to leave. Do not let them get into any debate in here. I am different from the others.

Mr. DEPUTY SPEAKER? I am glad the hon. Junior member for St. Thomas has drawn that to my

attention. I take the opportunity now to repeat what I said yesterday. All visitors to this Honourable Chamber are here at the will of the Chair, not in their own right, and I certainly will not hesitate to clear the entire Gallery,

Let the hon. senior member for St. Thomas proceed.

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

Mr. Deputy Speaker, the business before the House is the second reading of the Public Order Act, 1970, and the speeches made by hon. members have in my respectful view revealed the confusion, the irrelevance of much of this Act, the mistake sin people's minds, the panic nature of the legislation, and the fundamental assault on liberty which this Act represents.

Sir, while it is all very well for the hon. junior members for St. George and St. Andrew to get up and say you need to stop abuse on political platforms, it is obvious to anybody who has actually read this Act and understood what he has read that the Act does not deal with abusing people's mothers or members of their families on platforms, as was suggested by the hon. junior member for St. George, nor will it stop anybody, if he so feels, from abusing the Police, as was suggested by the hon. junior member for St. Andrew. This Act is not about that at all. This Act is not about a situation in Barbados; this Act is about a situation that arose in Trinidad, a country that has at the moment a very different structure of politics from the structure of politics in Barbados, because the lessons of 1937 to which appeal has been made - even if not in this Hon. Chamber - that where you get disorder in one West Indian Island it can spread to all, can be misread. If you try to go and assume that you can find a precedent for everything that is likely to happen in the future in what has happened in the past, it is to misunderstand history. The riots which in 1937 spread throughout the British Caribbean --riots which incidentally must surely be agreed by all hon. members and all thinking persons, even those members of the plantocracy whose power was most affected by them - did nothing but good for the entire British West Indian and indeed French and Dutch West Indian area; but these riots arose out of an economic situation aggravated in Barbados - at least of the rioting countries - by a political situation.

It is note-worthy that in those Western Hemispheric British Colonies where there were no riots, democracy, as we understand it, is still not given to the people except perhaps to a limited degree in the Bahamas, and we can see even there how unfortunate has been the prolongation of white minority rule when we observe how crippled the Pindling Government is in its efforts to do anything for the Bahamas in the sense in which we and the rest of the Caribbean understand that a Government can do something for its people. There were no riots in Bermuda and the Bahamas; there was no expression of the people's frus-tration, and the result is that a white minority Government is still in power in Bermuda, and, although not in office, still in many ways exercises effective economic power, having lost only the power of political patronage and nothing else, in the Bahamas. In the rest of the West Indies, we had

what are euphemistically called the disturbance in 1937; and today as a result, led by Barbados and Jamaica, as Trinidad perhaps and Guyana and the smaller islands a bit laggered, we have political independence! and I do sincerely think we have a genuine political independence, What we are doing with it is a separate matter, but we have it now, Why I say these things can be misread Is because that digression was merely to indicate that riot does not equal bad, and disturbance should not be equated with wickedness. The disturbances of those years were necessary for us to be what we are today. But why I have entered into this digression is for this reason; we must not believe that because Clement Payne in 1937 came to Barbados subsequent to which there were riots in Barbados, anybody can come here from Trinidad or anywhere else and merely by repeating what has happened in Trinidad cause the same thing to happen in Barbados.

In Trinidad there is a peculiar racial division in politics. The weakness of the Opposition in Trinidad is its strength, and its strength is its weakness. Its weakness is that it can never achieve power because it is based on the racial support of one-third of the population, and its strength is that it cannot be extinguished also because it is based on the racial support of one-third of the population. Meanwhile the thinking people of Trinidad who are not content to feel that their interests are represented merely because people of their own racial background are in power, or in the House, as the case may be, have no place to go when they wish to upset the brand of politics which Trinidad has had for fifteen years. Trinidad had no politics until 1956; it merely had a collection of individuals who rapidly degenerated into a collection of morally and politically corrupt individuals, and a very clever man did what perhaps has surprised many of us; he showed that a University Professor could make the transition into politics. There are persons who are fond of attempting to draw lessons from that. I wonder if perhaps they will be so fortunate because the very conduct of 'doctor' politics may end up by destroying not just the 'doctor', but much of what the doctor stood for in the sense of bringing an intellectual approach to bear on politics; but that is merely by the way.

In Trinidad if you want to get rid of Dr. Williams, the only way to do it is by a revolution of some sort. You either have a revolution inside the People's National Movement - a palace revolution - or you have a violent revolution. You are not going to get rid of the P. N. M. Government in Trinidad by peaceful means and that is the lesson which we in Barbados must draw from the Trinidad disturbances; that there is a fundamental structural frustration built into Trinidad politics which can only be upset by overturning the structure, and therefore there is, when the ordinary democratic forces of dissent and dissatisfaction come to a head, almost the necessity for violence or the threat of violence. 'Doctor' politics in Trinidad has been unable to give the people any possibility of an Alternative choice; therefore those who want a choice can only aim at that choice through violence; but nobody can say that this is the case in Barbados today. The very existence of the Government sitting on those benches, the very fact that the hon. senior member for St. John can come so far in fifteen short years from being a political outcast, despised and hated by the middle classes and by the whites in this Island, rejected by the electorate! no apparent prospect of ever achieving power - the very fact that he can return to the House of Assembly in a bye-election despite the fact that he was not even Leader of the Opposition and did not go into a dissolution as Leader of a Party, yet became Prime Minister within five years of his rejection, is on indication that in Barbados you do not have to shoot anybody or foment any mutinies or throw any Molotov cocktails in

order to change the Government. 12.10 p.m.

This, Sir, in my view, is the first serious indictment which we must present against this Bill. The people who, during the absence of the Prime Minister in Canada, were telephoning Cabinet members, were telephoning Senator Morgan, were fretting with every prominent member of the D.L.P., were begging Carlton Brathwaite to telephone the Prime Minister to see what he could do about it - all those are persons who perhaps by feeling themselves a beleaguered racial minority amidst the sea of blacks are unnaturally sensitive to the words "Black Power". In Trinidad, for all the talk about Black Power, I see no evidence that there was any revolution against white people; I do not believe the army mutiny in Trinidad was directed against the white Army Officers; I believe it was directed against the black Government. I do not believe that the people marching down Frederick Street were necessarily breaking the white people's store windows; they were breaking all the store windows. But then, of course, I was not there and I do not know; but from what I have seen, the only thing black about that revolution is the name given to it by the newspapers and commentators, as far as I could see. Perhaps it is anti-foreign in its intellectual content.

There is a lot of foreign business in Trinidad; for all they say about Barbados and how it is dominated, at least our sugar industry is in the hands of Barbadians, and there is no extractive industry here in Barbados in the hands of foreigners. Our Gross Domestic Product remains at home except in so far as we choose to spend it on imports. That again, Sir, is by the way. The whole point is that in Barbados a small minority became afraid of what had happened in Trinidad, and have put pressure on the Government - which the Government have very foolishly acceded to - to create conditions which they hope will prevent the same thing from happening here. It is not going to happen here anyway; nobody is going to follow Bobby Clarke down the road to Jenkins Lunatic Asylum; nobody is going to follow Eric Sealy - he is just a political nuisance more deserving of pity than anything else; nobody is going to take on or consider the People's Progressive Movement - those two members, because now that it has lost Mr. Connell and Mr. Harewood has gone back to England, the only members the People's Progressive Movement have, for all the flattery given to it by Mr. Calvin Alleyne's ex-colleagues of the Advocate Newspaper - the only members it has are Mr. Redman, Mr. Alleyne and Mr. Bobby Clarke sporadically from time to time, and yet it is graced and flattered by the name of a political Party. The greatest number of votes I believe any of its candidates ever polled was the 120 votes that Mr. Alleyne polled against the Minister of Communications and Works and myself; Mr. Straughan against the hon. senior member for St. James polled 108 votes, and when we come down to more recent events when the political lines were cut perhaps a little shorter, we witnessed the spectacle of a so-called political Party polling 32 votes out of many thousands cast in a bye-election here in the City of Bridgetown, where as they say the poorest and most depressed class of the proletariat live. And ye tall up and down St. James, all the persons who come here, from the fly-by-night businessmen to the reputable ones, are worrying their heads because of political meetings being held by four persons . Alleyne, Bobby Clarke, Redman and Eric Sealy. The names would perhaps exhaust the following of party, and we are to have a big mighty Public Order Act to deal with that.

I want to say something in praise of the Prime Minister in connection with the same considerations of Black Power. When the Prime Minister made Mr. Neville Maxwell his Personal Aide, he was doing something, the profundity of which I believe he recognised; but he was then indicating - not just, in my view, reaching out for support of somebody like Mr. Maxwell - he was then indicating that extreme views could be accommodated within the umbrella of the present political Parties in Barbados. Mr. Neville Maxwell, in English terms, was as revolutionary a Black Power advocate as anybody you could find; Mr. Neville Maxwell is down on the files of the Special Branch at Scotland Yard as a revolutionary Black Power advocate, along with Mr. Jeff Crawford and others; but yet when he came out here, he was able to realise some of the futility of the exercises he used to engage in in Talgrath Road, West London, when he attended meetings of a Left Wing Black Power group, also attended by Mr. Calvin Alleyne and others who are perhaps nearest to us today. He realised the futility and the ignorance of messing about with semi-Communists, semi-revolutionary politicians, and the Prime Minister is to be congratulated for that because at least by the Prime Minister making him a member of the Democratic Labour Party, making him the General Secretary, and giving him as large a salary as Assistant Secretaries in the Public Service with substantial responsibility, he has at least indicated that there are political rewards to be reaped, and political responsibility to be exercised which cannot be exercised from a position outside the political spectrum. Far be it from us to praise ourselves as a Party on this side of the House, but again I would be ignorant if I did not suggest that an analogy of the Neville Maxwell position is to be found in our Party, where we too contain persons who pay adherence to the principle that the black man must not be a stranger in his own country, because that is all Black Power is about. Every cocktail party in Barbados which is attended by the Ministers when they are the only black people present is an insult to the whole of Barbados, and it is not anything unusual. (Asides.) The senior member for St. Peter is not so well up in the Councils of Government as to imagine that he would be invited to that kind of cocktail party, whether or not he is a Minister; he is a Minister by virtue of a political crisis, not by virtue of ability or devotion to the Government Party; he is a Minister by purchase and not by quality. (Asides,)

Mr. DEPUTY SPEAKER:
May I ask all hon. members to observe the Standing Orders?

Mr. J. M. G. M. ADAMS:
The Standing Order has not been suspended, has it, Sir?

Mr. DEPUTY SPEAKER:
Standing Order 29(6) has not been suspended.

Mr. J. M. G. M. ADAMS:
This is what I mean when I say that the black man must not be a stranger in his own country. I would

quite freely say, in my views on this subject, when I express views about the position that the black people are to take in this country, these views are directed more against the behaviour and homage paid to the foreigner in our midst than to local Barbadians. 12.20 p.m.

Those views are directed more against the be-haviour and homage paid to the foreigner in our midst than to local Barbadians, despite the existence of the Yacht Club and the Bridgetown Club where, if you wish to become a member, you will have to be a black man like Mr. Henry Forde, and not a black man like the great majority of the people of Barbados. I am still with Mr. Frank Walcott when he savs that there is still no black Director of Shipping and Trading. Des-pite all of that, the white inhabitants of this Island, are Barbadians as much as any others, and this is something that must be recognised on all sides, most, of all by them and next after that by the very ex-ponents of Black Power. This is an important factor, in my view, Sir.

I have long tried to find out what exactly the more extreme Black Power advocates meant when they say you have to take away the economic power from the whites and give it to the blacks. I myself can find no way short of unacceptable and unconstitutional expropriations, racial persecutions and the like by which you are going to take away what may be a patrimony earned by the sweat and toil of slaves, or what may just have been a business worked for, secured in the knowledge that your colour would give you an opportunity to rise in Broad Street or Roebuck Street but, nevertheless, is by the recognised standards in Barbados, theirs. I do not know how to take it away.

We may fulminate in this House against a particular Minister making himself obviously and grossly rich over and above any earnings that could have accrued to him by reason of his salary, Nevertheless, no matter how we may complain about it, no matter how much we may say it revels corruption, I would not be a party even to taking that away, We have to recognise that the concensus of the people in Barbados is not in favour of socialisation of our economy, and the socialisation of our economy anyhow, however desirable on theoretical grounds, is, unfortunately for us - but after all it is us who chose to be weak and independent - is impossible politically. These are the facts of life that we have to recognise and learn to live with. We, genuinely, have to seek, no matter what our political views are, a somewhat narrow path to equality and fair treatment for all, and this narrow-path, I submit, is not served by this Public Order Bill, and it is not served by panic, because they represent reaction. It is not served by extremism, and we all in this House equally agree with that; equally it is not served by reaction.

Sir, I have outlined very briefly the present unrest, if you may so call it, in Barbados. I myself, although I have lived outside Barbados for a great many years, have been a frequent enough visitor to the Island and have kept sufficiently in touch to observe the political developments, without any exaggeration, for 30 years. These are not the most troublous times in Barbados. Many people would say that a crisis we have all now forgotten - the 1958 sugar crisis - created a more real and serious threat to

public order in Barbados than anything that is now going on.

Sir, in the 1958 sugar crisis, leaders of the Democratic Labour Party took certain views, which could very reasonably be held to have fomented industrial strife for political purposes and were the subject of advice given to the Governor - advice that they should be arrested. In my view, the suggestion of arresting Mr. Speaker, the then Leader of the Opposition, for revolutionary activities is just a joke. Looking back at it in the space of 12 years, I can realise how funny it is. To think that Mr. Speaker would be involved in the violent overthrow of anything mo re significant than the cup that cheers and the glass of hospitality, or perhaps, a case against his client - we can look on it now and see that it was absurd, but there was a tension in 1958. We might not feel so about the advice given about arresting the Prime Minister. I believe he was then the junior member for St. John. I am not sure at what stage the advice was given, because in those days the Prime Minister was the same person who spoke at Ellerton Social Centre to say that those who believe that capital and labour must work together and we cannot do without capital should put all the white people into a boat and take them out to sea; and when you get out there you will find that they are hard to die; so you will have to hit them on their he ad sand hold them under to make sure that they drown. Those are the original words of the Prime Minister's quotation, not the modified words after the Leader of the Opposition, then Premier, had spoken to him and told him that he could not attack the white people like that. It was then that the Prime Minister modified his words by the time he reached Queen's Park and respected the presence of Mr. T. T. Lewis on the platform with him and only spoke about, the Lord Combermere going out to sea and turning them loose. At Ellerton Social Centre, Sir, the words were hitting the white people on their heads and holding them under to make them drown!

You can, therefore, see, Sir, that a movement led by somebody who, only a couple of years previously, had given vent to this expression might very well have aroused alarm in the bosom of the Government, But even so, Sir, is that alarm Justified? We see the Prime Minister today basking in the confidence of the whites of Barbados, enjoying the hospitality of the whites, and fighting their battles nobly for them on the platform in Independence Square. We see the Prime Minister, the bulwark against Communism, anarchy, disorder and Black Power; the Prime Minister, to whom In every white cocktail party toasts are today drunk because he introduced the Public Order Act - the Prime Minister, who has done what even he might have thought impossible, because he said that all the white people supported the Barbados Labour Party, and you can be sure that that speech In Independence Square has swung at least three constituencies for him: Christ Church West, which has a white majority; Christ Church North Central, a substantial white vote, and St. Michael South Central the same.

Sir, even though fears of the Prime Minister's stability and balance may have been expressed in the days when he was a rebel, even rebels can mellow and the fears were obviously groundless. Apart from the 1965 Democratic Labour Party Annual Conference when he said we need some Nkrumahism here; the Opposition need some fire and acid - apart from occasional outbreaks like that, Sir, the Prime Minister has not burnt down any building in Broad Street, put any white people in a boat and knocked

them on their heads, and has gone so far as to say that his feelings about the Opposition are such that he would prefer to be in an aeroplane with Ian Smith, who was a member of the Royal Air Force 4ike himself end the Rhode-sians, rather than to be with the members of the Opposition.

I am saying, Sir, that you can react to a situation. If there is ever a man whose public utterances would give cause to believe that he was dangerous, revolutionary, anti-white and destructive of public order, it was the early and young senior member for St. John. But now he has mellowed with age; with the greying of the hair has come a certain honeyedness of tongue when dealing with these persons. 12.30 p.m.

We do not even hear of it, as we heard during the Independence debate in 1966, what the white bastards are doing. Those were the Prime Minister's words in this Hon. House just four years ago; but perhaps, Sir, the situation is different today, and we do not any longer hear it. He appears as the defender of the minority, right or wrong, against the criticisms of the majority, justified or otherwise, because, according to what I have been reading, following, and hearing in the last few weeks, it is not the Prime Minister who is saying that any of the Black Power arguments are justifiable! I have not heard him say or heard of him saying that we must aim for more black economic power. I heard it from the Leader of the House, and It is no wonder that at the moment the Prime Minister is the God of St. James, the King of St. Peter and the Pharoah of Christ Church West, of all the inhabitants of Hastings, Marine Gardens, Navy Garden sand Blue Waters!

Now, Sir, with respect to Part II of the Public Order Act, I want this to be quite clear, Apparently it has not been said in the House, but it must be understood by hon. members that no matter how decent the Police, no matter how noble the Commissioner of Policei no matter how outstanding all the Constables who prevent the house of the hon. junior member for St. Andrew from being broken at night, and, on the other hand, no matter how criminal the Police as the hon. junior member for St. Peter said, no matter how wicked Barney Lynch or anybody else is, just let us get this clear. The Police are not the arbiters of politics in this Island, decent or wicked; the electorate is the arbiter, and Part II of the Public Order Act is a piece of legislative work which is to be found nowhere else in the English-speaking world. Do not be deceived by this. It is impossible in the legislation of any country which has enjoyed the liberties of the common law, the iniquities of British rule -however you care to look at it, and however you care to express yourself - which now enjoys a two-Party system, a three-Party system as in Australia, a one-Party system as in Trinidad, a system as in Guyana supported by American money and the threat of American force - in none of these systems can you find that politicians have gone into the Legislative Assembly and put into the hands of the Commissioner of Police the power to decide whether or not the citizens may freely assemble for political or other purposes. There is nowhere in the world where any Attorney General has ever presented, as far as the Crown Law Officers, as far as lawyers on this side or as far as independent lawyers can discover, to an Assembly a Bill saying that no public meeting shall be held without Police permission. Do not be deceived by turning to the back of this Act and reading that you find it in Hong Kong, Jamaica or anywhere else. Even if you found it in Hong Kong, consider the

situation in Hong Kong, a tiny little island next to the largest Communist population on earth, subject to revolution in the street, to riot, to spying, to the Cold War ebbing to and fro in and out of Hong Kong cricket ground, in the Bank of China, in front of Government House. The Cold War is waged in Hong Kong and yet you can still hold a political meeting. You are not subject to the Governor's top order that disorders are expected in a particular district.

When you read this Part II, Jamaica 1957, U.K. 1953 sec. 1(4) Modified, Jamaica 1957 sec. 2 Adapted, Barbados sec. 32 Adapted for Meetings, do you know what that means? It means that the Crown Law Officers have not been able to find anywhere in any legislation a suggestion that you cannot hold public meetings without Police permission, and yet we in this Assembly are in blind, ignorant, stupid panic .going to rush in to the most repressive piece of legislation ever passed in the British Commonwealth relating to public meetings, and it is going to be defended by the hon. junior member for St. Andrew, who is misguided enough to believe what he was told last Monday night at Democratic Labour Party Headquarters. The hon. junior member for St. George is in the same position, It is going to be defended against his conscience by the hon. junior member for St. Thomas, Sir, whose respect for collective responsibility and Cabinet decisions must at all times be the subject of deep congratulations because he at least is the only Minister who can come in this House and have the courage to say that he is against something, that it is a matter of collective responsibility, and if the principle is accepted by his colleagues, then the particular enactment which puts that principle into effect will be supported by him. But, Sir, I say to him this: the principle of having a Public Order Act may be accepted, but the principle of forbidding public meetings unless by permission of the Commissioner of Police does not have to be accepted. Are hon. members not ashamed that alone in the world Barbados is going to have this provision? Do hon. members really allow the wool to be pulled over their eyes by the Attorney General, masquerading as a deep legal authority, a man who when upon an occasion that the hon. junior member for Bridgetown and myself put down certain amendments - with your assistance and the assistance of Mr. Speaker, all of us practising barristers who stand up every day and make our livings in the Courts and are not afraid of the prospect of continuing to do so - that we knew would make the Courts operate more expeditiously, and because like a prima donna he is jealous of his position as he ad of the Law Reform Committee, had the insolence to tell the Clerk of this House that we were lawyers and therefore we should not introduce amendments in a Law Reform Bill without submitting them to the Chief Justice or his Committee first? Is the Cabinet going to accept advice based on somebody whose advice is so obviously coloured by considerations of prestige and trying to catch the eye of somebody?

Sir, I remember during the City bye-election the Attorney General getting on the platform and attacking me because my wife was white, and yet he is the man who now seeks to repudiate that and come forward and stand up as the champion of the whites and the champion of a Bill such as this. I call it cheap political hypocrisy of the worst sort, and he need not think he will ever be allowed to forget it. I am not one who believes in compromise because a man gives you fair words. A principle is a principle, and the hon. senior member for St. Andrew can tell you that that has always been my policy. Friendship or fair words must not be allowed to stand in the way of legitimate criticism - 1 do not say unfair or brittle -tongued criticism. When I see that people look forward to the Attorney General as the new Saviour, the new Messiah - because if there is anybody who enjoys the confidence of the whites more

than the Prime Minister, it is the Attorney General - and he indicates to them his intention to take over the Democratic Labour party upon the retirement of the Prime Minister -when I see that, I say: "God help Barbados". He is fond of saying "God help Barbados" if I should ever take over the Barbados Labour Party, Let me tell him I have no intention of so doing and nobody can tell you that; but I believe I command a certain respect inside my Party, not from certain members, that he does not enjoy inside his. Anyhow that is very much by the way.

12. 40 p.m.

Part II. I intend to vote against every single Clause of Part II in Committee, so I am not going to dwell on it any further; it is a Fascist Act. Many hon. members seem to have missed that part of the Leader of the House's speech in which he said that this Act is clearly against the Constitution in certain respects because it interferes with the right of free assembly and then he went on to say, "but the provisos will make it constitutional". That is more a matter for the Courts to decide than the Leader of the House and I will not pursue that too much; but he cited a case - he said he was advised - and he cited the case very properly, the case of Duncan vs Jones. But one of the burdens of our argument about this Act is that some of it is unnecessary. I wonder if the Leader of the House knows what Duncan vs Jones decided; the facts of Duncan vs Jones are that a lady called Mrs. Jones, a member of a political ginger group, was seeking to hold a political meeting outside a Training Centre for the unemployed during the depression in Britain. She had held a meeting there the previous week, and there had been disorder because she used to hold this meeting as people who went there to be retrained for different jobs came out, and she would tell them how wicked the Government was, how it was doing nothing for them, it was starving them and so on, and the Police had trouble the previous week with controlling Mrs. Jones and her meeting. Inspector Duncan came up on the day in question and said to her: "Madam, you are not to hold this meeting he re; you can go into Netherton Road, about 100 yards away, and hold a meeting there, but you must not hold it outside the gate of this Training Centre." She did not take on the Inspector, and she put up a box, climbed up on the box and began to address the unemployed, and the Inspector arrested her. She was convicted by the Magistrate of obstructing him in the course of his duty, and when it came on appeal, Mr. Dingle Foot appeared for her and argued that there was a right to hold a public meeting, and that she was doing no more than was her common law right, that there was no suggestion that she was obstructing the highway, because the road was a cul-de-sac, and that the officer was not acting in the course of his duty in telling her she could not hold the meeting there. The Court of Appeal said that they would not pronounce judgment on the wider aspects raised by Mr. Dingle Foot, whether there was a right to hold a public meeting or not, but that they knew that the Police had a right to stop a meeting if they expected disorder to ensue.

Now if the Crown Law Officers can advise the Leader of the House that the case of Duncan vs Jones did not say that there was a right to hold a public meeting, can not they advise the Leader of the House that the case of Duncan vs Jones said that any Police Officer can stop a public meeting if he reasonably Apprehends that it is going to lead to disorder? If anybody cares, let them bring the Law Reports into this House and read them out and contradict any interpretation or description that I have made of the Reports. This is not a question like the Hon. Leader of the House talking about the Prisons Act and the

Representation of the People Act; this is not what the Leader of the House imagines the Laws of Barbados said at a particular time - I will deal with those, but this is not that, If the Crown Law Officers, who, I believe, have been invited to be present for the purpose of assisting the Government, can advise the Minister in charge of the Bill at this moment that my interpretation of Duncan vs Jones, or what 1 say of the facts are wrong, let them do it; but Duncan vs Jones is a well known authority for the fact that the Police have at common law the power to stop a public meeting if they think it will lead to disorder. Why therefore do we need Part II of the Act? If the Police can go and stop a public meeting on the authority of this case of Duncan vs Jones for the very purposes which this Act says, why then do we need to inflict upon the Police bureaucratic departmental duties of considering whether to issue permits for public meetings, while the Duncan vs Jones powers are powers to be exercised by policemen on the spot?

As I understand it, if the public meeting, according to this Act, begins to take a turn that the Police do not like, it is only within the terms of Part II that they will be able to take any action, because as I see it, this must necessarily supersede the common law, and it is only if the organisers of the meeting contravene the terms. I see nothing here saying that the Police can stop a meeting itself if disorder by persons other than the organisers is a threat to public safety; I am not encouraging the draftsmen now to go back and make more nooses for our necks, but the importance not only of Duncan vs Jones but of the 19th Century cases dealing with disorder at meetings -the importance of this case is that the Police had that power to halt that meeting not only for wrongdoing on the part of the organisers, but for wrong-doing on the part of the audience, and to me that is a more desirable power, If the Police are unable to control an audience, the public safety demands that they disperse it; that is a more desirable power than for the Police to be told that no meeting can be held without their permission.

Part III - Marches and Processions. Once again I suggest to the House that this is unnecessary, and the attribution of Part III will reveal in my view the strength of my arguments. There is some of the Jamaican legislation here, but we also have in Barbados already, buried in the Highways Act in an amendment passed in 1960 not only a power, not only a ban on holding marches, not only a requirement that you have to apply to the Commissioner of Police to hold a march, but they even have a power that is not given in this Act, that the Cabinet must make regulations laying down the conditions under which marches can be held in Barbados. I respectfully suggest to the House that the powers already contained in the Highways Act are more than adequate to deal with the control of marches in this country, and the fact that they are merely to be re-enacted in this Act shows at least a part of the lack of necessity of passing Part III.

I will return to Part III when the Clerk can find me the relevant Act. Part IV - Meetings and Marches - Special Provisions. Sir, I have been misled; I thought it was 1960-1, I have always thought it was the first Act of I960, but I see that the copy as circulated to us calls it 1960-61; I do not think there were 61 general Acts in 1960; that is a mistake which, no doubt, when we reach the Schedule we will correct. 12.50 p.m.

Sir, we have already had in the law that we shall not perform on any loud musical instrument on or within 25 yards of a highway except inside a house; that you shall not appear masked or be disguised on a highway, and that you shall not take part in any march or procession along any highway or in any public place except with the permission of the Commissioner of Police. That already exists, and the law was passed by the Barbados Labour Party Government, You have three days in which to apply for a permit under the existing law. It says that every application shall contain particulars of the point of departure, route and point of termination of the march or procession, the hours between which it will take place and the estimate of the number of persons. Sir, many are the applications I have made to the Commissioner of Police under this Section. He considers it; he talks to you; he asks you how many policemen you want to protect you; he tells you not to take that route because the rush-hour traffic will be going there; he will have a policeman on duty to put you through the traffic light sand so on, and it works well.

Sir, it is to my knowledge that a Minister once sought to interfere with the discretion of the Commissioner of Police in connection with the permission of marches, and while I would not use the word "rebuff", he had certain things pointed out to him, and he very properly retreated both in the face of the Commissioner's insistence and the pressure, perhaps, exercised by wiser members of the Cabinet. We have no complaint about legislation that will control marches. Marches interfere with the dally life of the citizens. They are of necessity and by definition an obstruction of the highway but we do not see the necessity for putting them into the Public Order Act.

Sir, when you look at the provision dealing with loudspeakers, I wonder whether it has escaped the Cabinet that it already has power to make regulations for controlling the use of amplifying equipment on motor vehicles and for controlling the use of public address equipment and, incidentally, juke-boxes. You do not need a Public Order Act for those things; the Cabinet can make regulations to control those things. The Crown Law Officers, instead of being sweated and put through their paces for something like this, should have been called on to make regulations for the use of loudspeakers, whether mobile or otherwise. The Cabinet may also make regulations for the prohibition of the carrying of articles which may be put to dangerous or harmful uses. Now, suppose you say that that provision has to be contained strictly between the four walls of the Highways Act; obviously, even if you construe it in the strictest possible sense, the Cabinet already has the power to prevent the carrying of a gun on a highway or in any public place under that Section, But it is now put here in a Public Order Act, and we are in here occupying our time, the Government Printery's attention, the Crown Law Officers' attention, and the morbid interest by the white minority, especially the foreigners, in this Island, If the Cabinet did not have enough powers to prevent the carrying of offensive weapons, to prevent the misuse of loudspeakers, to control the use of amplifying equipment, it has a general power in highways and public places to make regulations for the proper conduct of persons and the preservation of the peace. By virtue of that general power the Cabinet can do all of that by regulations; but yet it brings down this measure to alarm Barbadians, to worry some, and to annoy others.

With regard to official premises, Sir, imagine the Democratic Labour Party - those who held the public meeting under the Governor's window to abuse him - bringing in a regulation that you cannot hold a public meeting within a certain distance of official premises. Sir, this probably has been ignored, but we will revert to it again. The Government has effectively put a ban on all public meetings at Oistin, because the place where public meetings are held and all possible places where they can be held at Oistin are all within 200 yards of the Police Station which is always on duty. This is an example of the ignorance that you get when you rush into panic legislation. A Police Station is always on duty, and Oistin is the sort of place where you cannot hold a meeting without being close to the Police Station. That is what this Part means. Is it really a threat to the public order of Barbados that public meetings may be held next to official premises? It might be undesirable for public meetings to be held in Independence Square, as happened one night when we were sitting, because they may annoy us, and the crowd outside may break the Parliamentary Immunities And Privileges Act by molesting hon. members on their way to or from the House of Assembly after it is closed down. That can happen, Sir.

It would, perhaps, be wise that you must not hold a meeting to interfere with Parliament when Parliament is sitting. Equally the work of a Government Department could genuinely be interrupted by a loudspeaker blaring through the window; but you can control that by controlling the use of loudspeakers. Is this Part really necessary, or is this Part merely put in by the Crown Law Officers to show that they are working for their money?

Now, Sir, Part VI, loudspeakers. My view is that eleven o'clock is a little bit early. Has anybody considered that the ordinary law of nuisance is a far more potent and dangerous means of dealing with noise after eleven o'clock at night to the organisers? I remember seeing one day in the newspaper a letter by somebody who asked the Government to do something about the fact that plantations used sprays, and the sprays drifted on to their crops and poisoned them. I believe the matter was actually mentioned by on hon. member in here during the course of the debate. If something like that was drawn to the attention of the Government and the Attorney General, instead of attending cocktail parties and posturing as the next Leader of the Democratic Labour Party, was on his job, he would tell the person to consult a lawyer and have the plantation prosecuted for nuisance. That is the sort of thing that private lawyers can deal with. I am not advertising, Sir, There are many other lawyers besides those in the House, Look at all this miserable foolishness about making a noise and the Government must stop it and so on. Why must the Government stop it? There is the case of Leacock vs Thorpe, and Mr. Thorpe's sojourn in Glendairy Prison is enough evidence for the power of the Court to deal with noisy public meetings,

I know that if anybody ever comes and puts a loudspeaker outside my house, Mr. Speaker - even my representative, the hon. senior member for Christ Church - when my little children are sleeping at night

and I am trying to watch television and my comfort is interrupted to an unreasonable degree by his loudspeakers - I will sue him for nuisance just as anybody else. There is no necessity for the Government to get into these matter sand to lay this down in this way. It is, perhaps, unfortunate that one of the Sections of this Act that has been least attacked in its principle, namely, the Section dealing with stirring up of racial hatred, is also a Section which, on the face of it - I am not giving any legal opinion - is one that most nearly transgresses or actually transgresses the Constitution. Section 23 of the Constitution still says that everyone is entitled to hold any opinion and is entitled to communicate that opinion to others, subject to the protection of individuals. I do not know that to hold an opinion which is insulting of white persons is insulting. I do not know that you are protecting them when you pass a law to say you must not do it. There is nothing in the Constitution saying that you must not insult people. Anyhow, Sir, that is a matter for the Committee.

Before I sit down, Sir, I want to deal again with my original theme of the background to this Order, and also to deal with one ortwo collateral matters. I do not like hypocrisy of the Police. I do not believe all the Police are good, and I do not believe all the Police are bad. 1 am going to say to hon. members on this side of the House that I certainly do not believe that all the Police are supporters of the Democratic Labour Party and are all out for exercising political spite against the Opposition. I think the Police are often very foolish and very misguided in their attitudes which they take towards the political Opposition. 1.00 p.m.

I believe, and it is a considered opinion which I have expressed to him, that Assistant Superintendent Lynch, the head of the Security Division, interprets security exclusively in terms of the activity of the Opposition. I think it almost impossible to convince Superintendent Lynch or most of the Officers under his command that to talk of winning twenty-two or twenty-three seats, to threaten the Opposition with fire and acid, to say we need more Nkrumahism here is A greater threat to security and to the Constitution thin for the Opposition to say we wish to be elected to get into the House. That is not A matter of opinion either. It is obvious that threat to security can come from the lawfully constituted Government, and indeed in most of the one-Party states where Constitutions have been destroyed, it is the Government which has moved against the public order, the public safety, the public security and the Constitution of the country. In general in fact, I would state a proposition that in the newer Commonwealth countries Governments are a greater threat to security than Oppositions. I do not know of any Opposition revolution in any post-war Commonwealth country. I know of Army take-overs; the forces of law and order destroy security and I know that the Governments destroy the Constitution. Security Branches should aim at keeping the ring be -tween Government and Opposition, not acting as a Police arm of Government. I do not believe that Assistant Superintendent Lynch does it out of political spite; I believe he does it out of a misconception of his position, because after all, Sir, we were in power and Mr. Lynch was then -1 would not say on our side because that would be misinterpreted; he may still be on our side in the sense of whom he marks his "X" for; but he then acted in what he conceived to be in our interest, and I have been told by one of the parties concerned that the statement made by the hon. junior member for St. Peter about the activities of one Nestfield from Orange Hill, St. James, beingin-vited to swear an affidavit - I do not know he was invited to swear a false affidavit, but I know he was invited to get information and swear an affidavit in order to provide the Barbados Labour Party

Government with evidence with which they could lock up the then hon. junior member for St. Peter. I know that is true, and it was wrong then and it is just as wrong for the Security Branch now that the hon. junior member for St. Peter finds himself in opposition to the Democratic Labour Party and again in political opposition - it is just as wrong of the Security Branch to be bringing charges against him like abduction of an heiress, criminal libel and attempting to procure evidence that he lit cane fires. All that has been done, Sir, and it could only have been done out of misconception. I would appeal to the hon. junior member for St. Peter not to see it in the light of personal spite, but of course he is in a position where such an appeal would have to be argued at great length since he has always been at the receiving end. I think he has always been at the receiving end hot because he is disliked, but because he has always been in opposition, and I think it is merely unfortunate from his point of view. I believe that when we are in power he will no longer find the Police persecuting him; so I will appeal to him in the circumstances perhaps to understand Assistant Superintendent Lynch's position. Assistant Superintendent Lynch is not a wicked man; he is not a bad man. Within the context of his duties he is not even misguided or wicked; but it is the duties which he has laid down or which have been laid -down for him that are mistaken. And I say this - al- though the other day I received what I regarded AS firm evidence of certain remarks made by the same Assistant Superintendent, remarks mode at 1.30 in the morning, and I was so furious when I heard them that I set straight out for the office of the Commissioner of Police to report it, and as I was passing through the archway I reflected to myself that the man was doing what he thinks to be his duty. I know the character of the person he was with; they probably inflamed him and gave him other inducements to get at him. I do not think the man has any spite for me as Tom Adams, but I think the man was in an argument and was perhaps a little misguided to get into an argument with certain people, and therefore I refrained from making any reports against the performance of his duties. That did not of course stop him from telling me that I had made accusations of his behaviour on political platforms. He is wrong. The naming of a policeman on a political platform is no more, if it ends at that, than indicating to the policeman that when you allow yourself to be categorised as a politician, that you must expect other politicians to take notice of you. If any policeman wishes to avoid being placed in that situation, he should avoid any association in which his duties are coloured by a political tinge.

Sir, the Police Force as a whole clearly contains persons in both Parties, and it is here at a much cheaper level, because I have no complaint against the conduct of any senior policeman. Never mind Reid. Just to take an example. We talk about Police persecution, but I have not even mentioned my own case. I, a politician, am sitting down on the back of my motor car, haying spoken, I am drinking a beer to cool my throat, my first drink as I recall it for a couple of days, and a man come sup, pushes his hand in my face, calls my father an old stinking slut.... (Hon. N. W. BOXILL: Isn't it true?) I do not mind the hon. junior member for St. Thomas - and I held the man off at arm's length. (Hon. N. W. BOXILL That isn't true, Tom; you beat the man.) The hon. junior member for St. Thomas can find as a fact that I beat him; the most ignorant Magistrate in Barbados only found that I held him off at arm's length. Now Sar-geant Kellman, a man whom 'Johnny Salt Bags' and the others do not hesitate to tell you is a strong BLP and took leave during the last election, institutes a prosecution against me for beating this person who came on to my motor car. These are not facts I am inventing; these are facts found by the Court. There was no suggestion that the Police came to me to take a statement, because normally with nearly all accused persons, if a man is accused, a policeman visits him and says " A case has been made against you of such-and-such; have you got anything to say?" Well, Sir, they knew I would say the facts and

therefore they did not come to me. They brought an ex-Dodds boy who broke the arm of a woman who keeps a rum-shop in Sand Street, and the same Inspector Kellman being his friend, would not prosecute him. This is a matter for which the Director of Public Prosecutions had to call to order the St. Peter Branch of the Police. A private prosecution had to be instituted to punish that man; a private prosecution at Assizes, the only one in my experience since I have been practicing, had to be instituted against that man; but, again, that is by the way, He was one of the witnesses. The Magistrate convicted, reprimanded and discharged me, and the Court of Appeal did not even wish to hear my Counsel but merely threw out the case on the face of the record.

Hon. N. W. BOXILL:

Mr. Deputy Speaker, on a point of order, the hon. member is not exactly correct, He knows as well as ever that he got off in the Court of Appeal on a point of law, not on a point of fact;- so the hon. member should not try to fool anybody that the Court of Appeal did not hear anything, He got off because the Magistrate did not write the charge properly. He was charged with battery and not assault. I do not know how you can batter somebody and not assault him. So do not let him mislead the House on this.

1.10 p.m.

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

Mr. Deputy Speaker, I am most impressed by the very cogent, correct and true comment of the hon. junior member for St. Thomas when he said he did not know how you could batter somebody and do not assault them, because that was the exact point taken in the Court of Appeal; that was the precise point taken.

Hon. N. W. BOXILL:

On a point of order, my point is that it was the Magistrate who made the mistake by writing that he was charged with battery and not assault, because you cannot really batter somebody without assaulting them; so I am saying it is a point of law and not a point of fact that made him get off, not that he was not guilty. That is what I was talking about when I was speaking on the Jury Bill, but there is where I do not agree with juries, because it was a point of law and not of fact that he got off; he was as guilty as anybody else.

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

Sir, with great respect, he cannot say that I was as guilty as anybody else, I was at least as guilty as he was when he beat the man on the Financial Building site, and the man, having been suspended from the Public Service because the Minister beat him - the Public Service Commission dared not fire him - and I had to save the Minister from him in the House of Assembly lobby one day when the man came up here making a noise. I wonder if the Minister remembers that. The point about beating and assault the

Minister doe snot understand but lawyers understand what is meant. The Magistrate found there was no beating, but still purported to convict of assault; the facts were never in doubt in the case; never at any stage did I say I did not hold the man. Never mind that, Sir; that is only by the way.

I will just draw an example, since the junior member for St. Thomas has got up. There have been two incidents during his tenure in a Ministry in which he has exchanged physical violence with an employee of Government, but the Police have never got into those, the Police are not going to prosecute the Minister of Communications and Works for beating anybody; that is the entire point.

Hon. N. W. BOXlLL:

On A point of order, I cannot let the hon. member get away with this. He said I beat somebody; well, I feel pleased about this to know I won another victory. A man assaulted me -this is why the Police did not bring a case -1 was defending my person, and I have the right to defend my person like anybody else, home or abroad. I was defending my person so I was in the right; if I were in the wrong, most likely I would have been prosecuted like anybody else, and like the hon. senior member that was prosecuted because he was in the wrong. He assaulted the man, beat the man, and then won on a point of law, not on a point of fact.

Mr. DEPUTY SPEAKER:

No point of order; a point of elucidation,

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

Sir, Jocularity is giving way to ignorance now, but I will not pursue the matter. The fact is that I was sitting on a motor car and the man interfered with me; the fact is he went !to the Financial Building and told the man things the main -did not like and the man pushed him and he then cuffed the man all over the place. Anyhow, that is only by the wayi I do not want to go into all that because I do not believe that the Minister should be subjected to the man's behaviour in the first place; I do not believe I should have been subjected at a political meeting when I had spoken to a man pushing his hand in my face and threatening me. Every witness in the case said he did - the Minister must go and listen to cases - they said the man left where he was and came to me. The Minister must listen to cases, not listen to prejudices - not listen, for example, to the Attorney General; but again this has clearly a bearing on the Public Order Bill, because that particular man who interfered with me at the meeting in Speightstown should have been questioned by the Police as to why he was trying to disturb the meeting, be cause he was making a lot of noise.

If you want examples of political judgment, of political justice, the name of one "Hog Pen" was called

in here by the hon. senior member for St. Joseph. One evening at Speightstown Esplanade the person known as "Hog Pen" was listening to a political meeting, and he did not like what Mr. Frank Walcott was saying about - among others - the hon. senior member for St. Joseph, laughing at him and saying he was ignorant, and he began to heckle Frank Walcott got down off the platform and held "Hog Pen" by his collar and shook him, and the same Sergeant Kellman, as he then was, got between them. "Hog Pen" was quarrelling 'and saying: "Why do you not arrest Walcott because he is interfering with me?" Sargeant Kellman said "You are causing a breach of the peace; move on." "Hog Pen" said "Why do you not say that Walcott is causing a breach of the peace?' Sergeant Kellman arrested "Hog Pen" and took him up the hill, and he had t6 spend the night in the cell; but he was never convicted of any charge in connection with that. Nobody thinks in those circumstances of prosecuting members of the Government.

The Prime Minister assaulted one Gosland As-quith Pollard in Independence Square in the presence of Senator King, an Englishman and other witnesses, and even when Pollard came to James Street making a noise about it he could not even find a lawyer to listen to him. (Hon. N. W. BOXILL: Where were you?) I was the first he came to, but I will not dwell on unfortunate incidents. The senior member for St. Andrew, to take another example; a complaint was made to the Police how he kicked a boy at a fair held at "Melbourne"; that boy came to me in my office and wished to prosecute him and Mr. L. B. Brathwaite told me "Do not get in that; it is not decent and it would not be right's. I do not believe the senior member for St. Andrew knows that, except that one day he asked me if it was true the boy had come to me.

The point about all those matters is that except where the Opposition is concerned, politicians get the benefit of the discretion of the Police. Government politicians get the benefit of the discretion of the Police wherever possible; Opposition politicians do not get the benefit of the discretion of the Police, of, especially, Assistant Commissioner Reid, a dirty fellow - if you want me to get into the cursing racket too; they do not get the benefit of the discretion of the Director of public Prosecutions,

Hpn. N. W. BOXILL:

Mr. Deputy Speaker, I am sorry to interrupt the hon. member, but he Isold enough to know that it is on unfair practice for members to get on the floor of the House claiming pri-yiiege and attacking Public Officers who have no chance of answering these accusations; he knows it is unfair; why should he do a thing like this? I am asking the hon. member to desist from the trend which he is adopting in the House of Assembly today. It is really unfair to attack these Officers who cannot defend themselves. Attack me or the members in heire; but do not attack defenceless people.lam asking the hon. member to desist from this sort of thing; this suits people who do not know better. I expect him to know better; he was a Barbados Scholar at the sweat and toil of people like me; so please show us why you won it.

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

Sir, there is no need for me to call Assistant Commissioner Reid a dirty fellow, and that is unconnected, I must say, with his political activities. I accept the Minister's reproof in respect of that, but I cannot accept the Minister's call that, ! withdraw any remark when I say that Opposition politicians do not get the benefit of the discretion of the Director of Public Prosecutions. I say it deliberately, I repeat it, and I mean it. The Leader of the Opposition was prosecuted for uttering words which could not be particularised on the summons, and the Magistrate would not even allow the case to start. The hon. junior member for St. Peter was on the flimsiest evidence prosecuted for a crime that has been in abeyance since the Middle Ages, namely, the abduction of an heiress; he was prosecuted for criminal libel. Why was not Senator Maurice King prosecuted for criminal libel when he published some flagrant libel in the Democrat on the Leader of the Opposition? I say it quite deliberately that where politicians are concerned, and particularly Opposition politicians, we do not get the benefit of the Director's discretion, Sir, recently in the Times newspaper which was circulated in this House.....

Hon. N. W. BOXILL; On a point of order, I wonder if the hon. member would give way. I do not , want to take him off his stride, but I wonder if the hon. member would be fair enough as to tell this Chamber, when his father, Sir Grantley, was prosecuted, who was the then Director and who was the Magistrate in the case - if it was not his own cousin.

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

Hon. N. W. BOXILL:
1 am sorry, Sir; a point of elucidation.

Mr. DEPUTY SPEAKER:
It is-not a point of elucidation.

Mr. J. M. G. M. ADAMS:
Sir, people want to go into things, but my cousin, Mr. Justice Bishop, was placed in a very awkward position. (Laughter) Let us have a peal of laughter; let everybody laugh; let the Attorney General in the Gallery lead the touts and the pimps of the Democratic Labour Party in a peal of merry laughter; that is his line, Sir. Let him swim in the Baxters Road gutters again. 1.20 p.m.

My cousin, Mr. Justice Bishop, advised against prosecuting the Leader of the Opposition, (interruption

in the Public Gallery.) There is a lot of noise in the Gallery. I do not believe the Attorney General of Barbados would come in here and laugh with a pack of touts behind him; he would have mo re dignity, mo re self-respect, more honesty, and more decency. 1 do not believe the Attorney General of Barbados would do that. I could not have seen the Attorney General anyway, Sir. I looked over there and I see a blank space. I do not see anybody pointing or anything else.

Mr. DEPUTY SPEAKER:

Will the hon. senior member for St. Thomas please continue to address the Chair?

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

Sir, these points must be cleared up because the hon. junior member for St. Thomas has been misled. Mr. Justice Bishop was the acting Director of Public Prosecutions. Based on statements made by the Police, he advised against the prosecution of the Leader of the Opposition. He was then appointed a Judge in St. Lucia, and a new acting Director of Public Prosecutions was appointed. Certain persons went to Mr. Dugal-Smith, who was then the Managing Editor of the Advocate and the Advocate's reporter made a statement which was submitted to the new acting Director of Public Prosecutions, and on the basis of that statement the new acting Director of Public Prosecutions directed that the prosecution be instituted.

The only trouble was that the evidence given by the policeman and by that reporter who, incidentally, as it happens and purely by chance, had even gone to the meeting, I believe, with the Leader of the Opposition and paid him back by giving evidence in order to lock him up. But never mind that; he came up in our ear, as I recall it, Hie evidence by the two persons conflicted; the present Solicitor General was, therefore! unable to particularise the words of his two witnesses, since the words did not correspond, That is my information, Sir, and there are persons, I am sure, whose advice ii available and can contradict it, and the prosecution came to nothing.

I was referring to the Times newspaper In connection with something that Mr. Edward Heath said that you could be prose cut able in the same way as the other four Conservatives who had been prosecuted for an offence against the Official Secrets Act In respect of the photography of a secret Nigerian document. The Times' comment was that it was unthinkable in modern times for a Leader of the Opposition to be prosecuted for a political offence, What is unthinkable in modern times, evidently, is not unthinkable to the Director of Public Prosecutions of Barbados, acting or otherwise, to the Police and the members of the Government, The whole point in why the Police have to be discussed in such on argument is that you are giving the Police political powers in this Bill and, therefore, they are going to be attacked in this House in a political way for the exercise of those powers.

Let us start at the top and deal with the Director of Public Prosecutions. If you do not want him to be attacked in this House, then you must transfer the responsibility for prosecutions to the Attorney General where he can be attacked. Where the Director of Public Prosecutions has to take political decisions, you can expect politicians to attack him - even if it were my cousin, Mr. Justice Bishop.

Hon. N. W. BOXILL:

I am glad the hon. member raised this point, Mr. Deputy Speaker, if you will allow me to build up my point of order. During the debate yesterday the senior member for Christ Church made certain remarks. He said that the Constitution of Barbados which, in my opinion is a joke Constitution anyhow - it wants tearing up and throwing away - was written by them, and they were responsible for it.

Mr. St. JOHN:

On a point of order, Mr. Deputy Speaker.

Hon. N. W. BOXILL:

You cannot get up on a point of order now.

Mr. DEPUTY SPEAKER:

The hon. junior member for St. Thomas is not addressing the Chair on a point of order. That was not a point of order. (Asides.)

Mr. St. JOHN:

Mr. Deputy Speaker, will you ask that gentleman over there, who is obviously the worse for drink, to keep quiet? (Hon. K. N, R. HUSBANDS You do not know what you are talking.) Mr. Deputy Speaker, who has the floor of the House?

Mr. DEPUTY SPEAKER:

I have already said that the point made by the hon. junior member for St. Thomas is not a point of order.

Hon. N. W. BOXILL; Mr. Deputy Speaker, am I -allowed to develop my point?

Mr. DEPUTY SPEAKER; One does not develop a point of order; it has to be put in a few words. I have already ruled that the point being made by the hon. junior member for St. Thomas is not a point of order,

Hon. N. W. BOXILL; But the hon. member gave way, Mr. Deputy Speaker.

Mr. DEPUTY SPEAKER:
Under what rule is the hon. Junior member for St. Thomas speaking on a point of order?

Mr. St. JOHN:
Mr. Deputy Speaker, my point of order is that during the course of the illegal Interruption of the hon. Junior member for St. Thomas he mentioned that I said yesterday the Constitution was written by us.

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

Mr. St. JOHN:
Mr. Deputy Speaker, I am speaking on a point of elucidation or correction.

Mr. DEPUTY SPEAKER:
The hon. senior member for Christ Church rose on a point of order. I have ruled that the hon. member was not speaking on a point of order, and he cannot now speak on a point of elucidation unless some speaker is to be corrected.

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

Mr. St. JOHN:

If the hon. senior member for St. Thomas will give way, so that I can make a point of correction in the misleading of the House by the hon. junior member for St. Thomas, I will.....

Mr. DEPUTY SPEAKER:

The hon. senior mem-ber for St. Thomas cannot give way because the point raised by the hon. junior member for St. Thomas was not a point of order, For the information of hon. members of the House, I will refer to May's Edition, page 467, which states

"When a member speaks to order he must simply direct attention to the point complained of and submit it to the decision of the Speaker."

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

Mr. Deputy Speaker, the sooner we have a Standing Order saying that we have to preface a point of order which is alleged to be breached, the better.

Mr. DEPUTY SPEAKER:

I understand the hon. senior member for St. Thomas is addressing the Chair on the Public Order Act , 1970.

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

The Public Order Act and the position of the Police, Sir. I will summarise it again, Why the Police have to be brought into this, no matter how decent they are in protesting hon. members' life and property, is that when you call on the Police to do political acts, you have to expect to have political judgments passed on them, Now I am going to say something that will surprise certainly the hon. junior member for St. Peter. It is not the most political policemen that are the worst offenders against our contention that they take political decisions when doing their duties.

1.30 p.m.

I myself have never for example had to complain of the behaviour of Sergeant Springer who is an outstanding supporter of the Democratic Labour Party, except one occasion in particular, when a deliberate effort was made by certain people to break up a meeting at Ashton Hall. I do not even believe the hon. junior member for St. Peter would be entirely aware of this, but I will mention this because this

is what also can happen. The hon. senior member for St. Peter became perhaps somewhat alarmed at the threatening behaviour of the crowd. Certainly I know the hon. senior member for St. James removed himself to a safe distance when he saw the attitude of a row of persons who were lined up along the highway facing the meeting. The hon. senior member for St. Peter spoke, got off the platform and the hon. junior member for St. Peter got on the platform. There was a policeman standing near the row of persons -30, 1 estimated in number, who had been drawn up by the roadside with the tall people at the back, slightly shorter ones in the middle and a crowd of little twelve or fourteen year old children in front, and two banners were being held up saying "Vote for Walcott and Leacock", and the minute the hon. junior member for St. Peter got on the platform, a man called Richards who was then a Civil Servant held up his hands like a choirmaster and said: "One, two, three" and those 30 people pushed up the banners in the air and said "Hinds, go home", and I called on Sergeant Springer. Sergeant Springer was fixing up a tape-recorder in the back of the Police van apparently to tape-record the speech of the hon. junior member for St. Peter, and he did not come. A young policeman came over and I stood up in front of the people. We were surrounded by more or less angry persons and one youngster pushed his hand into my face and shouted "Hinds, go home; Tom go home", and I called on the policeman to do his duty under the appropriate section of the Representation of the People Act which is reproduced in this Act as section 31. He said "Mr. Adams, do you want me to interfere with these people? Don't you see all these people who are here?" I told him that these people were deliberately trying to break up a meeting and that he must arrest the ringleaders, arrest this man and that man over there who was Richards. The Police declined to do it. Sergeant Springer came over because apparently he could not get the tape-recording because of the noise and I told Sergeant Springer that those men were deliberately trying to break up a public meeting and that it was his duty to arrest them. He did not speak to me; he waved his hand and said "You all go along; nobody can do you anything" and walked back to the Police van. That is the only time I have ever seen him take what I view to be a political decision. Per-haps he fell from grace on that ocassion, but you can realise the consequences. There was a public disorder at that meeting. There was not only a threat to the meeting, but a threat to the person of a candidate in the constituency, and a candidate in St. Thomas, myself, The hon. senior member for St. Peter will re-member that meeting well and will remember the tempo, atmosphere and organisation.

Now, Sir, suppose that happens to us again. Suppose we are holding a political meeting and you get a repetition of the "Abide with me" chorus. Its Laadar, Goulbourne Browne, emerged from the car of the Hon. Leader of the House carrying a banner, and held it up under the platform and led the singing of "Abide with me", and the Police did not arrest the people concerned. How can we view it other than as a political act by the Police? Again I remember a meeting we held in the Market Square in which a Russian flag was carried by the same Goulbourne Browne who had come to the meeting in the Lower Green in the car of the Leader of the House and started over the east end of the bus stand and walked through the crowd. His voice was heard shouting out, while the Leader of the Opposition was speaking; "Grantley Adams, you old liar!" As he moved through the crowd, there was disturbance in his way. I was the Chairman, and I could see from the platform that people were being pushed and were pushing. There was a little ripple, like the ripples that spread outwards when you throw a stone in the water as he marched through, and, when he reached a car upon which was seated Mr. Lindsay Bolden and, I think, his father, there was some fracas over the flag. By this time I had asked the Leader of the Opposition to sit down and I was calling on the Police, as Chairman, to take some action to preserve some order. Sergeant Marshall, now Inspector Marshall, was in charge. When he reached this motor car, the flag was

waving and there was some confusion. It transpired later that he had hit a young man in the head with the flag-pole close upon the Boldens' car; the flag was torn from his grasp, was destroyed, and the young man hit him back. I think he may have cut him; I cannot remember the exact particulars. Goulbourne Browne was not alone arrested; both people were arrested. It was only because he hit somebody and the person retaliated that any arrest was made. We view that as a political act, especially when we see how the activities of one James Haynes, of Cyril, and the same "Hog-Pen" and other persons are punished instantly by the Police if they dare to open their mouths against the Prime Minister. (Asides.) Not always. I agree with the hon. senior member for St. Peter. By now "Hog-Pen" has a licence to attack Frank Walcott because he feels Frank Walcott can give as well as he gets, and they do not worry with him now; but when he interferes with the Prime Minister, instantly the Police are upon him. When there was a little fracas recently at a meeting held by the Democratic Labour Party at Black Bess, he did not even have to do anything. The minute the meeting began to be interrupted, a policeman bounded on to "Hog-Pen" and I believe " Hog- Pen" hit him and ran through a line. I believe that is what happened. Nevertheless the fact is that the Police.....

Mr. DEPUTY SPEAKER:

Nevertheless we are still discussing the Public Order Act.

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

The Police recognised that they had been unfair to this particular person and never instituted any prosecution of him. They knew they had been unfair to him the night before, and how for example, can the hon. junior member for St. Peter avoid the feeling that the reason why the Police were annoyed with Hog-Pen was that the Democratic Labour Party could not get a crowd and nobody would hear them? They shouted and told them to go home, That is why the Police interfered with the Barbados Labour Party supporters. Now the hon. senior member for St. Peter, if he listens carefully, would hear that I said how can the hon. junior member for St. Peter avoid the feeling that the Police were angry because the Democratic Labour Party meeting failed and therefore they were venting their spite on whoever they could find. I was not there; I do not know if it is true. This is why we have to dwell on the activities of the Police. They are now going to be multiplied because this is going to be applied to every political meeting, and you are going to get a continuous stream of complaints against the Police for the manner in which order is kept at public meetings. You are going to get members of the Government saying on platforms..... (Asides.)

Mr. DEPUTY SPEAKER:

May I remind the hon. senior member for St. Peter that Standing Order No. 29 (6) has not been suspended. 1.40 p.m.

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

You are going to get complaints from Government members who speak on platforms who believe that the Government has a particular right to be protected when it holds a political meeting; that there is some sacred halo that envelopes the body of a Minister and continues to envelope him when he becomes an ordinary politician on the platform, so that the Prime Minister sits on God's right hand and must not be heckled or abused or otherwise; you are going to get the feeling that he is entitled to more protection than members of the Opposition; but if we are all to be equal before the law, the Police must protect us too. It is only in St. Peter where the determined attitude of the same "Hog Pen" has forced to the attention of the Police that he has as much right to heckle as any Democrat, it is only in St. Peter.....

Mr. DEPUTY SPEAKER:

May I remind the hon. and learned senior member for St. Thomas that there is a Standing Order in respect of repetition.

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

I am sorry, Sir, but it is only in St. Peter today where you can reckon that the Police know that (a) reasonable heckling is allowed, and (b) all interrupters must be dealt with. That man "Hog Pen" when they deal with public order, they should put up a statue to him because, by Ms behaviour, he has insisted on the right of the citizen to attend a political meeting and to expect equal treatment before the law. How can you avoid having that?

We talk about politics again; I read this week's Democrat, and more than a full page on one page, and more than half a page on the other is taken up with a Police advertisement. The Police have never advertised in the Beacon; is that not a deliberate political act in order to put public taxpayers' money into the hands of the newspapar of the Government Party? The only Government Department which advertises in the 'Democrat: and not in the Beacon is the Royal Barbados Police Force. We must complain about things like that; how can you tell us not to say anything against the Police? It is alright for the hon. junior member for St. Andrew; he is a harmless and inoffensive person, as inoffensive a person as ever walked the hills of Hillaby or trod the clay of Chalky Mount. He can afford not to say anything; his chief audience are the donkeys - as he has often told us in here - that brayed in his support in the 1958 elections; even the donkeys said "Poor me, poor me." I have heard the hon. junior member for St. Andrew tell that story, and there is no power in the Police to arrest a donkey for braying at a public meeting. He operates on a level of politics altogether different from the level at which you have to worry about the activities of the Police; he has no Ministerial ambitions; he has no ambitions other than to secure a comfortable retirement at Riverside Drive; therefore he only has to hope that this Government returns to power so that he at least will be in a position to see that they will keep their promise to put him in the Senate if he retires in favour of the hon. senior member at the next election. We do not have to really think that the hon. junior member for St. Andrew is so serious a politician as to think that, because the Police have given him no trouble, they will never give anybody else any trouble; similarly, the hon. junior member for St. George, talking about public meetings and the Police, facts on parents - obviously there is a grave misapprehension in the minds of these two hon. members who spoke

in support of the Bill.

This Bill is not going to stop cursing on platforms. They talk about facts about parents; do you know what I have heard the Prime Minister say on a platform? I stood up next to the hon. senior member for St. James at the Democratic Labour Party thanksgiving meeting after 1966 at which the Prime Minister cursed the people of the Baltic and said we are not handing over the destiny of Barbados to - some phrase like "ignorant peasants from the Baltic and Date Tree Bill" or some expression such as that. I heard him then deal with the hon. senior member for St. James, he said "Lionel Craig" -excuse me, Sir, he named his name - "a libertine, a drunken wastrel, a gambler; the only person who had more "take notices" than" - and he named him again - "is his father and Rawle Garner." I copied down this, Sir; I still have the note.

Then the next thing he said was, "And what you want to say about Grantley Adams and his misbegotten offspring"? He was talking about the Leader of. the Opposition, Sir; excuse me calling his name. All of that I have heard him say on a platform -1 am not imagining it - and he has repeated remarks about the Leader of the Opposition and his step-son here in the House. He is the wife-cursor; he is the parent-abuser, not any member on this side; the worst you ever heard any hon. member say is here in this House when the Prime Minister called the hon. senior member for Christ Church a plantation guttersnipe who did not know his father, and the worst that has been said about him is when the hon. senior member for Christ Church got up and told him at least he was not an abandoned child, that his father was taken from him by the visitation of God and not as the Prime Minister's. That is the worst I have ever heard anybody say about the Prime Minister's family.

My wife - Sir, I would not even repeat either about the Prime Minister's wife, the imaginary statement he said I made about her or about the reply that he offered about my wife; I would be glad to see an Act that would make the Prime Minister keep his mouth clean on political platforms, but unfortunately this Act is not the one, and the remarks of the hon. Junior member for St. George are misplaced. I would be glad to see an Act that would stop the Prime Minister from saying something which the hon. senior member for St. Joseph assures me is untrue, that he only went to his house once and on that occasion he saw a pig tied to the dining room table. I would be glad to bring in an Act on another occasion to stop the Prime Minister from saying that only twice in his life he went to "Tyrol Cot" and each time he had to pay for his drinks. I heard him say that, too, Sir, and I was aware of the fact that I remember the Prime Minister as a young struggling lawyer coming to catch some words of wisdom, being at that time a polite, decent young man as far as we could see, and his wife, then as now, a dear, sweet, gracious, charming lady, and I myself mixing a drink, giving the Prime Minister, and he did not even give me five cents. I do not know whom he paid for it; I know that on that occasion he told me that he knew what the flying saucers really were; he told me of the reason that the doctors could not find a bullet in the body of somebody for whom he and the Leader of the Opposition were then doing a murder case, and I know he told me three or four different things, each one of which subsequent experience proved to be false. He told me on that occasion how he was the first allied airman in Berlin, and how he was put in a Russian

prison, and I have since made enquiries from an official in the Air Ministry who told me that if a flying officer from the West Indies had ever been in prison he would have been the first to know, and he was never so notified. I would be glad to see an Act to control all of that.

Mr. DEPUTY SPEAKER:

Of course, I know the hon. senior member for St. Thomas is sticking to the Public Order Act of 1970.

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

Of course, Sir, and I am telling you an aspect of public order that an Act such as this could control. I heard the Prime Minister sty in the Market Square that C.L.R. James was a member of the 'Save the Ethiopians Committee' of 1936, and that Dame Sylvia Pankhurst had told him, the Prime Minister, that James had carried away the funds that were supposed to buy a fighter plane for the Ethiopians. I looked up when she died, and Dame Sylvia Pankhurst died before the Prime Minister ever set foot in England. I would be glad to see some Bill that would control statements such as these. We are going back in time, and I wonder how many members could remember a meeting the Democratic Labour Party held in Bank Hall in 1956, and the Prime Minister was speaking when Dr. Cato arrived at the meeting - 1 will not repeat the remark, Sir - but the remark he made about whom Dr. Cato had come with, and he would not say whom else he had come with, and so on, referring to matters gentlemen do not discuss, if you want an old-fashioned word. All those are matters which perhaps we in this House could welcome if we stopped it; we would be glad to see it stopped in the House even, Sir. We saw the Prime Minister sit down there and call the junior member for Bridgetown a blasted liar, and it is in Hansard; all that must be stopped on political platforms.

If we really have a problem that the Public Order Act can deal with, it is not the problem of the overthrowing of any Government; it is the problem of the outrageous nuisances, the people whom I call the sub-political spawn who infect the air of Barbados, and in that class I must categorise Mr. Clarke; I do not want to attack Mr. Clarke anymore; he is getting a lot of blows now, but Mr. Clarke is only a nuisance. 1.50 p.m.

Mr. Clarke has been telling people how to make Molotov cocktails since 1968; he gives the recipe for the Molotov cocktails, but he gives it wrong, and he has been leaving out the sugar, Mr. Deputy Speaker. He has been giving it month after month: the two tea-spoonfuls of methylated spirits, the wick, the lighter and what you do with it, but as far as we know, except for Sydney Alleyne, nobody has thrown a Molotov cocktail anywhere, and Sydney Alleyne only threw his as a demonstration and not to do any harm. Do you mean to say that all of this time the people have been exposed to Bobby Clarke and the Molotov cocktails, and the price of methylated spirits has not gone up? There are no findings by the Police, even in cane fields, of Molotov cocktails. The people who set cane fires still prefer the time-honoured method of striking a match and making a hole in the canes. I do not even know how they do it,

but they certainly do not leave any bottles behind, as far as is known. What threat to Barbados is Bobby Clarke? What kind of threat is the woolly pseudo-philosophising of Mr. Calvin Alleyne, Sir? What kind of threat even were Mr. Connell's philosophies when he used to appear on those platforms? Where is the threat to public order, and what has happened to public order as a result of that? They tell me that I must not mention Eric Sealy, but he is the greatest nuisance, perhaps, of all. Who would be affected, really and truly, by anything Eric Sealy says? It is a disgrace that such as Eric Sealy should exist. I do not blame him. Sir; he is to be pitied, and I am with the Prime Minister on that, He is a victim of society he has had no op-pertunity in life; from an early stage he was the vic-tim of the old regine which did not make it possible for fatherless and motherless boys to have the self-respect which alone would have allowed them to grow up decent citizens, Sir, it is not Eric Sealy to be blames when hi gets on a platform and tells who-and-who to ask about 'bulling'; it is not hi fault when he curses people's wives, and says whose wives the Foliet have to guard at the gate and go on, It is not his fault, Sir; it is the fault of those who are paying him; It is the fault of those who welcome his support, No matter what the Prime Minister says, I want to go on record as never having been one that welcomed his support.

Sir, I have been hearing continually the accusation that I made available to Eric Sealy the equipment of the Barbados Labour Party and that was the start of Black Power, I hear it in here; I have been accused of it by the Prime Minister. 1 cannot remember who accused me of it in here. (Interruption form the Gallery.)

Mr. DEPUTY SPEAKER:

All hon. members of this Chamber has the right of speech, but no visitor has any right to speak in this Assembly.

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

Sir, I was told day before yesterday that a matter of two loudspeakers for which a reward has been offered by the Barbados Labour Party - this was adverted to at a meeting again last week; so I know that I am on safe ground. We offered a reward for the recovery of the two loudspeakers, and a certain person, two days after he heard this, told me that he had brought the loudspeakers and left them at my office. I am now told, after that passage of time, by the same person, who is annoyed because Eric Sealy has attacked him, that Eric Sealy broke and entered my office, pulled open a cupboard under my stairway, and took out the two loudspeakers.

I well remember the day when Sgt. Chandler of the C.I.D., after my office had been broken into, came around and asked me if I had lost anything. I said "No" because I did not at the time know that following a public meeting the loudspeakers had been locked in a cupboard in my office. I have discovered that only this week. The name of the informant is Grannum, and he says that he knows Eric Sealy went into the YMCA, broke open the window downstairs to my office and took away the loudspeakers. Mr.

Maynard was also present when the loudspeakers were recovered from Eric Sealy's house. Sgt. Chandler of the C.I.D. can testify that he was called to investigate a breaking and entering at my office.

Mr. DEPUTY SPEAKER:

May I remind the hon. senior member for St. Thomas that the matter before the House is the Public Order Bill.

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

I hope that once and for all we will not hear anything more about my giving loudspeakers to Eric Sealy; I hope that this will put paid to it; I will have the affidavit from the next per-son I hear has said that, and he will face me. I have at long last got to the bottom of it. When I found out that Eric Sealy was using an amplifier of the Barbados Labour Party, I had the amplifier taken away under the pretext that it. needed repairs, And I sent it to Mr. Laurie Dash with instructions that it be not given out. I did that after I heard Erie Sealy curse the Prime Minister, his wife and even his daughter on a platform in Carrington's Village, I said that I was not willing for any of that filth to go over on any equipment of the Barbados Labour Party.

Sir, these are facts wall known to the hon. senior member for St. James, who told me at the time that, since Eric Sealy is willing to curse Barrow, we should help anybody who is willing to do that. I said that the kind of help you can get from certain people is help to send you into the grave. Now, Sir, the Leader of the House poses as a person who does not abuse others on platforms. I wish he were present at the moment. I have asked the Leader of the House; I have spoken to him in person; I have challenged him on platforms, and I have mentioned it in here. I asked him, as a fact, if he did not give Eric Sealy $80 to go to Trinidad to meet Granger and Nunes. He gave him that money when he was in a Hospital room at the ueen Elizabeth Hospital.

Mr. DEPUTY SPEAKER:

Are you likely to continue after two?

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

This passage of my speech will finish in two minutes. I also challenge the Leader of the House to deny that he paid a man called Eurie Rollings $10 to drive Eric Sealy to meet Stokley Carmichael at Brighton, and he paid a man called "Tip Toe" $11 three Saturday nights ago to take Eric Sealy to Speightstown to make arrangements for a political meeting to curse the hon. junior member for St. Peter. If he cannot deny it, the public will judge who is financing Eric Sealy. The public will judge who is paying for the filth that is now going out. Sir, this is not a matter of morality only; it is wrong and

unwise for any of us to finance that sort of political activity, and it is useless hon. members believing that the Public Order Act will stop Eric Sealy. Since he is supposed to be supporting the Government, the Police will still give him a licence. As soon as he starts to curse the Government the Police will stop giving him a licence. I have not concluded my speech, Sir.

Mr. DEPUTY SPEAKER:
I realise that.

Mr. J. M. G. M. ADAMS:
Mr. Deputy Speaker, I beg to move that further consideration of this Bill be now postponed.

Mr. St. JOHN:
I beg to second that.

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

SUSPENSION OF SITTING

Hon. J. C. TUDOR:
Mr. Deputy Speaker, I beg to move that this sitting be now suspended for an hour and a quarter, or until 3.15 p.m. today.

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

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

2.00 p.m.

On Resumption;

Hon. J. C. TUDOR:

Mr. Deputy Speaker, I observe that there is no quorum, and ask that you direct the Clerk to ring the Bell.

The Bell was rung and a quorum was obtained.

Mr. DEPUTY SPEAKER:

When this sitting was suspended, the hon. and learned member for St. Thomas was addressing the Chair.

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

Mr. Deputy Speaker, when I was speaking at 2 o'clock, I was speaking about a certain Mr. Eric Sealy. He wrongly abused me at the foot of the steps.

Mr. DEPUTY SPEAKER:

If I may draw to the attention of the hon. and learned member for St. Thomas the Bill is the Public Order Act, 1970.

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

I am talking about political meetings held and which are now going to be subject to the Public Order Act, but, Sir, if you do not mind me saying so, do not be too very fast because I am not now putting any more pressure on Mr. Sealy. What I was saying was that he met me downstairs and hounded me to and from my car until I had to call a Police Superintendent to deal with him; but in the course of the insults and other threatening language, in the course of calling me a liar he did point out to me - and I want to be fair and that is why I am going into it - that he had on some occasion rented public address equipment from the Barbados Labour Party. I know this to be true because I remember the incident well and said he was not to be lent the equipment; he asked if he could not be rented and I said that every time he rented it he would have to pay a deposit of $30. Apparently he did this and I said that nothing would stop this from interfering with our equipment, and that was the occasion upon which the equipment was sent away. I really would not like to tell any lie son Eric Sealy. He tells enough on me and I would not like to

reciprocate. I would like to give him fair where fair is due. I believe the hon. senior member for St. James lent him some equipment; on one occasion I permitted him to be rented some. He has never had any from me personally but that is merely by the way. I do not want to be unfair to any member of the public, even to Mr. Eric Sealy. I under stand he now uses equipment which belongs to the father of the Leader of the House; he certainly does not use ours.

Sir, we have heard a number of speeches in the House about this Bill, I think I have dealt adequately with the speeches made by the hon. junior member for St. Andrew and the hon. Junior member for St. George, but I want to deal a little further with the speech made by the Hon. Leader of the House because when t speech is made in support of a measure and the speech is so lacking in logic, is so ill thought-out, is so badly reasoned, so specious as to exam pie, and so lacking in what goes to make an argument to support a Bill, you must suspect the Bill itself. We had some examples drawn by the Leader of the House. If he understands the law of Barbados so little as to say that because he made a good speech at the Hustings in 1954 in St. Lucy the law was changed, we cannot trust him on the law relating to this Bill either. I repeat my interruption when he was saying it; the law was changed in 1954 only, as I am informed to remove the requirement that the proposer and seconder of a candidate had to attend at his nomination, and when that requirement was removed, you ceased to get a crowd at the Hustings. The only hon. members that I see actually in the House who were familiar with the pre-1954 conditions are the hon. senior member for St. Joseph, the hon. senior member for St. Philip, the hon. senior member for St. Peter and the Leader of the House himself, and I would welcome any of them contradicting me, if I have misstated the law. I am informed that the law before 1954 was that the proposer and seconder had to go with you to nominate you; they made speeches and you made speech of acceptance, and a crowd used to go to the Hustings to listen. I know that the hon. senior member for St. Philip will remember the St. Thomas Hustings. The hon. senior member for St. Joseph will remember his own Hustings at four elections; The Leader of the House will remember two Hustings, at both of which he made good speeches, but only one of which perhaps sufficed to get him into the House. Many times have I been told by Mr. Owen T. Allder of the speech made by the Leader of the House in St. John in 1951, of his charming Oxford English. He said he quite outclassed Mr. Bennett Niles who also made a speech on that occasion and he was glad to see he got mo re votes than Mr. Bennett Niles, but nevertheless not even the Barbados Labour Party could then land the Leader of the House in St. John. Sir, that is just one correction I would like to make.

On the question of the Prisons Act, all of a sudden out of the blue the Hon. Leader of the House launched upon hon. members the fact that the Barbados Labour Party had passed an Act saying that the Governor-General could declare any house a prison. This is a regular common form in Prisons Acts. It is an emergency power so that when you have emergencies such as envisaged in the Public Order Act and a number of persons are arrested and there is no accommodation for them at the Prison, the Officer-in-charge of administering the emergency declares some convenient dwelling a prison so that persons may be incarcerated therein without of-fence to the general provisions of the Prisons Act. The point I wag making was that, even though it was passed by the Barbados Labour Party, it was brought into force by the Democratic Labour Party f and it was not brought into force early; it was brought into force after the hon. junior member for St. Lucy had already been a Minister form nearly three years. It was brought into

force unamended on 1st March, 1964; go there goes the Minister's argument about the ignorant legislation. If it was ignorant, why didn't he tell the Cabinet in 1964 that it was ignorant and change it without bringing it into force? If that is the quality of the judgment which is being applied to the passage of legislation and to the standard of legislation and its contents today, we on this side of the House say it is not good enough. So much for those frivolous arguments which the Leader of the House put forward.

All that I will say I appreciated in the speech by the Leader of the House was when he said that the Constitution protects the right of free assembly, for so it does, and it is exactly what this Act is designed to attack and throw away. Sir, I repeat, does Barbados really want to be the only country in the world in which you have to ask the Police for permission to hold a public meeting? Does this House want now to have questions asked in here about the conduct of the Police in allowing such-and-such a person or refusing such-and-such a person a licence to hold a meeting? Do you want more and more debates in which the political behaviour of the Police is called in question? Do the Police want it? Does Superintendent Lynch like hearing his name being bandied about? Why not take the burden off his back rather than having the Minister of Housing tell him that if he does not like what Tom Adams says, why doesn't he beat him? He told him that on the steps of the Assembly during the recess. Rather than have that, why not take a little of the load off the shoulders of the Police altogether? If you really want the Police to be able to do an independent job in which politics does not interfere, do not put them into politics by Acts such as this. This nonsense about appealing from the Commissioner of Police to the Minister of Home Affairs is not even like appealing from Caesar unto Caesar; you are appealing from a centurion unto Caesar. I cannot even call him Caesar, because the voice may be the voice of Caesar heard through a gramophone record loudspeaker. Has anybody ever heard such nonsense? You do not even appeal from the Commissioner of Police to the Minister of Home Affairs to get back a driving licence, but you must do that now with a much more important matter! For example, when an Opposition Party is denied the right to hold a public meeting, are we going to appeal to a member of the Government Party? Is that what members want? I heard some member -I do not remember which, but 1 think it was my friend, the hon. senior member for St. Joseph, ask hon. members if they would trust, and I am sure he said, the hon. senior member for St. Thomas, - and I am not sure if he added the hon. junior member for St. Peter - to give out permits to hold meetings.

Mr. SMITH:
On a point of order, I never said.....

Mr. DEPUTY SPEAKER! That is not a point of order; that is a point of elucidation.

Mr. SMITH; On a point of elucidation, I never liked if they would trust them. I said; "Imagine the hon. senior member for St. Thomas and the hon. ju-nior member for St. Peter, and your humble servant having to appeal to them!" I did not say you could not trust them.

Mr. J. M. G. M. ADAMS; Perhaps you all will take the plea of the hon. senior member for St. Joseph on this point. Ha sat down so hard on the fence during his speech that the iron must have entered light into his soul. I believe if you had picked him up after his speech, you could have torn him apart like two postage stamps, because the perforations that the fence spikes would have punched in him would have gone right through. The hon. senior member for St. Joseph carried on a political love affair in his speech with the hon. senior member for Christ Church, the likes of which I have never seen. I hope it does not prove to be unrequited; but I will tell him this; you do not get back into a political Party by the favour of one man alone. 3.30 p.m.

I have seen the Leader of the Opposition try to bring Tommy Miller back into the Barbados Labour Party; I have seen that and he could not succeed. But I will still give the senior member for St. Joseph some satisfaction; no matter how bad he has done me and continues to do me, he will have my support. It will surprise him that I do not go the whole way with my colleague, the senior member for Christ Church; 1 believe that there is a place for youth, and for the experience to be filled by the senior member for St. Joseph in a political Party., He is batting on a very poor wicket, and has batted for many year son a poor wicket, when he singled out myself as the particular influence in politics he does not like. I have never done the hon. senior member for St. Joseph anything, and I have had nothing but ill-consideration, mistaken opinion, bad opinion indeed, from the hon. member.

I will never forget when I was, perhaps, pressing a little hard on the hon. senior member for St. Peter after the days of the Potter's Field, when I was attempting to read out a letter and the hon. senior member for St. Joseph alone in this House could rise and try to persuade the then acting Chairman, the junior member for St. George, not to allow me to read it out, but to take some of the blows off the Minister of Agriculture's head. Anyway, I would suggest..... (Hon. K. N. R. HUSBANDS: That is a stab in the back.) The hon. member for St. Peter talks about a stab in the back, but he only stabs people in the chest when he is drunk and cannot see which way they are turning; his natural aim is for the back; he has stabbed in the chest by mistake sometimes.

Hon. K. N. R. HUSBANDS:

On a point of order, the hon. member speaks about when I am drunk; I am asking the hon. member to withdraw those remarks, because he has never seen me drunk and he never will.

Mr. J. M. G. M. ADAMS; I am sorry, Mr. Deputy Speaker, on an occasion when the the Prime Minister told the hon. senior member for St. Peter that he was drunk, all of us on this side argued that the Prime Minister should have been made to withdraw those words. There cannot be two standards for the

Prime Minister; if the Prime Minister should withdraw the words when he sees the hon. senior member for St. Peter can hardly talk, is babbling like a child, his head rolling from side to side when he is sleeping -if the Prime Minister can say he has had too much gin, I arn not saying that he is sober, but he is not drunk, The hon. senior member for St. Peter is only sleeping; he is not under the influence of alcohol. (Hon. K. N. R. HUSBANDS; His speech will make me go to sleep.) Obviously the hon. senior member does not sleep quite so soundly as he appears, , because no reference has been allowed to pass whether his eyes are shut or not. But with respect to the speech of the hon. senior member for St. Joseph talking about the Commissioner of Police having power to grant agun licence, Sir, the grant of a gun licence and the holding of a public meeting are two different things. Nobody can have a God-given right to have a gun licence; nobody can expect that this is one of the fundamental freedoms of mankind that each of them must carry a gun. Sir, the hon. senior member for St. Joseph actually brings a gun into this Chamber, something I will never do.

Mr. SMITH:

On a point of elucidation, Sir, I have never brought a gun into this Chamber.

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

Sir, I have only the word of the Leader of the Opposition that one day he leaned over to speak to the hon. senior member for St. Joseph, his brief case was open and he had this gun there. This was when I asked the Hon. Leader of the Opposition if he had ever urged the hon. senior member for St. Joseph to bring any pliers in the House and he said "The only thing I have ever known Smithie to bring in the House is a gun", and he said that he looked at the gun and he caught the eye of the hon. senior member for St. Joseph and the hon. senior member for St. Joseph smiled. If he says no, obviously, it is a mistake. The hon. junior member for St. Joseph was, as so many people say he sometimes does, not seeing what was going on, but I can only say what I was told.

Hon. N. W. BOXILL:

Mr. Deputy Speaker, on a point of order, the hon. member is repeating himself. I want to speak on this Bill in this Chamber, and if he continues to repeat himself I will have no alternative but to ask that the question be put. Would you please ask him to get on with the debate and not to repeat himself continuously, bringing in a lot of irrelevance?

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

With great respect, Mr. Deputy Speaker, have I spoken about a gun before? Would the hon. junior member for St. Thomas tell me which part of my speech made reference to a gun? He says I am repeating myself and that is a reflection on the Chair; he says I am in breach of the Order and he should be made to withdraw it unless he can justify it. It is a breach of a Standing Order for an hon. member to repeat himself; I have not so far adverted to a gun. Yesterday he invited Mr. Speaker to make me

withdraw a statement about telephone tapping. I have not spoken of a gun; so how can he say I am repetitious? (Hon. N. W. BOXILL; You are now.) Why do you not behave yourself? What is it the Leader of the Opposition said? When at long last Barbados gets a zoo, you will then find your rightful place.

Sir, arguments about the present powers of the Police which do not impinge on political matters do not help us any further in the consideration of this Act; that is the burden of what I am saying about gun lincences. The fact that-the Police have a right to grant a driving licence, a gun licence, to object or not to object to a restaurant licence - none of these are political acts. The day that you tell the Police that they alone have the power to grant a permit for the holding of a political meeting, you are making the Police a political Police. That is automatic and it follows automatically. (Hon. K. N. R. HUSBANDS: That is repetitious.) You must be repeating the gin; you do not remember what you drank. I bet you could not tell me what colour tie you are wearing or if you are wearing socks.

Mr. DEPUTY SPEAKER:
Is the hon. senior member for St. Thomas addressing the Chair?

Mr. J. M. G. M. ADAMS:
I am sorry, Sir, I was clearing my throat, trying to get rid of a nasty taste in it. Sir, the hon. junior member for St. Thomas wishes to speak, and not wishing to deprive the House of the entertainment that will be derived therefrom, I am going to be very short. (VU/Wr.sJ

Mr. DEPUTY SPEAKER:
May I draw to the attention of the hon. senior member for St. Peter Standing Order 29(6)7

Hon. K. N, R. HUSBANDS:
As Your Honour pleases; you cannot expect anything different when that hon. member is addressing this House.

Mr. DEPUTY SPEAKER:
I will draw again the attention of the hon. senior member for St. Peter Standing Order 29(6).

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

Sir, I will summarise my arguments. I am not denying that some measure of increased control over public order is desirable in Barbados; for example, I am not objecting to the provisions that call for better behaviour at meetings. Secondly, I am not suggesting that incitement to violence is a good thing; I believe that it is a wise provision to prevent incitement to violence on public platforms. Thirdly, although the Constitution appears to be infringed by the provisions against publications of racial hatred, I for one do not believe that it should be any longer permitted to incite racial hatred in Barbados. As far as the talk about foreigners and ethnic or national origin, or some other expression like that is concerned, that is mere nonsense. Do not tell me that we cannot say that Russians are bad people, in Barbados, and if somebody says that on a platform, any Russian who happens to be in Barbados, will be able to prosecute him; do not tell me that every time the Advocate publishes an anti-Communist article, some Russian is going to get up and say "I am a Russian; this article tends to incite hatred against the Russian people and therefore the Advocate is guilty." 3.40 p.m.

That is what is meant by the statement of tending to incite hatred against persons on the grounds of national origin, That is something that should really be re-thought by the Ministers, As far as racial hatred is concerned, 1 do not believe that any member of this House has suffered from it as much as I have suffered. I have had to go through a campaign under the steady pressure and where the actual words of the hon. junior member for St. Thomas were to the effect that Tom Adams does not like black people, and he has married a white woman. I have had that from the junior member for St. Thomas, and I have had that from the Attorney General, but I have never had it from the Prime Minister or others on that side of the House. (Hon. N. W. BOXILL: Are you married to a white woman?) The marriage to a white woman is not mentioned for its own sake; it is mentioned to incite racial hatred. Do not be such a hyprocrite, I say to anybody, as to pretend that it is not. I have suffered from it as much as anybody, and I would have been glad to have the benefit of it to prosecute the Attorney General during the bye-election campaign. The fact still is that it does appear to infringe Section 22 of the Constitution. Nonetheless, perhaps, a way may be found to deal with that. I do not like the Section as it stands, but a way may be found to deal with it.

Let me get back to the summary, Sir. As I say, some measure of public order is necessary. The other provisions of the Act are either unnecessary or offensive, as far as I am concerned and the Opposition. Part II is offensive. You should not have to ask for permission to hold a public meeting in ordinary circumstances. The provisions relating to marches are already contained in the Highways Act, and are more expeditiously laid out therein for the proper making of regulations and control of the said marches.

The provisions in relation to loudspeakers may be enforced by regulations made by the Cabinet. We do not need them in this Act. I do not believe that we need all the hullabaloo that has surrounded this Act merely to get a provision corresponding to the election time provision that there be no bad behaviour at meetings - merely to get that to prevent incitement to violence and to control incitement to racial hatred. I do not think that this Act is necessary for those few and petty purposes. All the useful

purposes of this Act other than those, in our view, already exist in legislation. I want to make it quite clear that, shorn of all the trimmings, that is the stand on this side.

Mr. SPRINGER:

Mr. Deputy Speaker, judging from the pronouncements made by the senior member for St. Thomas, I either had a very bad night, a worse lunch, or both. To begin with, one must admit that a great part of what the hon. member had to say WAS unnecessary, disgusting....

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

On a point of order, Sir. No hon. member is going to sty that a great part of what I had to say is disgusting, if he wishes to be within the Rules, I object to those words.

Mr. DEPUTY SPEAKER:

I do not regard the word used by the hon. senior member for St. Michael as being unparliamentary, but I would prefer him not to use similar language.

Mr. SPRINGER:

Thank you, Mr. Deputy Speaker. , I will advise the senior member for St. Thomas that, , although I am not a lawyer, I am capable of capable of saying what I have to say without infringing the Standing Orders of this House. I am going to repeat what I intended to say when he barged in, Sir. I said that it was unnecessary, and I was going on to say that it was disgusting to listen to and, above all, most of it tended to draw into the debate a series of small stories which, in my honest opinion, could only be intended to embarrass the Prime Minister, certain Crown Law Officers, the Police and even friends of the Barbados Labour Party. Some of them were definitely in very bad taste. I would say that when one considers his statement on the Budgetary Proposals yesterday with some of the remarks in his speech today, one must wonder whether it would not be a good thing if the behaviour and the general statements made in this House were not broadcast.

Mr. Deputy Speaker, sometimes I really wonder where has the culture and education gone to from Harrison College and Oxford University. What is left for people like me and others to do? I think it was rather unfortunate and unkind - I will deal with his speech first because it comes to memory much more easily. He mentioned that in Mr. Henry Forde, although you have a black man as a Director of Barbados Shipping and Trading, he has to say, as Mr. Frank Walcott says, that there is really no black Director in business in Barbados.Mr. Deputy Speaker, this same Mr. Forde was supposed to be, if he were willing to be, a candidate of the Barbados Labour Party at the last elections. He was one of their foremost speakers on the last night previous to the election; but now that he has seen fit, whether in his own interest or in

the interest of the black man in this country, to gain some kind of recognition in a responsible position - now that he has left, even those who were his friends now seem to think that there is something sinister about Mr. Forde being made a Director of Barbados Shipping and Trading.

Mr. Deputy Speaker, this is my personal opinion. I believe Black Power has some relevance in Barbados, but I do not believe that Black Power, as preached by the Americans, can have the same relevance in Barbados as Black Power has in America. One of the things that is most annoying with the Black Power advocates in Barbados is that they set out not in all their struggles for black dignity and ' so on, but whenever they make pronouncements they run down every black man who is in a responsible position in this country. The same thing is happening today from that side. Every now and again you can hear the name of Senator Ashby, a member from the Other Place called.

3.50 p.m.

'Every black man who has made his place felt in business in this country is only successful because he was licking the foot of the white man.9 All these derogatory statements are made. Whenever a black man is in a position, people seem to think that he cannot do it by hard work; he must be doing it as the favour of somebody. This is a very bad thing: and if this continues with all the talk about Black Power, white people will have less respect for black people. In this Chamber alone, Mr. Deputy Speaker, I have heard the Prime Minister being accused that, when he was a barrister, he bribed the jury, and no lawyer got up to defend it. The hon. senior member for St. Thomas in this Session had to withdraw this statement that the Prime Minister committed per jury. All those statements are against black people and made by responsible people in the community against black people. You hear them abusing Senator Frank Walcott in the worst possible manner. He is a successful man; he was the boy from obscurity - another black man. You do not hear them accusing white people of anything, and I want to say to what the hon. junior member for Bridgetown had to say he is talking politics only as recently as 1961. He talked about the Leader of the Opposition abusing white people for black people, but let me tell you, Mr. Deputy Speaker, some of the people he abused. Have you ever heard of a man called Charles Duncan O'Neale, referred to as Emperor Selassie? Have you ever heard of a man called Hilton Vaughan who ran in St. Thomas and how he attacked him as being the son of a plantation labourer trying to encroach on the privacy of two aristocrats like Skeete and Hawkins? Have you ever heard him refer to a man like B. L. Barrow as being a fish-and-float seller and a seller of salt meat and corned beef? Have you ever heard him attacking the hon. senior member for Bridgetown, the Archbishop of Chapman's Lane? Have you ever heard him attacking those people? Who was defending them?

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

On a point of order, has the hon. member heard the Leader of the Opposition attacking their wives?

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

Mr. SPRINGER:
I am very sorry, Mr. Deputy Speaker, that I did not hear what the hon. member said.

Mr. J. M. G. M. ADAMS:
I said have you ever heard the Leader of the Opposition attacking their wives?

Mr. SPRINGER:
No, but this is what I heard. I heard Mr. L. B. Brathwaite with whom they are now associating attacking the mother of the hon. senior member for St. Thomas and the wife of the Leader of the Opposition; and they are all friends now. So was what he was saying true then or are they accepting that the abuse of wives is conducive to good parliamentary democracy? Those are only some of the people he abused. Have you ever heard about a man called Chrissie Brathwaite? I will say this further, in 1937 when he charged that certain people were trying to shoot him, a man called Menzies Chase got six months for saying "today is a funny night". A man called Ulric Grant got ten years for calling on blacks to organise. there was also Lovell and 'Brain' Alleyne. This saviour of the black people, defender of democracy, did not show his face to defend these people. They went to prison unrepresented and you say that Keith Walcott did not introduce these measures. It was not necessary to introduce the measures. People were not conscious of their rights, and the lawyers hanging around them were not prepared to let them have them either. These are things you have to remember.

Mr. Deputy Speaker, I know I will get a lot of heckling, but I am accustomed to it.

Mr. DEPUTY SPEAKER:
I can assure the hon. member that there will be no heckling in here this afternoon.

Mr. SPRINGER:
Thank you very much. I will go further and say this you talk about the Labour Party being the defender of democracy in this country. Are you crazy, out of your mind, or just not remembering? Do you know that up to 1958 previous to the Federal Elections there were no less than twenty Federal conferences and at not one was the Official Opposition represented? Do you call that defending democracy?

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

On a point of order, the hon. member really must tell the truth. I was present at Montego Bay and saw Mr. Crawford there as a member of our delegation. There were Crawford, Cuke and the hon. junior member for St. Joseph; so you must not tell lies.

Mr. SPRINGER:

For once I am in a position to teach the hon. senior for St. Thomas something. At this period there was a Coal it ion Government and never has Mr. Wynter Crawford sat in the Opposition and attended the conference.

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

On a point of order, are we going to have an argument now about that? I remember the day the Coalition broke up.

Mr. DEPUTY SPEAKER:

I can assure the hon. member that there is not going to be any argument in here this evening. There is not going to be any break-up because the Standing Orders have not been suspended, and I will certainly do my best to make sure that the Standing Orders are respected.

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

Mr. Deputy Speaker, I will appeal to the hon. member. He will only inflame hon. members on this side if he gives a false view of history, His remarks have no more validity than the remarks of the Leader of the House about the Prisons Act and the Representation of the People Act, I was present at Montego Bay, and I tell you thai Mr. Crawford and the Leader of the Opposition ware not then part of the same Government, I tell you as a fact that the Coalition had ended.

Mr. DEPUTY SPEAKER; That is a repetition, The Hon. and Learned member has made that point already.

Mr. SPRINGER:

Mr. Deputy Speaker, to continue..... (Asides.)

Mr. DEPUTY SPEAKER:

At this stage, for the last time lat ma remind all hon. members that Stand-ing Order No. 29 (6) has not bean suspended. I am not going to have this behaviour. Looking around the Gallery I sea quite a few children, and they are not going to have a bad impression of this House.

Mr. SPRINGER:

Mr. Deputy Speaker, if I may continue, at the conference at which the capital of the Federation was to be decided, Dr. Eric Williams made it a point in his speech in canvassing support for Trinidad as the Federal capital, that Barbados was not properly represented because nowhere on the Barbados delegation did he see a member of the Official Opposition. Will the hon. senior member for St. Thomas deny that too?

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

Mr. Deputy Speaker, the hon. member challenges something. In fact if he really stresses about Montego Bay, I was there and I can assure you that the Leader of the Opposition and Mr. Crawford never spoke to each other for the whole conference. If he really wants, he can take his pick of either Mr. Cuke or Mr. Crawford re presenting the Official Opposition because all three Parties were there, and at least I had the advantage of being there which I do not think any other hon. member of this House had. The hon. member must not go on about that.

Mr. SPRINGER:

Mr. Deputy Speaker, the hon. member wants me to take Mr. Cuke. I will take Mr. Cuke. Mr. Cuke was an ex-officio member of the Executive Council; so he could not have been representing the Opposition or the Government; he would have to be representing the Crown. So do not worry to bring Cuke in it.

Anyhow, Mr. Deputy Speaker, in looking at the Bill as presently engaging the attention of the House, one must take into consideration first what are the circumstances existing in the area which necessitated this Bill, and secondly what measures are to be taken to prevent an occurrence in Barbados of what occurred in Trinidad and Tobago.

4.00 p.m.

I am not one of those people who say it cannot happen here; I remember when they had the bottle throwing incident in Guyana and a Test Match was stopped, it could not happen here; when they had a similar incident in Trinidad, it could not happen he re; and when it did happen here, it was "Oh, Lord, look what Barbados come to!"; go anything that happens anywhere else can happen here, and I think it is a Government responsibility to make sure that every citizen in this country can go to bed at night and sleep wall and comfortably assured that his security is not involved, I am not saying that some of what is taking place in Trinidad, and what could take place here, can all rest on the Government, I remember in 1966 at a meeting in Independence Square I made a statement then, and I repeat it, that if the white business people in this country do not release some of the control of the wealth and executive positions in their firms to coloured people in this country, the people will rebel and there is likely to be a riot. I said that in 1966, and I went further to say that in all the business houses at the time, and today, almost all of the people working on the trucks are black, the people despatching behind counters are brown and the people controlling the money are white, This is not a good thing for this country.

In several of the Solicitors' firms in this country, as soon as you go up the steps you can know whether it is a white firm or a black firm; the receptionists and typists are white when it is a white firm, and they are black when it is a black firm; and unless the people who have some of this power which they had for a long time give it up gracefully, people might be tempted to take it by force and to prevent people taking by force you have got to employ certain methods to make sure that people do not destroy and then there is nothing to distribute. When you destroy, there is nothing to distribute; so the Government must take the action that whenever there is a rebellion there is to be no destruction because when all the fires are out there must be distribution, and there can be no distribution of wealth unless you have creation of wealth, and you must be prepared to defend and expand the use of that wealth. That is what I would like the white people of this country to do -expand and give a wider section of the community a chance to reach the top.

Do not judge ability by colour, and do not judge dignity by the colour of a man's skin; and to the advocates of Black Power I ask them in their own interest, even when a black man appears to be ever so wrong, do not run him down because in running him down you are making out a case for white supremacy. This brings me, Mr. Deputy Speaker, to another thing which I said and which a lot of my so-called white friends got annoyed about at that meeting in 1966; I said it then and I mean it now. The Yacht Club should be taken away from the present owners compulsorily by the Government; it is too valuable a building to be the sanctuary of the prejudices of the people who inhabit it. At that time I felt it would make a good Old People's Home, but now I think you could put a good hotel there. At the time I felt the only thing that could bring the Thornes and that crowd to their senses was to let some poor, black people run about and let them see that times had changed, but since they are liable to see it now I would put a hotel there. It is too central to begin with, and the kind of foolish rules they have do not belong to this are.

I say this to the advocates of Black Power, although some of the Cabinet members of Black Power

stem to think that there is no room for whites, brown, bronze white - so, Mr. Deputy Speaker, you will get in, but you will understand that I will be out because I am in the unfortunate position that I cannot talk race or colour. Both of my grandmothers are black; one was a little blacker than a telephone receiver, Both of my grandfathers are white, and my wife is an Indian; so I am tied up in this race thing and I cannot talk. I can see it in its true perspective; at least I will attempt to see it. When you examine what the responsibility of a Government is, although it might appear that the Government is representing the minority faction, there are a lot of people in this country who are by no means wealthy but who want to go to sleep assured that there will be no Molotov cocktails thrown around, and, strangely enough, throughout the world most of the laws are geared to protect wealth. Even in matters of insurance, the type of structures the wealthy people have, whenever they burn completely it is too good to be an accident, and poor people, whenever the firemen get there, everything has gone already; so the Insurance companies are well protected. They are the real protectors of the wealthy, and all laws are geared that way; but the important thing is that the entire community must be in a position to go to sleep satisfied and contented in their security.

There was a lot of talk yesterday about a bit of news given out by Barbados Rediffusion and connecting it with the Barbados Labour Party. Strangely enough, the Opposition will take the view that this bit of news was padded to make them unpopular; but on the same radio station there was a programme -a panel discussion with a known member of the Barbados Labour Party - two known supporters - discussing the merits and demerits of the Public Order Bill, and all of them were strongly against it, but the Government does not take the attitude that that programme was put up to build public opinion against the Government, and I will say this for Rediffusion too. About four weeks ago I heard a programme called Teensville in which one of the panelists, a student, set out to prove that there could be no change in Barbados, as much as he regretted it, unless there was violence.

4.10 p.m.

Now, this is on Rediffusion. I do not believe that you could want a statement more damaging to public order and good will than that. To those students I will say this. All of them for the most part at Cave Hill are children of charity. They are fed and clothed by their parents, and their education is supplied by the Government. It is time that they sit down and get qualified to put themselves in a position to contribute something to the country, and then they can safely say that they deserve to share in the distribution of the wealth in this country. Young loafers - and that is what most of them are at this stage - and they have mode absolutely no contribution to this country, but all of them want to destroy it.

Mr. Deputy Speaker, they are saying; "We cannot change society; the society is so rotten that it must be destroyed;" It is so rotten that for the most part they are the sons and daughters of men and women who could not even get on ordinary 7th Standard education, but now that these children are privileged, at no personal cost to themselves, to enjoy a University education, they want to destroy the very society which made it possible for them to benefit from their education. Do you still say that there is no need for

a Bill of this kind?

Mr. Deputy Speaker, I am not ona of those people who believe in too much freedom, I say that if the reduction of freedom in this country means that there will be no racial violence, no destruction of people's property, no overthrow of the Government by force, then Mr. Deputy Speaker, I am all for a restriction of these freedoms. I say that. Now, there has been a lot of talk about the Government's age, the Prime Minister's attitude to youth and soon, and they sound good on the face of it. It is not the Prime Minister's misfortune that he is getting older, and that he took over the Government at the age of 41, and very soon from now he will be 51 or 61. It is not his misfortune that he was born early. When they talk about age, do not they see the Leader of the Opposition? Is he the youngest member in the Chamber? All the members on this side almost without exception walked into this Chamber as young men. Is it a disgrace that they were able to keep their seats in their old age? I can talk as a young man, because you cannot describe me as old.

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

Does the hon. member know at what age the Leader of the Opposition entered this Chamber? Would he care to admit that he was younger than the hon. member is now, or when he entered this Chamber?

Mr. SPRINGER:

Mr. Deputy Speaker, I have heard from the Leader of the Opposition's own mouth that his birth was not registered; so how would I know his age? He said that in this House.

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

On a point of order, Mr. Deputy Speaker. This is the false, spurious history that the senior member for St. Michael constantly repeats. It was my birth that was not registered, and not that of the Leader of the Opposition. As a result of my birth not being registered, a special Act was brought in to enable the birth of persons to be registered after a year had elapsed. Before that Act was brought in, my birth was still not registered, and it was only registered last year.

Mr. DEPUTY SPEAKER:

No point of order.

Mr. SPRINGER:

Mr. Deputy Speaker, I thank the hon. member for advising me. We have two of them in here. When

you consider the policy of the Government towards the youth of this country; when you consider what has been done in the first five years by the Government for the youth of this country; when it is considered what is being done for them now and under severe discouragement by the youths at the University, their behaviour alone is proof that they have been given too much too soon and some of them should be withdrawn. Are you saying that such a Government as this has no respect for the youth of this country?

Mr. Deputy Speaker, there is one other point which concerns me very much. It appears that in the Bill the recognised Trade Union in this country has the right to demonstrate in marches and processions (Asides.) I said 'recognised'; the others are not recognised, but they are registered. The Barbados Workers Union, Mr. Deputy Speaker, whether we like it or not, in Barbados today is the outstanding bargaining body for the workers in this country. The Barbados Union of Teachers is having some say now, but let any of them on that side of the House say when is the last time their Union negotiated an agreement for workers. When was it, if ever there was a time? They talk about the Democrat having white people on the Trident Publishing Company.

Mr. Deputy Speaker, sometimes black people are really amusing. All of the black people want to get into the white people's business, but whenever a black person starts a company and a white man gets into it, he is wrong. That is a peculiar thing. Talking about the Democrat, I will tell you that if Jimmy Cozier can get the printing press out of the Barbados Labour Party headquarters, the Truth newspaper would purchase it.

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

On a point of order, Mr. Deputy Speaker. Mr. Jimmy Cozier has no printing press in the Barbados Labour Party's headquarters. Let that be quite clear.

Mr. HINDS:

The Truth newspaper would purchase nothing that Mr. Jimmy Cozier could get out of the Barbados Labour Party! There is nothing there for him to get out.

Mr. DEPUTY SPEAKER:

Point made, but not a point of order.

Mr. SPRINGER:

Sir, Trade Unions in nearly every country have some political affiliation. The hon. senior member for Christ Church said that Mr. Frank Walcott is the dominant figure in the Barbados Workers Union, and the fact that that did not make the workers vote for him is sufficient proof that if the workers are dissatisfied with either of the two Parties functioning in Barbados, they will throw their weight somewhere else.

4.20 p.m.

Now I have never been a Trade Unionist, but I have a weakness that whenever people are asking for more money, shorter hours of work and better conditions, they start with me on their side. I do not want to know anything else because for all the years I have been knocking around, I have always heard firms saying that they cannot afford to pay more, but every year they build better, employ more people and their businesses are expanding; so whenever anything can be given to a worker's organisation, whether it is in the form of marches or Government sanctions, 1 am for that.

Mr. Deputy Speaker, it is not the fault of the gentleman in the Other Place that he left working in Swan Street for a small salary, married and with a child, and took a chance and went into the Barbados Workers1 Union. It is not his fault that he worked hard, when other people were sleeping, to make the organisation to which he belongs one of the strongest organisations in this country. It is rather to his credit, and it is not his fault that the other people who are interested in Trade Unionism would not do likewise. I believe there could be room for another Trade Union in this country, but I will say this; I also believe that the time of the lawyer/politician is near at hand. I heard it said that "Doctor" politics are finished in Trinidad. I am not so sure that lawyer politics are not finished in Barbados because it is

disgraceful..... (A VOICE:
What about the Prime

Minister?) He is the last for me to follow. He is two in one - the first and the last. When you examine the entire West Indies, Mr. Deputy Speaker, and you take Jamaica, the man who led the workers in Jamaica, Bustamante, was a layman. Do you know he went to Parliament? In Trinidad Uriah Butler was a layman. Do you know he went to Parliament? Then you have Bradshaw, Bird, Gairy, Critchlow and Marryshow. Do you know they went to Parliament? But do you know a layman here went to prison? Do you know this snob value in Barbados put the lawyers in front, and the laymen who knew their sufferings at the last minute were rejected? You had people like Grant, Lovell, Alleyne and Menzies Chase. You talk about Mr. Keith Walcott not representing them and the Leader of the Opposition not bringing down measures to prevent them from cursing Keith Walcott. The only man he didn't lock up was the hon. junior member for St. Joseph because they were both beating the same tune. Menzies Chase said "tonight is a funny day" and he got six months, and that man could not talk sedition if you

wrote it. I am going to put it to my Party, and they can prepare for it and I say it on the floor of the House: that members of this House are paid good salaries, and I think it is time that Government make some provision to give Menzies Chase some kind of money when the month ends. To me he is a martyr, (Asides.) Give a man a job at 75 years? (Asides.)

Mr. DEPUTY SPEAKER:
Is the hon. junior member for Bridgetown addressing the Chair?

Mr. SPRINGER:
Mr. Deputy Speaker, let me say this now. It is a strange thing. The hon. junior member for Bridgetown got up to defend a statement made by the hon. junior member for St. Thomas that lawyers bribe juries; but do you know that when the member for the City said it about the Prime Minister, nobody defended it?

Mr. ELLIOTT MOTTLEY! On a point of order; when I said it about the Prime Minister, there was no need for anybody to get up.

Mr. DEPUTY SPEAKERS That is not A point of order; that if A point of elucidation and it can only be made if the hon. member gives way.

Mr. SPRINGER; I have not given way.

Mr. ELLIOTT MOTTLEY:
He is not going to give way. (Asides.)

Mr. SPRINGER; Anyhow, Mr. Deputy Speaker, in that hiatus he was still capable of repeating that he said it. He was only qualifying when he said it. That was not my concern, but it appears that lawyers have away.....

Mr. ELLIOTT MOTTLEY:

On a point of order, I am saying that the Prime Minister did not object when I said he bribed the jury, and he was present in the House.

Mr. DEPUTY SPEAKER:

Again that is not a point of order.

Mr. SPRINGER:

Mr. Deputy Speaker, my concern is that it was said, not whether anybody objected; but this is just what 1 am saying. People in responsible positions accuse other responsible people of the worst possible things and then expect the ordinary citizen to behave politely to those same people whom they run down. You cannot have it both ways. Lawyers have a way of defending each other and destroying laymen in their own defence, but yet laymen have the weakness of helping lawyers to destroy their own laymen, and it is time that in Barbados we put an end to this lawyer/politician. In this century in Barbados, Mr. Deputy Speaker, we had Walter Reece, Keith Walcott, the Leader of the Opposition and now the present Prime Minister. Do you mean we cannot intersperse them with a layman? I am warning all and sundry that any lawyer/politician has to come real good after the present one to get me to follow him, because they have a habit, as a friend of mine says, of going into the Market Square and Independence Square, Carrington's Village and Chapman Lane and telling black people how they should live, and then go in the Courts on Monday mornings and lock them up. This is one of the things they do all the time, Mr. Deputy Speaker, and in all fairness to them, they cannot lead people and lock them up too.

Before I sit, Mr. Deputy Speaker, there is just one other observation I would like to make. People are trying to say that it is giving too much power to the Police and if you appeal to the Minister of Home Affairs - and they add he should be in here anyhow - it is like appealing from the Centurion to Caesar. Now, Mr. Deputy Speaker, commonsense will tell you that a mere reshuffle in the Cabinet could put the Minister of Home Affairs down here; so you cannot legislate that it should be a particular Minister. That is the first answer. If you do not give the power to the Police, you have to give it to somebody, and I feel the Police are the best persons to give it to. In spite of the speech made by the hon. senior member for St. Thomas, even if he was Minister of Home Affairs, I would have no fear.

4.30 p.m.

There is one per son I would have feared probably 20 or 30 years ago, and that is the Leader of the Opposition because I know his action towards his opponents; the senior member for the City knows it too. Hie nearest thing we had to a riot and disturbance -you talk about respect for democracy; so when the senior member for the City got nearly all the seats -all but three - the leader of the Party which the hon. member now says defends democracy, came from Trinidad - and as far as Barbados was concerned he

was only a citizen; he did not have any status quo in the Barbados legislative set-up. He was Mr. John Citizen poor and simple. But he left down there defending democracy to say that the person who led the successful team into the City Council should not have any right to appoint the majority and threatened to put the Governor out, too. At a meeting in the Lower Green he said: "Make me Mayor or make me martyr" and he marched through Bay Street. Let me say this; yesterday when the junior member for the City was speaking I heard him saying "True, true". According to Sparrow, "uh lie?" If I lie, say so.

Mr. Deputy Speaker, on this matter of giving the Police too much power, a Police Constable has the sole right in this country to really arrest, and the Police are the people to have the power; the Ministry of Home Affairs is the Ministry responsible for registration and all things pertaining to elections, and they are the people to have the power.

Hon. N. W. BOXILL:

Mr. Deputy Speaker, this matter has been long drawn out, but I would preface my remarks by saying that I only heard three of the addresses of the hon. members on the opposite side - the junior member for the City, the junior member for St. Peter and the senior member for St. Thomas, and I do not remember hearing the sort of piffle which I heard from these three hon. members in the last 20 years. It was nothing mo re than vituperations and arguments against themselves, and what I am at a loss to understand is.....

Mr. HINDS:

Mr. Deputy Speaker, on a point of order, is it necessary for me to object when an hon. member said that I talked piffle?

Hon. N. W. BOXILL:

Piffle is nonsense. Mr. Deputy Speaker, I was saying.....

Mr. HINDS:

I have taken objection to what the hon. member has said, Sir.

Mr. DEPUTY SPEAKER:

I see two hon. members on their feet; will both hon. members sit? I do not regard the word "piffle" as being unparliamentary, but I would certainly ask the hon. junior member for St. Thomas not to sail so close to the wind.

Hon. N. W, BOXILL:

Then I will have to sail by the breeze. What I sin at a loss to understand, Mr. Deputy Speaker, is if the Opposition really wants law and order in this country, and from the arguments I have heard from the opposite side I am convinced that the Opposition thrives on chaos, tnd this is exactly what they want to take place in this country,

Mr. HINDS:

Mr. Deputy Speaker, the hon. member has said that the Opposition in this country thrives on chaos. We are members of the Opposition; we are the official Opposition of this country.

Hon. N. W. BOX1LL:

Mr. Deputy Speaker, the hon. member did not rise on a point of order; can he get up and interrupt me like this?

Mr. DEPUTY SPEAKER:

I will ask the hon. junior member for St. Thomas to withdraw that statement, that the Opposition in this country thrives on chaos.

Hon. N. W. BOXILL:

You want it withdrawn, Mr. Deputy Speaker? I withdraw it. The Opposition in this country thrives on confusion, and one is at a loss to understand what they really want. However this Government brings down any form of legislation, the Opposition can always view it -what little Opposition there is, because the Opposition on the other side, in my opinion, is really a joke - but they can always see the worst elements in the best intentions. When the whole West Indies was threatened with an upheaval by some misguided misfits such as Granger and Nunes - they are misguided misfits because I am convinced that if Granger had got through with a degree he would not have known that there was a struggle, he would have been in a big off ice working. But he failed; so now he is going to use misguided people to better his position. But he failed again because he found out that the Cabinet in Barbados are not the type that can be pushed around quite easily. All of these people I have just mentioned are nothing more than well-diggers, because they all want to start at the top, and the only job I know you start at the top is if you are digging a well or a grave.

We have heard quite a lot of vituperations against this Bill; this Bill has been drafted mainly,

according to the so-called Opposition, in order to suppress them, but suppress them of what? What do we have to suppress them about? The Opposition will remain the Opposition as long as the Democratic Labour Party.....

Mr. DEPUTY SPEAKER:

I would prefer the hon. junior member for St. Thomas not to refer to Her Majesty's constituted Opposition as the so-called Opposition.

Hon. N. W. BOXILL:

Mr. Deputy Speaker, I was not being derogatory; this is what they call themselves; I am only repeating what they had said. We heard here how certain Clauses in this Bill were placed there.....(Asides.) I will ask that you be named if you do not behave yourself in here.

Mr. DEPUTY SPEAKER; Is the hon. junior member for St. Thomas addressing the Chair?

Hon. N. W. BOXILL:

No, Mr. Deputy Speaker, I was.....

Mr. DEPUTY SPEAKER; The hon. junior member for St. Thomas is on his feet.

Hon. N. W. BOXILL:

Yes, but this was not meant for your ears; is everything said in here meant for your ears? I am sure I hear people in the Gallery laughing.

Mr. ELLIOTT MOTTLEY:

On a point of order, is the member in breach of the Rules by saying he is addressing another member when he should be addressing you, Sir?

Hon. N. W. BOXILL:

Some people will never learn; they are just like yo-yos - up and down, up and down, and that is only

an instrument and not even a worthwhile instrument.

Mr. ELLIOTT MOTTLEY:
On a point of order, it must be offensive to refer to the Chair as a yo-yo. 4.40 p.m.

Hon. N. W. BOXILL:
Sir, the hon. member can jump up until he gets corns and he cannot take me off my stride. I have been in this business too long; this is just like the "flu"; licks are coming; when you have the "flu" and you drink coffee and rum, you will still have the "flu". (Asides.) I am making my living better than most of you so-called lawyers, because a lot of you cannot get any work to do.

Mr. DEPUTY SPEAKER:
The Bill before this Hon. Chamber is the Public Order Act, 1970. The hon. junior member for St. Thomas is on his feet, and I expect him to address the Chair. (Asides.)

Hon. N. W. BOXILL:
Mr. Deputy Speaker, I am willing to address the Chair if I can only get some order from the junior member for the City who is constantly interrupting me. Whenever 1 am interrupting, I am going to retort and they may not like my retort. Mr. Deputy Speaker, I was saying that the nonsense I heard spoken earlier - the piffle I heard was that this Bill is in order to silence the Opposition. I am sure last month when the so-called Black Power Movement - the nonsense they were getting on with is not any Black Power Movement; it was a desecration of the words "Black Power'1 by a few vandals who set out to destroy what they will never be able to build.

Mr. Deputy Speaker, during the disturbance in 1937, I watched people being shot like dogs, but not one white man was shot. Only people like me were shot. Look at the disturbances in the U.S.A. Whenever you hear that 13 negroes were killed, you will find that only one white man died by accident. Look at what took place in Trinidad, and you will see who suffered as a result of this misguided, inept, so- called march under the guise of Black Power I Now, I want it make explicitly clear today that I am openly an advocate of Black Power, because I am an advocate of black dignity, When Stokeley Carmichael made his statement - we must not be too hard on Stokeley Carmichtel because ho is either 26 or 29 years of agei and things have gone to his head. He Is Just like t gardener who woke up one morning and heard everybody calling him "Sir", He does not know what to do, and he runs to the cook to find out what 10 the position. Stokeley made his statement; found himself in power overnight and the seat of attraction; he does not know what to say; so he goes to Guyana, opens his big mouth - It is better to keep your mouth shut and to be thought to be a fool than to open it and be convinced that you are. If

he had kept his mouth shut....

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

Hon. N. W. BOXILL:

Mr. Speaker, I was saying that if Carmichael had kept his mouth shut and did not make the stupid utterances he had made in Guyana, he would have been on to something worthwhile. When I make this statement I do not want people to get the misguided idea that I am against the capitalist. What I am against is the imbalance that is taking place in the West Indies. Every worker is aspiring to be a capitalist.

Sir, I remember that there was a worker at the Port who used to give the Union all the trouble in the world because they did not get a whole ship as wages for this man when he finished his work. It so happened that he was one of the people who was paid out when the Deep Water Harbour came into operation; he invested his money with DaCosta & Musson, and today he is the same man who wants to kill the workers because they have asked for more money. Secretly in all of our hearts we want to become either rich or better off. I am not one of those misguided people who will jump up and attack the capitalist. We know that there has always been an imbalance in the West Indies. (Asides.)

I believe in black people running their own affairs. I was in the Orient and there was not one European who was running any of the big concerns up there, and it struck me very forcibly. If those people can do it, then why cannot we? I believe in black economic power, and that is the only way in which you can bargain with strength. I believe in a man with the necessary qualfications getting a job, whether he is white or black. I do not believe in a man getting a job because he is black and so on. A man should get a job because of his ability.

There was a disturbance in Trinidad. In my opinion the Trinidad Government acted late, and as a result a state of emergency was proclaimed. I notice here in the Press that somebody wrote that it was a tactical blunder. I do not know whether the gentle man understood what was meant by the word "blunder". A blunder is a gross or stupid mistake. They went on to talk about what should have happened. They said that there should not have been a state of emergency; so the Trinidad Government should have allowed things to be desecrated there!

When the Cabinet in Barbados stopped these, van-dais from coming here to create a complete

disturbance In the entire West Indies, a lot of people thought that the Cabinet acted too hastily, but we have lived to see that the Cabinet acted correctly. Apart from that, Mr. Speaker, yesterday when this Bill was to be debated in this Chamber there was a crowd of misfits In the yard followed by Mr. Bobby Clarke. Everybody here knows that when cricket, our national sport, is on, three people who are always at cricket making a lot of noise are Senator Frank Walcott, DeCourcey Sealy and Neville Boxill. When the cricket gets dull we usually brighten up things. I have never seen Calvin Alleyne or Bobby Clarke at a cricket match, which is our national sport. They have never got into on argument about cricket, but they want to come and run a country overnight. This is their way about doing things. When I looked into the yard, I saw a misguided group of youngsters with their shirts out looking as unkempt as possible. They were supposed to belong to the Black Power Group.

4.50 p.m.

Now when Carmichael made his statements, Mr. Speaker, about Black Power, I read the book, and what he said and what I agreed with was the coming together of black people, doing their own shopping, their own banking, their own insurance and having respect for each other; so that when it came to bargaining across the table you would be able to bargain with strength. At no time did I read in his book anything about assassination of Prime Ministers in the West Indies or of anybody any where. Youngsters as usual become intemperate when they do not have the necessary amount of experience, because he went into Guyana and spoiled the sport. Now if he had not said what he did, when people started to get phlegmatic in their attitude towards labour or towards the poor working class, you could threaten them with Stokeley as how you threaten a child with the bogeyman or the Police. Nowadays you cannot threaten anybody with Stokeley because they would laugh at you and tell you that Stokeley is nothing, and they burst his bubble in the West Indies. (Mr. J. M. G. M. ADAMS: Why do you need the Act then?) We do not need the Act for Stokeley, but for some of the vicious elements we have in our society. We can debar Stokeley from coming here, but we cannot control some of the people in this society who want to burn down everything. They are Barbadians; where are we to send them? Are they canaries without a nest? I do not want the Opposition to get the misguided idea that I for one moment would sit here and pass legislation to restrict Barbadians from contesting against me for a seat. I heard the hon. senior member for Christ Church and the hon. senior member for St. Thomas say that they will win the election. I wonder in which year. Not in 1971! The hon. senior member for St. Thomas knows he is hanging on by the bare skin of his teeth and his teeth aren't too strong, because they look as though they are false teeth to me.

Mr. J. M. G. M. ADAMS; On A point of order, I have never had an extraction. I have all thirty-two in my head.

Hon. N. W. BOXILL:

Well if he never had on extraction, they are becoming pretty weak, because he is losing his grip. Either his teeth are losing the grip, or the thing he is gripping is losing its strength. The only person who

feels the Barbados Labour Party would win the Government in this decade is the hon. senior member for St. Thomas. He really does not believe so, but he is like Lfcu Nova. I remember when Joe Louis used to box, he was knocking down nearly everybody in one round, and nobody ever went more than three rounds with him. There was a youngster by the name of Lou Nova who started talking about one cosmic punch, and that when Louis did this he was going to do the next, and when he hit Louis he would not know. This big talk got Louis somewhat scared, and Lou Nova fadged for four rounds until Louis turned to Black Browne who was his trainer and said he did not see this cosmic punch yet and he was going to stop this man because he was nothing; and he stopped him in the fifth round. Let me tell the hon. senior member for St. Thomas that he will not reach five rounds. He is talking himself into confidence and trying to fool the few political yard-fowls who look the same way year in and year out, who want no progress. He is trying to fool himself because he is not fooling us on this side or the general public; but he made the statement for Hansard, and I am contradicting the statement because he knows what I am saying is true,

Getting back to the Bill, Mr. Speaker. Mr. SPEAKER: Yes, at last.

Hon. N. W. BOXILL:

There were a lot of deviations. I heard people talking about who carried whom to political meetings and who said what, and I think as a Minister of Government I have the right to reply. One thing I will say before I get back to the Bill. I am convinced from the things I have heard said today and previously that the time is at hand and Indeed is now that we in this Chamber should be willing to give up this privilege in debate. A lot of statements are made in here through nothing more than cowardice, and because people cannot miswer and refute the statements, a lot of character assassination takes place which I think is extremely unfair and unkind. You can say the worst thing about me because I am in public life, and as I said before, my life is an open book. Two things are going to be said about me, that 1 am jovial and that I like the opposite sex. (Asides.) Height is no indication of intelligence; otherwise Goliath would be a Ph.D. If the hon. member had done a little history instead of so much law, he would know that all the world leaders were short men. All the men who have contributed something to this society were short. Look around and see who were the tall men that contributed something to the society. Goliath got into a fight with a boy and did not know he should wear a hat, and a whole nation went through the eddoes. All the Czars of Russia were tall men; not one had any sense. They asked people to walk from Moscow to Siberia and were surprised that nobody reached.

Mr. Speaker, getting back to the Bill, what I want to make clear to hon. members on the opposite side is that when the Government comes to this Chamber with legislation, it is not legislation aimed at the Opposition because any good Opposition today can be the Government of tomorrow; but the problem with this Opposition is that it is no good. If you pass legislation aimed at the Opposition and go out of power, what happens? The same legislation comes back against you. So hon. members on the other side should be more realistic in their approach to these " things. I have been noticing that from 1966 when they came in this Chamber they came in apparently with ' a fixed idea that they should oppose any and

everything; but by so doing all they have done is to alienate the few people they may have had with them. They have not done anything constructive.

Now the hon. senior member for St. Thomas was labouring on the point about the Police allowing people to keep public meetings, but he did not go on to say for the layman that the Bill specifically says that during election time all this is null and void. This Bill only came about as a result of what everybody saw was about to happen. When people talk about racial strife, do not let us forget that it is only now that white people do not say things about negroes as they used to when the hon. member was a child. If they had anything to say about you, they just said it and would even go to the Press and print it about you. I remember that some years ago a big article come out in the paper that it took five cents a day to feed a negro; so if the Bill is against racialism, it is against it in any form. You cannot say ill things about me; why should I say ill things about you? Yesterday I heard the hon. junior member for Bridgetown use a remark about Senator Morgan. I think it is an unfair and unfortunate statement to make for the simple reason that, whether you like it or not, he has contributed to this society. 5.00 p.m.

He is a citizen of Barbados; so where are you going to send him? (Asides.) I am not making any fun; if you are going to carry things to this extreme, none of the white people nor the black people came from Barbados, because I came from Africa. My fore-parents came from Africa, and the only true Barbadian, as far as I know.....

Mr. J. M. G. M. ADAMS:
On a point of order, I think the hon. member once said his grandmother came from Ireland.

Mr. SPEAKER:
No point of order.

Hon. N. W. BOXILL:
He is right; I did not say she came from Ireland; I said her father came from Ireland. She was born here - estate child as usual. I am not afraid or ashamed of it because this was the order of the day; the good looking light-skinned negro in the field wanted to get into the house because things were easy in the house and food was being cooked there too; so when the manager made a pass at you you would not reject him; you could not refuse; this was the order of the day and this is why I am saying that Barbados is no heaven nor no Mecca. We are far advanced to a lot of the other places, and I am not going to join with anybody to destroy this society; but what I will join with everybody to do is to have it changed so that the imbalance in it would level off more. One of the first things we did was to make sure that every child who got the opportunity could sit next to another person's child and so effect this levelling off.

When I was a child, Mr. Speaker I grew up with a lot of children around the Garrison; I do not wish to call their names now, some of them are very prominent; but when we were out on the Garrison Pasture I could call them Frank, Harry and Tom, but when the old people were around I had to say Mr. Harry or Mr. Frank. All that is finished now. (Mr. ELLIOTT MOTTLEY Do you think so?) Well, if you have your servant calling your child Miss so-and-so, you have to change your ways; you are supposed to be a Socialist; act like a Socialist.

I am joining with anybody who wants to change the imbalance in this society; but anybody who wants to desecrate this society they do not have me. I am not pulling down anything that I cannot put back up. Any time I pull down something I am going to put something much better in its place. This Bill came here and the hon. members on the opposite side know why the Bill was brought here; but for some misguided reason they started campaigning against the Bill saying that the Bill was aimed against them. I heard members on the opposite side say they are going to vote against certain Clauses in the Bill; that is their prerogative but I want the lawyers on the opposite side to realise that this Bill was drafted by some of the best draftsmen in the West Indies. (Mr. J. ML G. M. ADAMS: Why did the Cabinet change it?)

Mr. SPEAKER:
The sitting is not suspended.

Hon. N. W. BOXILL:
Thank you, Mr. Speaker. What struck me very forcibly today was this; the members on the opposite side, when we bring legislation here, they get up and rave and rant about the drafting; but I have been watching how careful they were in their attack on the Bill. They were attacking the Bill and the Government, not the drafting, because the draftsmen were here to hear for themselves. (Mr. ELLIOTT MOTTLEY That is a little child's attitude.) I know it is a little child's attitude, but it is true. Do not forget that the senior member for Christ Church said there was only one society stronger than the Lawyers' Society, and that is the Actors' Equity.

Yes, Mr. Speaker, we heard about people using epithets against people of colour, but those are days of yore. I remember at the last C.P.A. Conference in the Bahamas the Attorney General gave me a joke; one of the African delegates at the conference started out by attacking all the Europeans saying how vicious and vile they were, and so forth, and in reply an Australian said: "But you are rather illogical; it is true that we have done a lot of injustice to you and your people, but it does not obtain today as it was then; because my grandfather went to Africa as a Missionary and was eaten, this does not mean that I should hate every black man". This is something similar; it is true that a lot of injustices have been done to us in this society and to some of our own black people, and more so by our own black people than some of the white people, and we are not about to take their heads off. But what I will say is this; do not

let us forget that these white people - I am not arguing any case for any white person, but I am arguing a case of logic - these white people were born here, these white people are Barbadians, these white people are contributing something like all of us; what are you going to do them? (Mr. ERNEST MOTTLEY Tell the Prime Minister that.)

Mr. SPEAKER:
Is the hon. senior member for Bridgetown on a point of order? If so, he must rise.

Hon. N. W. BOXILL:
I do not want anybody to think for one moment I am any Uncle Tom, but at the same time I cannot act like an ostrich by pushing my head in the sand and not seeing the problems that are there. What 1 want us to do is to be realistic in our approach to this whole matter. This bit of legislation that is going to pass here today is not legislation against a particular individual, and as the Leader of the House said in his opening remarks, this Bill is against the enemies of democracy, and if we are always talking about Parliamentary democracy, if we really want democracy in this country, I see absolutely nothing wrong with this Bill; I do not see why the hon. members on the opposite side should be afraid when they were saying earlier that they will be in power. If that is so, they would have the right to use the Bill.....

Mr. St. JOHN:
On a point of elucidation, the point the hon. member missed is that this Bill is to stop us from getting into power.

Mr. SPEAKER:
No point of elucidation.

Hon. N. W. BOXILL:
Mr. Speaker, I take it in the light it came - as a joke absolutely untrue. Earlier today I got up on a point of order, but the Deputy Speaker did not allow me to speak, and I am going to make the point now. 5.10 p.m.

The hon. senior member for Christ Church said that he was talking about the Director of Public Prosecutions prosecuting or not prosecuting somebody. I cannot remember exactly what he said, but he went on to say that the Opposition were responsible for it. I would say that, in my opinion, the Constitution of Barbados wants tearing up and throwing away. It is really a joke Constitution. Look at

the Constitution of Trinidad, Jamaica or Guyana and see if ours is not a joke. I agree with the hon. member that the Director of Public Prosecutions should be under the jurisdiction of the Attorney General.

Mr. St. JOHN:

On a point of order, Sir, I have never made any reference to the Director of Public Prosecutions and his position vis-a-vis the Attorney General. I am very happy with the Constitution as it stands.

Hon. N. W. BOXILL:

Maybe he does not understand it, if he is happy with it. He is a lawyer. Some lawyers do not understand things, and they are always getting themselves into trouble. Mr. Speaker, one of the things I have on a lot of people, lawyers included, is that I do a lot of reading. If I do not understand something I will read it over again, or ask somebody who, I think, would understand it.

Mr. SPEAKER:

You must ask a lawyer.

Hon. N. W. BOXILL:

Not me. Mr. Speaker, before Barbados became independent, Mr. Keith Walcott was the Attorney General, Leader of the Government, chief cook and bottle-washer, and I have never heard one squeak coming from hon. members to the effect that it was too much power put into the hands of one man. In England, -I would not say that they have the biggest democracy, but they have one of the oldest Parliamentary democracies in the world today, (Asides.) Mr. Speaker, will you ask for silence so that I may address the Chair?

Mr. SPEAKER:

I trust that the hon. memberwill not listen to asides.

Hon. N. W. BOXILL:

I cannot help it, Mr. Speaker. In England the Director of Public Prosecutions comes under the Attorney General. I was in Trinidad the other day, and Mr. Hudson-Phillips was prosecuting a man for shooting somebody. (Asidcsj That is why I say that, in my opinion, some people want flogging publicly. Look at the African Colonies. The British and the French had control of the African Colonies and you never heard that a white man got his right toe damaged on a stone, or that somebody threw a stone at

him. Things were good and the people were not satisfied. In Barbados up to 1966 you never heard about anybody wanting to overthrow any Government. (A sides.)

Mr. SPEAKER:
Members not addressing the Chair!

Hon. N. W. BOXILL:
The black people started to run their own business, and what did we get? Lumumba was assassinated by his own people; Tshombe died in Algiers in prison; Nkrumah had to run away and so on. Azikiwe came here and he was one of the first people to sit in the Chamber whilst the House was going on, and he had to go on a long vacation. They called for the head of Dr. Eric Williams; they wanted the head of Shearer; they wanted the head of Gairy, and they want my Prime Minister's head, too, but I do not know what they are going to do with it.

Sir, as soon as you get black people running their own affairs, you can hear your own black people saying that it is too much power to put into one man's hand. I have never heard anybody around here saying that Vorster wants assassinating. If Vorster were to come to Barbados, he would be wined and dined like a Lord around here. (Asides) Are you making sport? You would not have allowed him to get a chance to go to Culloden Farm. If Vorster came here it would be a big thing for all of you. You would associate with Vorster, an arch enemy of black people. (Asides.)

Mr. SPEAKER:
Let the hon. member continue, and I want to hear only one hon. member for St. Thomas at the same time.

Hon. N. W. BOXILL:
The hon. senior member for St. Thomas, in his deliberations, went on to say how happy some of us when we are among white people. I will say this - (Mr. J. M. G. M. ADAMS I never said that.) You did say so.

Mr. J. M. G. M. ADAMS:
Mr. Speaker, on a point of elucidation. I said "Are hon. members happy when they go to a cocktail patty and find they are the only black people there?" That is what I said.

Hon. N. W. BOXILL:

Mr. Speaker, he said the Attorney General is most happy when he is among white people. I have a photographic memory.

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

Mr. Speaker, if he wants to hear an exercise of a real photographic memory, I will tell him what I said, I said that the Attorney General is happy to be the darling of the white people. If you refer to the Reporter, I believe you will find those words.

Hon. N. W. BOXILL:

I do not want to refer to any Reporter; I know what you have said. I do not want to waste time. I will say this I, too, am more happy among some white people than - do you expect me to be happy with a negro like "Hog Pen"? The name alone is offensive. (Asides.) He is one of your stalwarts. (Mr. J. M. G. M. ADAMS Do not call him so; he may cuff you in your mouth.) No, that will never happen.....

Mr. SPEAKER:

Hon. members, there will soon be a tea recess.

Hon. N. W. BOXILL:

Hon. members on the opposite side should always be glad to hear me speak, because I always give them a chance to speak. 5.20 p.m.

You have me sweating like a pot cover. Hon. members on the opposite side.....

Mr. HINDS:

Mr. Speaker, just this point.....

Mr. SPEAKER:

What is the point?

Mr. HINDS:

On a point of order, I share the feeling of the hon. junior member for St. Thomas. There he is addressing the Chair and enjoying the benefit of a fan. What is the position of the Opposition? Since yesterday morning Your Honour made a statement that an effort was being made to provide us with fans and that a workman was doing something, but up to this moment nothing has been done. It is downright worthlessness.

Mr. SPEAKER:

The point is made, but it is not a point of order.

Mr. HINDS:

It would appear as if the credit of this Chamber is very bad inside the. City of Bridgetown. I am sure that if I had known of a situation like this I could have called up any store in Bridgetown and asked them to lend us four fans and they would have been happy to do it. Something must be wrong with our credit in the City of Bridgetown for the firms not to lend the House of Assembly four fans.

Mr. SPEAKER:

I am informed today by the Clerk that again this morning a representative of the Electrical Department came and said he could not possibly do it between 8.30 a.m. and 12 noon.

Mr. HINDS:

The Minister is under a fan and he is crying out for the heat. What about hon. members who were like this since yesterday? We go on hearing this nonsense all the time about the Clerk.

Hon. N. W. BOXILL:

Mr. Speaker, to bring a fan into the House with the children on the other side you might get some catastrophe taking place. One of them might push his fingers in the fan and get them cut off.

Mr. ELLIOTT MOTTLEY:

On a point of order, do you think this is the sort of approach the Minister responsible for Communications and Works should make?

Mr. SPEAKER:
Anyhow, no point of order.

Mr. ELLIOTT MOTTLEY:
But it is true. It is intolerable sitting in here since yesterday in these conditions.

Mr. SPEAKER:
But it is not a point of order. Could I venture the suggestion that even though temporarily, certain members on that side could be accommodated on the other side?

Mr. ELLIOTT MOTTLEY:
On a point of order, I hope that tomorrow when I wear something comfortable in here nobody asks me to leave, because I do not think it is right for Opposition members to come here under conditions like these.

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

Mr. HINDS:
Mr. Speaker, our feeling on the matter is that if the fans on the other side were not working, the situation would have been corrected since yesterday or there would have been no sitting of this House, because hon. members on that side would not have stood what we suffered in here yesterday and again today. That is our view on the matter and we are fortified in the view.

Mr. SPEAKER:
Anyhow, it is not a point of order.

Hon. N. W. BOXILL:
Mr. Speaker, I am sorry this has been thrown in. The temperature for this month went higher, as far as I know, than ever, because we went to over 90 already.

Mr. HINDS:
The temperature has gone higher and we are suffering more here.

Hon. N. W. BOXILL:
But do not blame the Government for that. Do you mean you will accuse the Government for everything? If the hon. member wants a break, I can ask that the sitting be suspended.

Mr. SPEAKER:
Let the hon. member proceed.

Hon. N. W. BOXILL:
Mr. Speaker, I beg to move that further consideration of this Bill be now postponed.

Hon. J. C. TUDOR:
I beg to second that.

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

SUSPENSION OF SITTING

Hon. J. C. TUDOR:
Mr. Speaker, I beg to move that this sitting be now suspended until 5.45 p.m.

Mr. Speaker, last evening when this was brought to my attention, before the House dispersed, I instructed the Clerk to take all appropriate steps to have some fans in here this morning. It is true I merely said he could do it through Public Works, but I did not exclude any other alternative on his part. I

wonder whether you would direct Mr. Clerk during the recess to get four fans in this room however he could do so, short of stealing them.

Mr. HINDS:

I can assist the hon. member. Other Government Departments that use fans are now closed and we should be able to get some in here to use after the recess.

Mr. SPEAKER:

I think we may be able to get some fans from the office of the Solicitor-General and the Crown Counsel.

Hon. J. C. TUDOR:

Mr. Speaker, may I just amend my motion?

I beg to move that this sitting be suspended for half an hour to give ample time for what we want done to be done.

Hon. G. G. FERGUSSON:

I beg to second that.

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

Mr. SPEAKER:

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

Hon. N. W. BOXILL:

Mr. Speaker, before I resume my speech, there is something I would like to draw to the attention of hon. members opposite. The Chamber is rather uncomfortable at this time of the year and it will get more so as soon as we get further into the summer season. Therefore we are proposing to rise some time in July and I am asking hon. members opposite that, when we bring legislation, they should make their

contributions as concisely as possible so that we can rise early and get the workmen to come the day after we have left and have this place air-conditioned. (Asides.)

Mr. SPEAKER:
Hon. members not speaking.

Hon. N. W. BOXILL:
Getting back to the Public Order Bill, it is the duty of every Government in power, whether it is the D.L.P., B.L.P., P.P.M., P.P.P., or P.A.M. to look after its citizens, not some of them. It is the duty of the Government to protect all the citizens and this is the reason why we have to bring this legislation here. Hon. members on the opposite side were saying that under the common law these provisions are adequate, but I fail to agree. Lawyers on both sides know that they are not adequate to deal with some of the vicious elements that want to operate in this society.

Mr. Speaker, is it right for an hon. member of this Chamber to be carrying on a conversation with a visitor in the back of the Chamber? The hon. member was elected in here; let him come in here and get his lashes.

Mr. Speaker, can anybody in his right mind think that a Government can sit idly by and watch the country being desecrated by a bunch of mad people? The Government would need their heads examining; it would not deserve to be in power. What the hon. senior member for St. Thomas doe snot seem to understand, and I have been told this and I was shocked, is that it is cheaper to keep a man in the Mental Hospital than at Glendairy; so I would prefer to send Bobby to the Mental Hospital than to Glendairy. (Asides.) We are not worried about Bobby, because he is a bubble; but we are worried about the intelligent element of the society. We as taxpayers who have not had the opportunity to go to a High School, unless it was one with an upstairs, have to contribute to keep a lot of these people at the University free of cost; we pay for them to learn so that they can become the leaders of society. Are we to go on paying for them to learn to become vandals of the society? That is the reason why we have to bring this legislation. This legislation is nothing to suppress anybody. When the law makers are making laws they do not make them to lock up innocent people, although, it is true, a few innocent people have been locked up. We therefore are not making laws to lock up the Opposition although there are one "or two who deserve to go to prison. I do not want to hear this nonsense by people going on political platforms, and sometimes the Opposition can become even worse than the vandals we have in our society.

6.10 p.m.

I am not saying this Opposition; I am saying the Opposition, not this Opposition. (Mr. ERNEST MOTTLEY: You are right; I have seen them over there in the Opposition.) The hon. senior member for the City ought to be the last person to get in here interfering with me or this Bill. The hon. member, as the senior member for St. Michael has just pointed out - I was in Curacao at the time but I remember this distinctly - when the senior member for the City won the majority of seats in St. Michael and wanted to become Mayor, the now Leader of the Opposition who was then Prime Minister of the West Indies Federation left Trinidad and came to Barbados with the slogan that he would go to England to make sure that the hon. senior member for the City did not become Mayor; furthermore, the hon. junior member for St. Joseph was ready to impeach the Governor. They talk about democracy, but since when did the Opposition know about democracy? I remember hearting in the Lower Green the Leader of the Opposition saying that Dr. Humby must go or he would go and that he had nowhere to go. Dr. Humby went; so I cannot understand the hon. senior member for the City. He blows hot and cold at the same time, because here it is now - and this is one of the things that make people sometimes have doubts about us politicians -because some of the most vile and vicious things that have ever been said have been said against the senior member for the City. (Mr. ERNEST MOTTLEY; So what? I am still in here.) We know you are in here, but you are in here by yourself; you have no Party, nor do you belong to the Barbados Labour Party. This is fragmentation. (Mr. ERNEST MOTTLEY I fight people and then show them I can beat them at the end.)

Mr. SPEAKER:

In due course the hon. senior member for Bridgetown will no doubt be addressing the Chair.

Hon. N. W. BOXILL:

The hon. senior member for St. Thomas yesterday challenged the hon. junior member for St. Andrew to po.int out to him a certain section of the Bill which said that people could be sent to prison or be charged for using insulting or threatening language. I would tell him to turn to page 20, Clause 31 and he will see "Any person who in any public place or at any public meeting -

(a) uses threatening, abusive or insulting words or behaviour; or

(b) distributes or displays any writing, sign, or visible representation which is threatening, abusive-or insulting, with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned, is guilty of an offence under th.ls section." Apparently the hon. member did not read the Bill; if not, he would not have challenged the hon. junior member for St. Andrew. But I will say this to him in passing. I think the hon. junior member for St. Andrew was trying to be jovial and he mentioned something about getting into the House and the hon. member took offence and used a remark that I considered uncalled lor. I am not chastising him, because he is a man; but I like those remarks to ioe

made to me because I have a quick report for them and people do not like my retorts. I would however, say to the hon. senior member for St. Thomas that but for the grace of God he might have been a hand-cart man or a gardener.

Mr. Speaker, I want to draw your attention again, - I am not asking that you clear the Gallery - but I am sure you are facing the Gallery and these offensive remarks from people in the Gallery have got to stop. I am not going to stand up here addressing the Chair and hear people who come in here on sufferance interrupting all the time. When the Opposition is speaking I hear it too. The Opposition has as much right to speak as long as they want to, and if we do not want to hear them we can walk out; but we do not want to hear people in the Gallery. If they want to get in the debate, let them spend their money and go on platforms and let people drink their rum and laugh at them like anybody else; but they cannot get in the Gallery and interfere with what is going on in the Chamber. If history has never been created in here I will create it. The Marshal of the House can verify this, because he told me that one day he came in hers when Mr. Parris was in here, something was said in a jocular manner and he smiled, and Mr. Parris saw his gold teeth and told him that he would have to leave. There was another time when Mr. Wickham came in with a white suit and he was asked to leave. We do not want to have this austere thing going on in the Chamber; we want people to come in and listen to the debate as they used to when the white people were here, and I have seen too often that the respect of this House is going down and down. We have to be blamed for it because I heard the hon. senior member for St. Thomas saying some things that he heard on the floor of this House, but unlike him I am not going to repeat them. I heard them too: but I consider this to be she highest office in the land; when you get into the House of Assembly, people might look at you lightly, but as you would know, Mr. Speaker, it is a lot of heartbreak and all sorts of things, and if people want to come into the Chamber to get into the debate they must go and spend their money like anybody else, and get on a political platform and get abused; but when they come in here they must understand that they come to listen to the debate and not to get into the debate. When the white people were running things, they would come in and you did not even know they were in here; we do not want to do this. I do not want to ask that the Chamber be cleared now, but I am saying that I will have no hesitation - and let me say this, I live at Club Morgan Road, the first bungalow on the left coming up, because I know they want to walk about and play they are killing. So lee them come and kill; I am not afraid. I am afraid of three things - old age, poverty and retribution; so people must understand they must sit down and listen and keep their mouths quiet.

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

On a point of elucidation, section 31. I think if the hon. member asks the advice of the Crown Law Officers they will tell him that that is primary directed to people who attend the meetings, not to the people who speak at them. I do not doubt that section 31 is wide enough to cover speakers, but the origin of section 31 is to stop people from coming to a meeting and telling the speaker that he is an idiot, or holding up offensive placards. But section 31 is not aimed at speakers abusing others; it is aimed at the audience misbehaving.

Mr. SPEAKER:
Point made.

Hon. N. W. BOXILL:
The hon. member is quite right; thank you for that. I can tell the hon. member this; he had better warn Hog Pen about this because he is a king for disturbing meetings. The hon. member is quite right in that part of it; I do not really want to argue this, but it says here "any person". "Any person" means any per son, as far as I am concerned, whether you are addressing a meeting or listening to a meeting. I think this covers everybody; maybe I am wrong, but according to how I interpret this it means any person, and I can say this; if I am on a jury when they come before me with this, you have "had it' because it says "any person". When we go into Cominittee we can argue out this. 6.20 p.m.

Now, when the hon. senior member for St. Thomas was summarising his speech, I noticed that he enumerated almost every offence with which the junior member for St. Peter was charged; he enumerated almost everything that the Prime Minister is alleged to have said, including hitting somebody on the head, but there is something he never mentioned, and it is that in '.937 when Clement Payne was charged unfairly with sedition and was deported.....

Mr. J. M. G. M. ADAMS:
On a point of order, Sir. Clement Payne was charged with making a false declaration to the effect that he was a Barbadian. That was on the Monday. He was convicted; he appealed and was acquitted on the Friday, and the Deportation Order revoked, but on the Friday itself a new Deportation Order under the 1927 Act was made. It turned out that Clement Payne was not a Barbadian; he was brought here when he was four years of age and he did not know that. He was sent away although the Court's Deportation Order was revoked. He was never charged with sedition, Sir.

Mr. SPEAKER:
Point made.

Hon. N. W. BOXJLL:
He was charged with sedition, and he was sent to prison.

Mr. J. M. G. M. ADAMS:
On a point of order, Sir, I do not think Clement Payne was ever sent to prison. If he were in prison, he

could only have been arrested on the Saturday and kept in prison the Sunday. I cannot say 1 remember, but I have read about the events of that week on many occasions in every available source. On the Tuesday night Clement Payne was not in prison; he was in Golden Square; on Wednesday he led a march to Government House. The riots of 1937 were, in fact, broadcast by the B.B.C. on the night of July 29th, and the riots did not take place until after the following weekend. Major Goddard met Payne on the Wednesday and stopped him from leading a march to Government House. He was let out on bail the same Monday that Mr. Clyde Archer convicted him and he was not re-arrested. I do not believe that Mr. Payne could ever have been in prison except during the previous weekend. He certainly had a bond on the day of his conviction.

Mr. SPEAKER:
Point made.

Hon. N. W. BOXILL:
Mr. Speaker, we are at cross purposes, but this is the statement I am going to make, and the hon. senior member for St. Thomas knows this. All young lawyers who come back from England to Barbados to practise, before they really get a grip on things, have tendencies - I would not say to be Communists; a Communist is the whipping horse for everybody; as soon as a negro starts to assert himself, people will call him a Communist -Co change the status quo.

Sir, I am going to quote verbatim what the Leader of the Opposition said in 1951:

"For 300 years the white people of this country have been robbing us; they have robbed us of our wealth; they have even robbed us of our women, and they are robbing us of our livelihood.'

I am only using this as an analogy, because I heard hon. members on that side talking across the Chamber about young lawyers. Everyone of the young lawyers who came back here from England had grandiose ideas about changing things overnight. Sir, I withdraw that statement. Two young lawyers did not: one is the junior member for the City, because he came back and found things ready-made, and the senior member for St. Thomas.

Mr. J. M. G. M. ADAMS:
On a point of order, Sir, Is the hon. junior member for St. Thomas suggesting that, when I came back here to practise in 1962, I wished the Government to renmin in power?

Mr. SPEAKER:
Not even an alleged point of order.

Hon. N. W. BOXILL:
Mr. Speaker, when I hear hon. members on the opposite side accusing the Prime Minister of making certain statements, they must remember that I have been around here for a long time. 1 was around when the Leader of the Opposition first came down to practise. It was Rex v Vergie. Instead of Rex v Lord, it was Rex v Vergie. Lord got off. Are you expecting me now, because he did what he had done at the time - he wanted to win a case, buc anybody could have won that case. We all know, if Lord had been convicted, what would have happened.

I want the senior member for St. Thomas to know that the junior member for St. Joseph was as intemperate as anybody else, but he has calmed down. One night at the Rocks an unfortunate remark was used, and I think he got some money out of it, too. Do not let hon. members on that side start running down people. 6.30 p.m.

What I was saying, Mr. Speaker, is that we should not forget that Oscar Wilde said 'what a pity that youth had to be wasted on the young.' This is true, because when we reach a certain age we look back to see the things we did when we were intemperate. We do not say the things when we are thirty and older that we said when we were nineteen years. So I would like hon. members on the other side to go home tonight assured that this Bill 1 has not been aimed at them or at any law-abiding citizen in the community. This Bill, as the Leader of the House said in his opening remarks, is against the enemies of law and order and of democracy.

Mr. ERNEST MOTTLEY:
Mr. Speaker, first of all I should like to make my position clear. There are Clauses in this Bill which will not get my support. I am going to support the general principle of the Bill. There are certain things you can take for granted and others you cannot. Certain references have been made to me and my association now with the Opposition and voting with the Barbados Labour Party which I had to oppose once; but hon. members who made these references failed to realise that there was a long time that I was in the Opposition voting with the now Government Party. There is no point in my opinion in reaping up things of the past with the Leader of the Opposition and the Leader of the House or the Prime Minister for that matter, because 1 am an old hand and I have been around here for quite some time and 1 know a few things.

There are two things in this Bill that occupied my mind and attention, and one is the question of violence. I shall never support any violence at all. Secondly, the question of preaching race hatred. I think 1 can stand out as a beacon against any other member of this House, whether in Government or Opposition, in that for nearly twenty-five years I adopted the attitude that race hatred should not be preached, and I tried to bridge the gap at the time when all sides would use criticisms of people because they were white and happened to be in wealthy positions and so on. I stood alone then. References were made about the Leader of the Opposition by the hon. junior member for St. Thomas and about the things he said about white people robbing others. Comments were made on this side about what the Prime Minister said to the effect that no black man should vote for a white man and how they should be carried out to sea and dumped. That is not important in this matter at all. What is important in this matter, if members would think carefully, is the changing age.

Now this Bill has been brought about as a result of Black Power and I want to say here and now that I commend the Cabinet of Barbados for standing up against the Prime Minister, because I was the most shocked man when 1 knew that the Cabinet had met -and I am not betraying any secrets or anything - to read that the Prime Minister had said in Jamaica -and it was published here - that he would have allowed Granger and Nunes to land. I think the Cabinet did this country a good service in preventing them from landing. I do not know if the entire public knows that there was information in this country at the time that some twenty activists of the Granger group had landed in this country on various planes coming in from Trinidad, and they were to set to work as soon as Granger and Nunes had made their speeches. I do not know if people knew that the Cabinet knew at the time that it was arranged that although he would land and not speak, they would have his speech recorded and played back from the platform and therefore you could not get at him. I happen to have my ears to the ground and know these things. I commend the Cabinet for taking that very strong step. I see the hon. member looking across at me. I can say I commend him on behalf of the people. The Leader of the House or the Prime Minister was not in the Island, and as I understand it, if a member of the Cabinet is sworn in, whatever is done then by the Cabinet stands and could only be upset by a subsequent motion or another Cabinet meeting.

Sir, I know that all was not easy for the Cabinet in this matter, because like in any other case, the Prime Minister gets very strong-headed, and he thought they should be able to land and he could by waving the wand prevent anything from happening. That is as far as Black Power with Granger and Nunes were concerned. But let not the Government or Opposition of this country or anybody else feel that all is well. In the 1937 riots it was a question of people wanting jobs; there was the question of unemployment and of people not having food. I have been keeping my ears to the ground because I have more than passing interest in it, but Black Power today is having a different concept. They are stemming in a different direction. It would surprise you to know that the type of Black Power that you got in the yard of people jumping up and shouting "Black Power" and waving something is not what is happening. It would surprise you to know that in the Secondary Schools, in the banks and other places you have young people working and they are dissatisfied with only coming in at the bottom. There are those of us who will appreciate the fact that we never saw these people in banks years ago, but the young people

feel they must not only have those jobs; they must have supervisory jobs and jobs at the tops. You know, I saw an article which said that the Government was riding on the white horse and the black horse at the same time. As far as I am concerned, this is exactly how I rode. It would shock you that there is a type of Black Power that is not the violent or stupid Black Power that Bobby Clarke speaks about. He goes in the Square and abuses myself and N. E. Wilson, but that is not the Black Power; that is a question of who has and who has not got. There is the Black Power of people wanting to be in positions. I will tell you something which may surprise you. There are white Barbadians who feel that as Barbadians they are entitled to get jobs in big established firms here, whether they are banks or foreign firms, and that such jobs should not only be (given to foreigners who request permits to work in these jobs. This is where you can get support for that type of Black Power. The Black Power that the young people are really talking about is not the Black Power to make Molotov cocktails and go down Broad Street and throw them into Fogarty's, Cave Shepherd's or any of the other stores.

6.40 p.m.

I do feel that if Granger had been allowed to speak that night, the fee ling was that there were some people who would have gone out and we would not have had this type of thing. However, what I want to say is that the Bill as it stands prohibits the preaching of race hatred, and this is something I have been preaching all my life; the Prime Minister himself in the Market Square said he was bringing a Bill, and this is the Bill. I listened to the Prime Minister that night, and later I spoke with the Attorney General who said something different, but the Prime Minister said he was bringing a Bill where anybody who wanted to hold a meeting would have to state what they were going to say. This is what he said, but the Attorney General said that this is not the type of Bill that he as Attorney General would be presenting. The Prime Minister shot off his mouth, and that part of it I do not see myself, but the Prime Minister himself accuses me - and I would like to say here and now on this spot - he cannot have a meeting without cursing me, but I am not worried. He could not get me from Bridgetown and he took Bridgetown from me, but he will find out that he has a lot more Mottleys to deal with; you cannot destroy the image of someone who has been loyal and kind in their administration, as he thinks, overnight; but when he was discussing the question of racial hatred he got in the Square and he said: "The first thing Mottley did when he was Leader of the Opposition was to put Dick Leacock in the Senate." If I were Leader of the Opposition again I would put Leacock in the Senate tomorrow; Leacock is Chairman of a L4 million company; do you think I would put Morgan or Geoffrey Johnson in preference to Leacock? Why should a man who is Chairman of the biggest investment in this country not have some say? If you get up and say that I would put Leacock in the Senate, of course I would.

He would look for Geoffrey Johnson and send him down to the Marketing Corporation and then find that there are thousands and thousands of dollars that have been stolen, or he would look for Peter Morgan and then find that thousands and thousands of dollars have been spent that cannot be accounted for, but that is the sort of preaching you get. Now as far as I am concerned, the Bill will cut both ways. I have seen a lot in this country; and this Bill will protect people from breaking up meetings. In 1966 if this Bill was in operation the Prime Minister could not possibly get back in here; people came to me after and admitted that they were paid to get lorries, pickups to carry stones and bottles in the country to

break up meetings. (Asides.) Do not tell me it is not true; 1 know it is true.

Mr. Speaker, I remember the Federal elections in the Island when the Prime Minister was running and he went at Eagle Hall at a meeting and snatched the microphone out of Victor Vaughan's hand; that is the act of a vagabond. If you do not believe that, you do not believe John 3: 16. That cannot happen any longer; of course you will never see the Leader of the House doing that sort of thing; he might get some people to do his work. This is the sort of thing which I am glad this Bill is coming into ope ration for; I am not afraid, quite frankly, about the Commissioner of Police, but what I would like to see is that there should be an appeal, not necessarily to the Minister of Home Affairs, but to persons appointed by the Minister of Home Affairs similar to the Town and Country Planning Appeal Committee. I have come to the conclusion that everyone is honest until you catch them otherwise.

People met me here yesterday and said they wanted to come upstairs; but a few young policemen who do not understand - there are some honourable policemen and some very stupid ones who think that as soon as they lean over to the Government, if you are not in the Government you cannot come into the House. My chauffeur was coming into me and he was told he could not come in. I am not afraid of the Police in this, because during the bye-election I held a meeting in Nelson Street, We drew it to the attention of the Police, the Government Party was having one in Spruce Street and one stupid policeman went up to stop our meeting because he said that the other side was having a masting further up. I immediately got on the telephone and telephoned Superintendent Murphy who rectified it immediately; he said it was stupid because the one in Spruce Street had nothing at all to do with mine in Nelson Street. There are always honourable people in high positions that you can get justice from; do you think I would believe that the Deputy Commissioner of Police, Mr. Springer, would prevent a meeting unless he has reasonable grounds? I do not, but this is my feeling about it. Anyhow, this is as far as the general Bill is concerned; when it comes to dealing with the various sections I have underlined here certain amendments which I would like to make, and there is no point in the Government Party becoming strong-headed. If there are things in the Bill which they know - and I say this to the Leader of the House - you might not win the election forever. The people to be careful with in this country is not the ordinary man in the street; it is the young intelligent people, the people who have some smattering of education, not necessarily all the education, that you have to be careful with. As far as the Cave Hill Campus is concerned, I would agree that there are certain people there that after paying such heavy taxes you should withdraw the Scholarships from them. 6.50 p.m.

I agree that you should send some of the people out as a result of what they have said. I have my reports, too. I know some of the things they have said in the Market Square. I came along in the days when I would have been glad for such an opportunity. That opportunity was never offered me, but today this is the type of behaviour you get up there. I hope some of them are in here listening to me. You go up there to some spree, and the next thing you know you have bottles and stones thrown at you. It is not the kind of College life or University life as we would expect it. Some of them are just a bunch of rats. Some of those University students are firing shots and so on. (Mr. J. M. G. M. ADAMS: They held a

dance there, and the Treasurer had to run with the cash box!) This is the sort of thing that made me feel annoyed when I had to go to the Income Tax Office last month to pay a portion of my income tax, and I have to pay the balance by November in order to help those students and so on.

Mr. Speaker, both sides can be accused of being responsible for what has taken place. The Government side can be accused of observing a lot of regulations in the breach. Reference was made by an hon. member to what happened to me in 1959, but I took everything in my stride. I fought back and I won. I feel right now that 1 am going to show the Prime Minister of this country that I can fight back and win, too. I might not win for myself. (Asides.) The hon. member tells me he understands that the Labour Party said that they want to win the Government, but they do not want some of the Mottleys in it. Now, I am not changing my side at all; so you can get this straight: I am not going into any Party to try to get into the House. I am going by myself as usual as a P.N.P. man. They say that they do not want so many Mottleys. Well, I can say that they will have a hard time, because "Mottley" is a name in Bridgetown and St. Michael that you will have to work hard to get rid of.

Mr. Speaker, as I have said, on both sides you would have had breaches of this Act, if it had been in force. I am glad for this Act, because of the things I saw taking place in St. John, St. Philip and in St. Michael - things like bottle throwing, people marching with placards booing and smashing up meetings. In 1966 I was an ill man and was talking at a meeting. One of the yard fowls, who now holds a job with the Government, came up and threatened to kick me. Well, I had never yet seen so many fish-boning knives at a man's throat. That man had been brought there to make trouble. It was an occasion when the same Johnson, Chairman of the Marketing Corporation, said that he had helped to pay out money to have the meeting smashed up. (Hon. J. C. TUDOR: That is racial hatred.) I am not preaching racial hatred. Am I preaching racial hatred when I say Johnson? Because I say that Johnson carried away the money, is it racial hatred. Ask Edwards, then? (Asides.)

Mr. SPEAKER:

Let the hon. senior member for the City proceed with his speech.

Mr. ERNEST MOTTLEY:

Mr. Speaker, they cannot throw me off my stride. If he does not want me to say 'Johnson', I will say that M 17 came up - I knew the owner of M 17 at the time - people got out of it, and it was owned by the Leader of the House. He did not get out of it, but certain people got out of it. Those people who got out of the car attempted to sing, and they did all sorts of things in order to break up the meeting (Asides.) I am talking about a meeting in the Lower Green, and what happened in the Market Square in 1966, Your memory isshortnow. (Asides.)

Mr. Speaker, I counsel hon. members of the Opposition that while there are many amendments to be made, I agree with the general principles of the Bill because -

(a) it is against violence; and

(b) it is against preaching race hatred in this country.

At one time I stood alone against the preaching of race hatred in this country. At one time all sides used to preach race hatred in this country, and I had to stand up against it.

Mr. Speaker, I support the Bill with certain amendments.

Hon. J. C. TUDOR:

Mr. Speaker, I think that this Bill has proved to be a catalyst in many respects that it has enabled both sides of the House to develop their attitudes towards one another Government towards Opposition, each to each, and as usual the Leader of the House has got the worst of it. I would not like to say 'entirely undeservedly, ' because if you are in politics, or in public life, you have no business to be in it unless you can take what you get and give as well. (Asides.)

Mr. SPEAKER:

Please let the Hon. Leader of the House reply.

Hon. J. C. TUDOR:

Mr. Speaker, I say this, and I mean it sincerely, to the hon. junior member for St. Peter. Both he and the senior member for St. Thomas have attacked me, and since the hon. senior member for St. Thomas has attacked me, I look upon the remarks of the hon. junior member for St. Peter with certainly more favour though with the same lack of acceptability. Now, Sir, at the end of his speech today in which he ranged quite widely over several topics and just as many persons, both inside and outside of this House, the hon. senior member for St. Thomas is reported to have said that I paid a gentleman called Mr. Eric Sealy $80 to visit Mr. Granger and Mr. Nunesin Trinidad, and on two separate occasions I gave him money or gave a taximan money once to take him to see Mr. Carmichael; and I paid Tip Toe to go to St.

Peter to off set and harass the hon. junior member for St. Peter. 7.00 p.m.

I deny those things categorically and with as much vigour as I can manage, and Mr. Speaker, I really do not believe that when the hon. member said them, he himself believed them.

Mr. J. M. G. M. ADAMS:
Will the Minister deny that I asked him specifically if he gave Eurie Rollins the taxi driver $10 and named the day and he did not deny it?

Mr. SPEAKER:
The hon. member has not risen on a point of order.

Mr. J. M. G. M. ADAMS:
It is a point of order. Mr. SPEAKER It is not a point of order.

Hon. J. C. TUDOR:
No, I have no recollection of that. That may have been the time when the hon. member told me that he did not have anything against...

Mr. J. M. G. M. ADAMS:
On a point of order, it is the some time; so if he can remember that I did not have anything against the hon. senior member for St. Joseph in connection with the turn-out and so on, why doesn't he remember that he told me he gave Eurie Rollins the $10 and that he did not know Tip Toe?

Mr. SPEAKER:
That is not a point of order. Hon. J. C. TUDOR Mr. Speaker, the hon. member is not only misleading the House; he is misleading himself. What the hon. member did say was that he had nothing at all against the hon. senior member for St. Joseph.....

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

Mr. Speaker, on a point of order, I asked the Minister to say, if he can remember that, why can't he remember that I asked him if it was true about giving Eurie Rollins and Tip Toe the money and he said he did not know any Tip Toe. I asked him if it was true about Eric Sealy sitting on the Hospital bed when Berry was in there, and he told me that Eric Sealy did not hide behind the screen because the screen was in such-and-such a position. He described the very Hospital room and the visit Eric Sealy paid him, and in the presence of Beresford Daniel of Bank Hall Cross Road who brought him a newspaper, and he is going to get up and deny to the House that all this is true?

Mr. SPEAKER:

This does not remotely approximate to a point of order.

Hon. J. C. TUDOR:

Mr. Speaker, there is a reason why I do not recall it. What I recall is the hon. member telling me that he has nothing against the hon. senior member for St. Joseph.

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

But, Mr. Speaker, again I rise on a point of order. If he can remember that I told him I had nothing against the hon. senior member for St. Joseph, and at the time when the hon. junior member for St. Joseph was very ill that I would have been glad to give the turn-out, if any unhappy event occurred, to the hon. senior member for St. Joseph, why can't he recall the $80 cheque for Eric Sealy and Eurie Rollins, and that he did not know Tip Toe's name?

Mr. SPEAKER:

The hon. member is no making a point of order. He is merely preventing the hon. Leader of the House from exercising his right of final reply.

Hon. J. C. TUDOR:

Mr. Speaker, what I recall is that the hon. member told me that he had nothing against the hon. senior member for St. Joseph because he had decided to give him the turn-out of the Hon. Leader of the Opposition. I think that suffices, Mr. Speaker. (Asides.)

Mr. SPEAKER:

Members not addressing the Chair, please allow other members who are to speak as they were allowed to speak.

Hon. J. C. TUDOR:

Mr. Speaker, the hon. member is a Barrister-at-law and is, I believe, quite a good one. He must know that if a witness says he cannot recall, he cannot recall.

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

Mr. Speaker, I congratulate the Hon. Leader of the House. If he does not say anything else in his speech, I will treasure that. I really do appreciate it; I take back the points of order.

Hon. J. C. TUDOR:

Now, Sir, it would appear that there have been several very important points raised in the course of this debate. I leave the political ones on one side because they are stale enough to be used on another occasion, as we shall, doubtless, hear them. I do not claim any particular sequence for them; I just made the notes, and if I do not remember which hon. member on the other side made them, the hon. member will know that he raised the point according to the reply. One hon. member queried the shortness of time for which application must be made before a march or procession. Now the period of three days is already provided for in section 32 (a) of the Highways Act, 1900 as amended in 1960; so in this respect the provision in this Bill follows that.

I believe it was the hon. senior member for Christ Church who raised the point about exemption of Trade Unions from certain requirements of the Act. This exemption is strictly restricted to meetings or marches in furtherance of lawful industrial objects of a Trade Union and obviously lawful picketing in furtherance of a trade dispute.

Somebody raised the point about heckling at meetings. I understand that this is cove red by Clause 30 of the Bill which prohibits attempts to break up public meetings. An hon. member asked something about the permit for loudspeakers and whether this was necessary. The provision in the Bill was.criticised on the ground that it does not prevent a parson from advertising the meeting over the radio, I believe that the intention is not really to prevent the advertising of meetings, but to prevent the indiscriminate use of loudspeakers at all times which of course can turn out to be a nuisance.

Some comment was made on Clause 33 about the inclusion of the phrase "national origins", and whether this might not be interpreted by the Police to stifle criticism of foreign influence or foreign domination of the economy. I do not think this is quite so, because if the words are to constitute an

offence, they must be threatening, abusive or insulting and likely to stir up or capable of stirring up racial hatred. It seems to me, therefore, that there is no inhibition of free speech. It is perfectly possible to stand on a public platform and say in respect of the employment practices of any firm in Bridge town that they do not employ black people or that those whom they employ are paid badly, or that their business practices are such that black customers are not properly accommodated. It is possible, in my opinion, to say all this without coming within 100 miles of any charge of stirring up racial hatred under this Bill.

The hon. senior member for Christ Church had some criticism to make of the definition of a "public place". I think he criticised it on the ground that the definition in this Bill is much wider than that which obtains in the United Kingdom Public Order Act, 1936. We find that this definition is worded in the same way as the definition in the United Kingdom Act except for the words "and any premises" which of course do not appear in that Act.

Another hon. member raised the point about loudspeakers, and I would like to point out that the provisions of Clause 29 do not prevent the holding or the continuing of public meetings after 11 o'clock; the Clause merely prevents the use of loudspeakers after

11 o'clock at night at public meetings. Therefore any hon. members who have sat - I believe three or four of us present may have done.- in the House with the recent hon. senior member for St. George would know that this provision would certainly have been no inconvenience to him or to Mr. Bert Moore twenty years ago, or Mr. J. T. C. Ramsay, or even my father when he was in good health. There are some people who would not have needed a loudspeaker either before or after or at 11 o'clock of any day.

7.10 p.m.

Some serious criticism was made of Part III of the Bill, but I think I would like to point out that Part

III merely re-enacts sections 32 and 32A of the Highways Act of 1900, and that these two sections were enacted in 1960 when hon. members opposite had the Government. In fact Clauses 9 and 10A of the Bill read almost word for word like sections 32 and 32A of the Highways Act.

The junior member for St. Peter made some reference in the course of his speech to the fact that the

Bill empowers a mere Corporal to stop a political meeting if, in his opinion, insulting words were used at a meeting by a speaker. It appears that there is really no thing in the Bill which gives any such power to any member of the Police Force; what Clause 6 of the Bill does is really to give power to a member of the Force above the rank of Corporal merely to require the dispersal of any meeting being held in contravention of the provisions of Part II that is to; say, any meeting which is held without a permit, or if the meeting is held with a permit but in some material way contravenes the terms under which that permit has been given.

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

If the Minister would give way, I wonder if the Minister could deal in his reply with any advice he may have received from the Crown Law Officers by way of comment on the case of Duncan vs Jones because it is my very carefully considered opinion that the Police have power at present to stop a public meeting if they think that disorder is going to follow eitherbefore, during or after the meeting, that the authority of Duncan vs Jones says that. That is my opinion that even now that can be done, because my argument, as the Minister would remember, was why did we have Part II at all since the Police already had power to judge on the spot that a meeting is going to have disorder and if it should continue.

Hon. J. C. TUDOR:

If you would like to reserve that point until we go into Committee, I would be grateful. The hon. senior member for St. Thomas did raise another point, or I think he intervened to explain something about whether speakers addressing meetings using words to audiences could perhaps be charged for using insulting language tending to a breach of the peace. My information is that there is a similar section in the United Kingdom Public Order Act, section 5, and it appears that under this section, Mr. Colin Jordan was convicted for using words while addressing a meeting which were likely to provoke a breach of the peace. It would appear that our section 31 could be used both inflation to words said by speakers at meetings and to words said by members of the audience. The other point perhaps we could deal with when we go into Committee, Mr. Speaker.

The question that the Bill be read a second time was put and resolved in the affirmative, the House dividing as follows:

AYES:

Mr. YEARWOOD, Hon. J. C. TUDOR, Mr. SARGEANT, Mr. SPRINGER, Hon. G. G. FERGUSSON Mr. HOPPIN, Hon. N. W. BOXILL, Mr. LOWE, Mr. WEEKES, Mr. SMITH and Mr. ERNEST MOTTLEY

NOES:
Mr. HINDS, Mr. ELLIOTT MOTTLEY, Mr. J. M. G. M. ADAMS, and Mr. St. JOHN - 4.

SUSPENSION OF SITTING

Hon. J. C. TUDOR:
Mr. Speaker, I think we might break here. I beg to move that this sitting be now suspended until a quarter past eight.

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

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

7.20 p.m.

On resumption:

PUBLIC ORDER, ACT, 1970

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

Hon. K. N. R. HUSBANDS:
I beg to second that.

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

Clause 1 was called and passed. Clause 2 was called.

Hon. J. C. TUDOR:
Mr. Chairman, in Clause 2 at the end of the paragraph which describes "public place", the punctuation should be a semicolon.

I beg to move that Clause 2, as amended, stand part.

Hon. K. N. R. HUSBANDS:
I beg to second that.

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

Clause 3 was called.

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move that Clause 3 stand part.

Hon. K. N. R. HUSBANDS:
I beg to second that.

Mr. St. JOHN:
Mr. Chairman, I asked the Leader of the House, during the Second Reading, to provide us with the precedent for Clause 3. We have not found it anywhere. We have the laws of Jamaica on the Public

Order Act, and that Act has no such provision in it, neither in the original Act nor in the amendment. This is a new provision in that for the first time in a state of normalcy, where people are exercising their right to assemble and to communicate ideas, a restriction is being placed upon it, namely, the requirement and the necessity for a permit to be obtained from the Commissioner of Police. We feel that this is to tally unnecessary. As we argued earlier, there is no harm in holding a meeting. What harm that could possibly arise is what is said or done. There can be nothing at all in the mere act of holding a meeting, and we feel that this is an unnecessary restriction. It does not interfere with the rest of the Bill which seeks to prohibit the type of conduct envisaged by the other side and the necessity for which they advocate specific provisions in the Bill. We cannot support Clause 3, Sir, and I would be glad if anybody on the opposite side could produce a precedent for this. It must be remembered that a meeting held by itself does not and cannot by the mere act of calling a meeting amount to an offence, nor can it lead to an offence. There must be something done or sai4 at a meeting.

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

Sir, I do not intend to go over the principle, because we have spoken at length about this on the Second Reading of the Bill. I venture to suggest to the hon. member who has just sat down that he is wasting his time. I can tell the Government that they are not going to find any precedent for it. It is unknown in any Commonwealth country, the most dictatorial and the most Fascist do not have that provision that you are not allowed to hold a public meeting without the permission of the Police. What has happened to our Barbadian minds? We are passing the most repressive piece of legislation ever passed in any Commonwealth country or in the United Kingdom with regard to the holding of public meetings. It has nothing to do with the decency of the Police. We are passing a piece of legislation that does not exist in Jamaica, Hong Kong, or anywhere in the world. At present in Barbados at election timo, you have to notify the Police that you are holding a meeting. I suggest to the Government that all that is necessary is to notify the Police that you are holding a meeting, and nothing more.

Sir, we have got along very well with the provisions of the Representation of the People Act. The Police have exercised their powers under this Act admirably, and I have never heard anybody criticise the Police - even those who find themselves most often in the political firing line - for any act carried out under the notification power. I remember, for example, during the last Election Campaign that the Police told the hon. junior member for St. Thomas, who was then a Minister, that he could not hold a meeting at a particular time in Welchman Hall on a particular night, and the Minister accepted it without the slightest demur. Equally they told me that, although I had asked for certain places to hold meetings on a certain night, I was only trying to opt for certain spots to prevent the Minister from speaking and he should be allowed to use Redman's Village. The Police have always used that power admirably. 8.25 p.m.

To give them the power now that no Police Force in the English-speaking world has, so far as we have been able to discover, I repeat, is to put them right into the political firing line, and I can never vote for it. If this Clause could be amended so as to say that no meeting shall be held unless the Police have been

notified - I believe that the hon. senior member for Christ Church would perhaps address the Committee again, but the actual wording of the 1957 Act I am ready to support. Now I must say it is a power that I think should have existed in Barbados long ago, because on many occasions Police Officers have come and indicated that a meeting perhaps needed protection, or traffic might need controlling at a meeting, and they only knew about it through hearing it on Rediffusion or reading it in the newspaper, and on the initiative of some Sergeant, have sent down somebody to assist the organisers of the meeting. I believe that the Police should insist on knowing that a meeting is to be held in a particular area.

Sir, I want to say something very briefly that I do not think was appropriate to the Second Reading about what the Minister said about there being no general right to hold public meetings. It is dangerous to extrapolate from books such as Brownley on Public Order and Butterworth on Public Meetings. They are dealing with a situation where the highway or that part of it upon which it is hoped to hold a meeting is publicly owned and dedicated to public uses. In Barbados, as I can see the law to be, you cannot stop a private owner of land from authorising a meeting on the highway next to his land. The right of the public is to pass and repass on the highway, and failing to pass and repass is an offence against the owner of the adjoining land. Owners in Barbados do not worry with it but the well-known case of Harrison versus the Duke of Rutland reveals that if somebody is standing up outside your premises and you do not like him there, and he is interfering with you, you can go physically and arrest him and move Mm off. That is precisely what the Duke of Rutland's game-keeper did to Mr. Harrison when Mr. Harrison clapped his hands so as to get the Duke of Rutland's pheasants to fly away before he could shoot them. The Duke of Rutland sent his game-keeper to hold down Mr. Harrison on the road until the shooting had passed, and when Mr. Harrison brought his case, all be got out of it was a large bill for costs. That is the law of Barbados just as it is the law of England. Nobody can stand up outside your place in Barbados against your wish; but the converse is also true, that if you choose to invite the people to stand up outside your place, a better legal opinion in my view is that unless they commit the offence of obstructing the highway-and this is taken very casually in Barbados anyhow. All the parked cars that obstruct the highway every day constantly everywhere - you are holding the meeting or you are authorising the meeting - the individuals who are guilty of obstruction can be moved, but not the organisers of the meeting; so it is not very meaningful to argue that because the English authorities say there is no right to hold a meeting on a highway, in Barbados there cannot be a right to hold it. If you go and ask a man to give you light and ask for permission to put up your lorry by his premises, you are exercising a lawful right. Anybody is entitled to invite anybody on to his premises to put up a lorry and to stand up on the lorry and broadcast; so it is not meaningful or sensible to say that there is no right to hold a public meeting in Barbados, and still more when you hold it in places - I would not say like Independence Square because that is in a slightly more difficult legal position - like the Market Square. Once the Superintendent of the Market in whom control of the activities of the Market Square is statutorily vested gives you permission to hold the meeting there, it cannot be stopped once he says that you can hold the meeting, and authorises you to use the Market Square. You are there a of right and only he can put you off, subject to the law of disorder and public misbehaviour and so on. Nobody can say you do not have the right to go to the Market Square to a meeting because there is a person who can confer upon you that right. Independence Square, as I say, may be a little different. That, I believe, is a highway vested in the Crown. I do not believe that the owners of the land in Fairchild Street are the owners of Independence Square. That is res-accrescendi; I do not know to whom Independence Square physically belongs. I do not know theoretically who should pay the taxes. That is too high for me; I would have to leave that to

the Q.C's - Mr. Speaker and the hon. senior member for Christ Church. They would have to lead me on that; but to say that the part of this section is justified because the public have no right to hold a meeting anywhere is not entirely true. At least an individual has the right to hold a public meeting on private premises, and in the great majority of cases you draw up the lorry either on or very close to or partly on private premises in the districts outside Bridgetown - either on private premises or on the highway adjoining private premises in such a way that the physical equipment does not cause an obstruction.

In other words, if a man tells you to park outside his house, use his light and hold a meeting, he is the first person who can complain, and if he does not complain and authorises you, you have a right to hold the meeting - not to speak of the fact that the Constitution says that you have a light of freedom of assembly. Now the constitutional provisions apply in my consideration in this way: when you read the Constitution it is made clear that to interrupt that right of free assembly you have to show that the interruption is carried out by virtue of a law which is providing for public safety, public order, public health, perhaps even public morality; but, Sir, each individual case, as I understand it, can still be considered. If the law is passed ostensibly for the purpose of protecting these things, the Court can still find that in fact it was not protecting any of these things when it interrupted a constitutional right. Therefore by passing this and by passing, perhaps, section 5, you will get a situation where first of all a defence of a prosecution under this section can be constitutional. And remember, Mr. Chairman, as soon as you talk about constitutional defences in Magistrates' Courts, it is costing money because no Magistrate is entitled to hear constitutional cases. If he is of opinion that a constitutional question arises, he has to refer it to a High Court with consequential delay, and in the High Court you have appeals to the Court of Appeal, and a constitutional right of appeal to Her Majesty-in-Council. All these things apply; so it is expensive to involve yourself in any conflict with the Constitution - not particularly expensive for the citizen; it is expensive for the Crown. To make every case under a law a constitutional case would be a foolish way of a Government proceeding. That is the constitutional aspect of the case.

Secondly, you have to look and have to decide whether a particular offence has in fact been created.

Mr. CHAIRMAN:

This Clause does not deal with offences; it merely asks that a permit be obtained by anyone who wants to hold a public meeting.

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

It is a restriction and it is one to which sanctions are attached. This creates an offence.

Mr. CHAIRMAN:

It does create an offence; but if you go further in the Bill you will find Clauses which deal specifically with offences.

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

No, Sir. This creates the offence. The charge would have to be that such-and-such a person organised, held, called together or addressed a public meeting contrary to section 3 of the Public Order Act, and what I am saying is that the creation of this offence is going to create a lot of trouble for the Government, because it may create constitutional cases that will cause difficulty. I appreciate what Your Honour means in the circumstances, and I will try not to trespass on any question of penalties or any matter such as that.

8.35 p.m.

Sir, I have not necessarily finished my contribution apropos of this section, but I am going to say this; I will support any amendment that reduces the effect of this section to the giving of notice in the same way as the Representation of the People Act calls for giving notice. Do not let Barbados be the first place to impose such a restriction on the right of assembly; let us keep ourselves with a little higher regard than that for personal liberty.

Mr. St. JOHN:

I really want a requirement on two points, Sir, because it seems to me that if you are saying that even at election time when it is known that political passions are higher than at any other time, if at that particular period of time you are satisfied with the provisions of the Representation of the People Act which only require you to give notice, it would seem to me that in a period when there is no election, that responsibility of only giving notice should be sufficient. What is more, what you are doing here is going to impede the working of your normal political organisation. Right now if I am going to hold a meeting in one part of Christ Church, I have to come down to give the Commissioner of Police notice; if the Speaker is going to hold a meeting in St. Lucy, he has to come to Bridgetown to give notice; we must spend money to come to Bridgetown to carry out a right that we have; what kind of nonsense is this? If the senior member for St. Joseph down in Cambridge or Parris Hill wants to have a meeting, he cannot go as at election time to the Officer in charge of the area; he must come to Bridgetown and give the Commissioner of Police notice! We cannot accept that.

What can possibly be the justification for having a distinction between a situation which arose at election time when political activity is at its height and normally when there is no trouble, and in the intervening period between an election and no dissolution of the House? I cannot see the justification for it. This is pure humbug; this is a pure unnecessary irritant, and it is going to hinder and prevent the proper and smooth working of political organisations.

Mr. HINDS:

Mr. Chairman, elected members of this Hon. House have a very considerable responsibility revolving upon them, and as if to prove this, one could see that section 20 of the Constitution makes this provision abundantly clear; and in relating it to what section 3 of this Bill is seeking to do, one has got to be very careful that we as members who have been given the charge by the electorate should do nothing to impinge upon anything that is provided for them in the Constitution. Section 20 of the Constitution says that no person shall be hindered in the enjoyment of his freedom of expression, of his freedom to receive ideas and information without interference, and freedom to communicate, and it goes on in that way; but Mr. Chairman, it specifically states that no person shall be so hindered except with his own consent; that is the point I am dealing with.

We by our actions here are being asked to do something to the electorate, to the people who sent us here with their consent, so to speak. They have a right under the Constitution to assemble freely, to hold public meetings; so why should we be asked in this Bill to hinder any such action by making it in such a way that the only way a public meeting can be held in the future is if application is made - and not only if application is made, but if the Commissioner of Police issues a permit for the holding of that meeting? That is a very, very grave point; it is a point, Mr. Chairman, which one has got to look at in the broadest light and broadest sense possible. There can be no denying the fact, as the hon. senior member for Christ Church has said, that this same Bill makes provision whereby, when an election has been called or announced, all that will be required of any member of this community who wants to hold a meeting is to notify the Commissioner of Police and go ahead with his meeting; but what you will find is that under normal circumstances with nothing whatsoever happening in Barbados, in the quietest moments of our lives, if a political Party wants to address its members on any point for their own good and benefit, their own upliftment or whatever it might be, a permit must first be obtained from the Commissioner of Police.

Let us ask ourselves this question; exactly who or what are we now trying to make of the Commissioner of Police? Mr. Chairman, a point which has just been represented to me. Let us, for argument's sake, make application to the Commissioner of Police for holding 10 or 12 meetings every night for two months; what is going to be the position then? Are you going to be having the Commissioner of Police refusing you, or is the Commissioner of Police going to be sensible enough to let the meetings be held, and then to have to send policemen at all of these meetings, as they did when Stokeley Carmichael was here? They allowed Carmichael to come here and then had to wake up every little policeman from his grandmother's home.

Mr. CHAIRMAN:

That part of the hon. member's speech does not now apply to obtaining a permit. 8.45 p.m.

Mr. HINDS:

It does not now apply, as you say, to obtaining a permit, but it applies to the Commissioner of Police deploying the Police under his charge.

Mr. CHAIRMAN:

That has nothing to do with Clause 3 of this Bill, and I want the hon. member to deal specifically with Clause 3.

Mr. HINDS:

Mr. Chairman, it follows that if the Commissioner of Police is to be issuing permits for all of these meetings, one of the reasons must be that the Commissioner will be policing these meetings, so to speak. It does not take a Solomon to see this. If the Commissioner of Police is to be notified, he has to issue the permit, and the succeeding Clause tells you all the conditions that have to be fulfilled in respect thereof. What do you think will happen? We have all of this before us. Is one of the reasons why the Commissioner of Police is the issuing officer of the permits that he has to be posting out the Policemen as he did in the recent matter to which I have referred? Is that the way I must put it?

Sir, we are looking at this Bill in the light that it seeks to take away from a citizen a freedom which he now enjoys. Under the Constitution this freedom cannot be taken away from any person except with the person's own consent. It must be necessary and reasonably required in the interest of defence, public safety, public order, and in the interest of morality. Sir, we have to forget the question of how political Parties feel on this issue and that issue.

Mr. CHAIRMAN:

This, in my opinion, is a Second Reading speech, and I may have to address the hon. member's mind to Order 44 (1)

"Any Committee to which a Bill is committed shall not discuss the principles of the Bill, but only its details".

Clause 3 calls for a permit.

Mr. HINDS:

Mr. Chairman, what does "details" really mean? That some people's head should be examined where their tail is?

Mr. CHAIRMAN:

That does not come under Clause 3, and if the hon. member does not confine himself to Clause 3, I will ask him to sit down.

Mr. HINDS:

Mr. Chairman, Clause 3 will now be read by me for the benefit of the Chair. It states

"Notwithstanding anything contained in any other enactment, but subject to section 8, no person may organise, hold, call together or address a meeting in any public place unless a permit has been issued in respect thereof by the Commissioner of Police".

Mr. Chairman, any novice, on reading that Clause in this Bill, is entitled to refer to the Constitution of the land to see what relation this Clause in the Bill bears to any corresponding section in the Constitution. I find under the Constitution that a provision is already made where the freedom which this Clause 3 seeks to take away is being impinged upon, and that is the bone contention, Sir. In view of the fact that it is found necessary that the Commissioner of Police has to issue a permit to enable the holding of a meeting, any reasonable Chairman, any reasonable person, would expect any hon. member addressing the Committee to express the view that one of the reasons why the Commissioner of Police is asked to be the issuing officer or the person granting this permit would be to enable the Commissioner of Police to be better able to preserve law and order at these meetings. But the Constitution makes provision for this sort of thing.

Sir, we have nothing before us; nobody has told us anything; we have heard reference made to the 1937 riots. People have recounted the history from 1937 up to today, and nobody has been able to tell us that there is any situation in Barbados existing or obtaining which would make us understand that the taking away of this freedom, which the Constitution provides for, would be reasonably required-in other words, that it can be done in the interest of any of the things enumerated here and which I have read out under Section 20.

You will find, Mr. Chairman, that it is not an easy matter when the question of the freedom of the subject is at stake. It is not an easy matter, and it is not reasonable to expect any hon. member to just agree to this because members on the Government side may be tired and want to go home. Why threaten a member about confining himself to this?

Mr. Chairman, Clause 3 tells us "but subject to section 8". Anybody reading Clause 3, and seeing that it makes reference to section 8, is entitled to turn to section 8 and refer the Chair to section 8, bearing in mind what relation it has to what is relevant in Clause 3. I am not doing that. Clause 3 tells us what you can refer to section 8, and discuss everything that is going on in section 8 in relation to Clause 3; but I am not doing that. 8, 55 p.m.

I am trying to confine myself as closely as possible to the contents of Clause 3, and as I have said, Mr. Chairman, you know as well as I do that your liberty and the liberty of each and every individual on that side of the House is at stake under this Clause. We are not being asked to do anything that is right by putting ourselves as from henceforth at the mercies of the Commissioner of Police if you and I or any hon. member of this Chamber, or any other person outside, or any political Party feels that the time has come to hold a public meeting in any part of this Island or in any of these areas where it is an offence under this Clause; so I feel that the Leader of the House would be acting wisely if he reconsiders Clause 3 and takes the necessary steps to see that it does not hinder nationals from enjoying those freedoms as are provided under the Constitution.

Mr. SMITH:

Mr. Chairman, I am taking a different view to this Section. Now the Section reads as follows

"Notwithstanding anything contained in any other enactment, but subject to section 8". Now I take it that this would be for a particular meeting apart from one at election time. There are certain things that happen and are likely to happen in this House. Now that I do not belong to a Party and can say that my Party voted for it and I had to vote for it, if a Bill comes before this House, I would like to get the feelings of my constituents before I commit myself. If the House adjourns to meet the next day, I should be able to go to my people, having telephoned the Sergeant in charge of the district letting him know that I am holding a meeting hurriedly that night because I have to vote on something the next day. I am in agreement that we should not hold a meeting at any time without notifying the Sergeant of the district, because it would protect us both ways. The Police would come to protect us at the meeting since there may be hecklers; but I do not agree with having to go to the Commissioner of Police for permission to hold an ordinary meeting to know the views of my people before I vote, and especially, having a person like the hon. senior member for St. Thomas on my back, I would have to be careful in voting. If I took it

to my people and got their views on it, nobody would be able to lash me on it. In agreeing to go to the Commissioner of Police I would be giving away my democratic rights. You will notice in that Bill that you are given two days in which to apply to the Commissioner of Police, but you do not have anything to tell you how many day she should take before he replies. In other words, the Commissioner of Police can reply.....

Mr. HINDS:

On a point of order.....

Mr. CHAIRMAN:

I think the hon. senior member for St. Joseph would find it more appropriate to deal with the time under the next Clause.

Mr. SMITH:

I was only drawing a reference. Do you mean you cannot draw a reference in making a point? Do you mean you are going to be a Sergeant Bailey on me? I am only trying to make a point; I am not making a Second Reading speech.

Mr. CHAIRMAN:

Clause 4 deals with the time.

Mr. SMITH:

You are not always going to be Chairman of Committees. You must be more considerate. I am only trying to make a point and give my reasons for not voting for this Clause as it stands. 1 am not straying. I am not going up to Christ Church to get into Bridgetown. You must be more considerate and tolerant, especially when you see that one is on the right side.

Mr. ELLIOTT MOTTLEY:

Mr. Chairman, this Clause 3 provides that "notwithstanding anything contained in any other enactment, but subject to section 8, no person may organise, hold, call together or address a meeting in any public place unless a permit has been issued in respect thereof by the Commissioner of Police".

Now, Sir, this question of permit is of necessity repugnant to any idea of freedom of association; it is repugnant to any idea of the exercise of the right of freedom of speech. Sir, despite the fact that the Leader of the House earlier said that there is no right at common law to hold a meeting in a public place, I think that he should have restricted his statement to saying that where that statement appears in the legal text books, it appears in relation to holding meetings in a public place, that public place being on a highway. I say this be cause when one looks at the definition of "public place" under this Act, It goes far and beyond the definition of a "public place" as stated in the 1936 Public Order Act in England. 9.05 p.m.

When I say 'beyond that', I mean by the inclusion of the words "and any premises"; so I believe that what is meant by a public place is that if particular premises, private though it may be, were to be used for a public meeting, those premises would become a public place for the purposes of this Act; and even though you may say that there will be no right to hold a meeting in a public place, I think that because of the wording of the definition of this phrase, it goes far beyond what is intended by the statement that there is no common law right to hold a meeting in any public place. If one were to hold a meeting at one's home to which some members of the public may come, then that would be caught by the terms of this Act - and that is inherently wrong, because I cannot see how you are going to say that you must get permission purely because you are going to invite some people to your home; and purely because you are not going to issue any special invitation, that your premises are going to become a public place for the purposes of this Section, and you must be required to have a permit.

It is not an easy matter merely to say that you require permits to hold meetings in public places, and it is not merely enough to say that there is no common law right to hold meetings, and therefore we in Barbados do not recognise any such right. I think the time has come when we must accept our principles and develop principles to suit our own situation, and it has been pointed out that from time immemorial in Barbados there has always been used and exercised a common law right; whether there was no such common law right in England the citizens of Barbados accepted that as part of their common law right. There was the right to hold meetings in public places, not to hold meetings on highways to block the highways, and thus commit an obstruction of the highway. It has been accepted that it is the right of the citizens of Barbados to hold meetings, not in the street, but in other public places where no other enactment is being infringed; so that to pass this legislation in the method set out in Clause 3 is an attempt to bridle people from holding public meetings. It is important; if one were to analyse the purpose and to see how this section is intended to operate, it states bluntly that you cannot organise, hold nor call together or address a meeting in any public place unless a permit has been issued in respect thereof. Why is it that the Government wants to assume at this stage the right to tell people they can or cannot hold a meeting? I do not want to say that I can only impute a sinister motive to the Government, but if the main reason is merely to regulate public law and public order, how much more is required than merely to give notice of the meeting to the Commissioner of Police? If you want to say you must give notice of the meeting so that the Police can be on hand that if any breach of the law occurs, or if any breach of the law is likely to occur, then your Police can act, fair enough; but when you want to go a step further and say that you cannot hold meetings unless you do so with the permission of the Commissioner of Police, then I can say it is a direct attack on the freedom of association which is

guaranteed to the people. It is not a question of trying to look at the Constitution and to say this is to be done in the interest of public order, and therefore it is constitutional it is a question that it is infringing one of the accepted rights of the Barbadian: that is, the right to hold a public meeting -not necessarily in a public place, but the right to hold a public meeting, whether he holds it in a school or not, because what is meant by this Section is that if you want to hold a meeting in any school hall, then under this Section it is a public place, and therefore you must get the permission of the Commissioner of Police.

This is going too far; this is going far too far, and it is a direct attack on the freedoms of the citizens guaranteed under our Constitution. The other point is this. Let us compare the two positions if this Act goes through as it presently stands; it means that if this Act were to be passed as presently drafted in two months' time and we want to hold a meeting, whenever the Act comes into force we must apply to the Commissioner of Police for permission to hold that meeting. All is calm; no election is in the air; but you must go to the Commissioner of Police and ask him for permission to hold a meeting The terms of the Act would not apply if there is an election campaign on as defined by this Act; but if there is an election campaign and tempers may be high and there is a lot of vulgar abuse coming forth from the Democratic Labour Party as is usually the case, the position in law is this that you need not request the permission of the Commissioner of Police to hold a meeting: you can go right ahead, just notify him that you are holding a meeting some part in Bridgetown and you can hold your meeting; so that in times when there is no likelihood, or not as much necessity to ensure that public order is maintained as in the case of a political campaign, your rights are more restricted outside a political campaign than they would be during an election campaign. This is doing tremendous injury to the dignity of the people of this country; it means that you must go cap in hand to the Commissioner of Police and beg for permission to hold a public meeting; it means that you cannot get on a political platform at any time and level any criticism at the Commissioner of Police for fear that if you go back and ask for permission to hold another meeting you may not get it.

9.15 p.m.

There are some of the implications as to how this Section will operate unfairly against certain people. I cannot envisage that the Democratic Labour Party will apply for a permit under this Section and be refused. I can envisage a certain timer Sir, depending on the attitude of the Minister of Home Affairs, where he will direct the Commissioner of Police.....

Mr. CHAIRMAN:
Two hon. members are on their feet. Let the hon. junior member for the City proceed.

Mr. ELLIOTT MOTTLEY:
I would not like to comment on such things, Sir, but I would think it is bad taste and I do not think

you should call on Mr. Speaker like that. I was saying that I could envisage circumstances where the Opposition in the Barbados Labour Party will be refused permission to hold meetings, depending on the attitude of the Minister of Home Affairs. The Commissioner of Police will refer every application to the Minister before he gives permission, so that in actual fact you could as well put in this Bill that you cannot hold a meeting unless you apply to the Minister Home Affairs. That is all this means.

I cannot see any circumstances where the Minister of Home Affairs will say that the Barbados Labour Party cannot get permission to hold a meeting and the Commissioner of Police will be bold enough to give them. I would hate to think of sinister motives on the part of the Government in introducing this Section, because this is merely to regulate the holding of public meetings. Public meetings should be regulated by the political Party giving notice to the Commissioner of Police that a meeting will be held on such-and-such a day. When you go a step further and sty that you must have a permit to hold a meeting, then I will say that the reason why you are giving a particular Individual the right to grant permission and the right to refuse permission to hold a meeting is that you intend to use the right to refuse that permission. The only reason why you would wish to put in the law that the Commissioner of Police will have the right to refuse some person from holding a public meeting is that the Government intends to use that right to prevent certain people in this country from holding public meetings.

Sir, if it were purely a question of regulating the holding of public meetings, they would have left it to giving notice to hold a meeting. When they go the step further and say that you shall have permission and they give another individual, whether it is the Commissioner of Police, the Minister of Home Affairs, or the Prime Minister - once you create the right to grant and the right to refuse permission, then it is that the Government intends to use the right to refuse permission against certain persons in this society. That is in itself an infringement of the democratic freedoms guaranteed in our Constitution. You are going, by the mere definition of a "public place", beyond what is meant by a public place in England. By saying that there is no right to hold a meeting in a public place means that there is no right to hold a public meeting on a road, because the purpose of a highway is for passing and repassing.

Sir, when you go a step further and define a "public place" as including "any premises to which, for the time being, the public have or are permitted to have access whether on payment or otherwise", it means that if the Leader of the House decides to hold a meeting on his lawn at "Lemon Grove", that becomes a public place and, therefore, he would have to get a permit to do so. That is wrong, Sir. That is encroaching on a man's freedom; you are making a person's premises a public place, and even though there may not be any right to hold a meeting in a public place such as a highway, you should have the right to hold a meeting in private. By this definition of "public place' you are encroaching upon the freedoms, because you are saying that even though it is a private place you cannot hold a meeting without permission. I would ask the Government seriously to reconsider this Section. If certain people were not walking around this country making speeches - I have not heard anybody making any speeches, but I understand that they are making speeches threatening people, etc. - this Bill would never have come before this House. In 1965 the Government saw fit not only to allow people to go around and

abuse other people, but to..

Mr. CHAIRMAN:
I take this part of your speech to be irrelevant to Clause 3.

Mr. ELLIOTT MOTTLEY:
Mr. Chairman, by analogy, what I am trying to say is that had this Bill been in force in 1964 -to put it differently, the Government would never have brought this Bill into force in 1965, because at that time - this particular Clause which requires permission - it would not have been in their interest to bring this Bill into force. At that time they had people going around abusing people on platforms night after night, and the Commissioner of Police could never have granted those individuals a permit because their conduct could have been said to be conduct which would lead to reasonable apprehension on the part of the Commissioner of Police for public safety in this country. At that time it was conduct connived at and inspired by the Government where people used to get lectures from the Leader of the House on Sunday mornings to go and abuse other people.

Mr. CHAIRMAN:
Again, I take that part of the hon. member's speech to be irrelevant to what is before the House, and I would like to draw his attention to Order 36 (1).

Mr. ELLIOTT MOTTLEY:
I do not have a Rule Book, Sir. What does it say?

Mr. CHAIRMAN:
It says

"The Speaker or the Chairman, after having called the attention of the House or of the Committee to the conduct of a Member who persists in irrelevance or tedious repetition either of his own arguments or of the arguments used by other Members in the debate, may direct him to discontinue his speech." I ask the hon. member to continue his speech.

Mr. ELLIOTT MOTTLEY:

Mr. Chairman, I am not going to argue with you. My point is that to require permission at this stage of our development is grossly unfair. Why is it that at an earlier stage of our history the Government did not require people to have permission to hold public meetings? The point I am making is that the Government is doing it today because the Government are at the receiving end of the abusing, but when they were controlling the abusing earlier it was all right. Now that they are on the receiving end, you must require a permit to do it.

Mr. HINDS:

Mr. Chairman, I must brave the dangers of having to face the Chair and be told of being repetitious. Sir, Clause 3 states

"No person may organise, hold or call together or address a meeting in any public place unless a permit has been issued in respect thereof by the Commissioner of Police". 9.25 p.m.

When you turn to the definition of "meeting", you will see that the group of men and women who assemble at the Market Square across the Charles Duncan O'Neale Bridge and call themselves 'the bus-stand Cabinet' can no longer meet. If anybody says they can still meet, I say they are being given wrong advice. The definition of "meeting' is as follows:

"Meeting" means any assembly or gathering of persons held for the purpose of the transaction of matters of public interest or for the discussion of such matter...."

Hon. J. C. TUDOR:

If the hon. member would give way, I must say the discussion has now reached the stage at which I can really appreciate what it is all about. I would be prepared to give way on this point, but 1 am afraid I cannot give way on Clause 3. I would be prepared to recommit Clause 2 in order for the appropriate amendment to be made in the light of the point which the hon. member is now making. I accept that point. I think it is very valid, but I am afraid I could not give way on Clause 3. So if the hon. member wants me to recommit Clause 2, I will do so.

Mr. HINDS:

The Leader of the House is free to recommit and do what he likes under the circumstances, but the point I am making is that the bus-stand Cabinet', the boys under the barber shop, all assemble for the purpose of the expression of views on matters of public interest, and under this they have now got to go

to the Commissioner of Police and get a permit if they want to carry on their discussions. Clause 3 is intended to stifle free expression....

Mr. CHAIRMAN:
Clause 2 has already been passed.

Mr. HINDS:
So what?

Mr. CHAIRMAN:
If the hon. member wants to speak on Clause 2, he must ask that it be recommitted.

Mr. HINDS:
Mr. Chairman, I am reading Clause 3. I am so happy to know that you are sober at all times, not like some other hon. members.

Mr. CHAIRMAN:
That has absolutely nothing to do with Clause 3.

Mr. HINDS:
Clause 3 says "Notwithstanding anything contained in any other enactment, but subject to section 8, no person may organise, hold, call together or address a meeting in any public place unless a permit has been issued in respect thereof by the Commissioner of Police". Now, Sir, arising out of Clause 3 any hon. member is entitled to say whether the definition of "meeting" and the definition of "public place" come under Clause 1, 19 or 99. We are dealing with Clause 3, but if the definition is given in Clause 1,000 in Gall Hill, a member is entitled to go to Gall Hill and see the definition that Clause 3 refers him to. It is as simple as that.

Mr. CHAIRMAN:
If the hon. senior member for Christ Church wants to address the Chair, he must rise and do so.

Mr. St. JOHN:
I beg your pardon, Sir.

Mr. CHAIRMAN! All hon. members must realise that Standing Order No. 29(6) has not been suspended.

Mr. HINDS:
Mr. Chairman, let us look at it in this light. We have here that "meeting" means any assembly; not as members from the other side want to make you believe it is an organised meeting. It is nothing of the kind.

Hon. J. C. TUDOR:
Mr. Chairman, I have told the hon. member that I am willing to recommit Clause 2 so that we can discuss a change in the definition.

Mr. HINDS:
Recommit it, then.

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move that further consideration of Clause 3 be postponed.

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

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

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move that Clause 2 be recommitted.

Mr. J. M. G. M. ADAMS:
I beg to second that.

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

Hon. J. C. TUDOR:
Mr. Chairman, I am suggesting that an amendment be made in the definition of "meeting". In line 2 delete the word "held" and substitute therefor the words "called together".

I beg to move that Clause 2 as amended stand part.

Mr. HINDS:
What I want to say, Mr. Chairman, is that these amendments are too serious for the hon. member to do them on his feet.

Hon. J. C. TUDOR:
Mr. Chairman, proper discussion cannot start on them until I move them. It would now read " "meeting" means any assembly or gathering of persons called together for the purpose of the transaction of matters of public interest or for the discussion of such matters or for the purpose of the expression of views on such matters." Therefore this would not include spontaneous meetings or social gatherings at which discussions take place.

I beg to move that Clause 2 as amended stand part.

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

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

Mr. Chairman, we are making these amendments on our feet. Has anybody considered that the House of Assembly is a meeting called together in a place to which the public are admitted, that these are premises to which the public or a section of it are admitted, and that we, the members of the House of Assembly, are called together here for a meeting to discuss matters of public Interest, and the public are admitted to hear us discussing them on the premises, and therefore the Police permission would be needed for every occasion upon which you allow the public to enter here? (Hon. J. C. TUDOR How could that be?) 9.35 p.m.

Mr. Chairman, does the Leader of the House think not? Tell me what is wrong with my reasoning. This is a meeting called together just as any other; this is not the point we must attack because it is a good amendment; it saves the spontaneous meeting, but we also have to attack the definition of a public place. You would recall when it was passed we were worried, but could not quite put our fingers on it; the definition of "premises" is a little bit wide. Perhaps the Crown Law Officers can advise the Leader of the House. 1 cannot see that we are not a meeting in a public place in here because we meet in a place to which the public is invited and to which the public have access. (Hon. K. N. R. HUSBANDS: The public is not invited in here.) Mr. Chairman, the senior member for St. Peter does not know anything about decisions; leave the decisions to the lawyers. We know what is meant by the words "the public have access"; the public have been held to have access to Harry's Nitery; here in Barbados it has been held that the public have access to Harry's Nitery because one Police Cadet managed to get in there although questioned and although his companions were excluded by the door keeper; so do not tell me it is easier to get into Harry's Nitery than to get into the House of Assembly. There is a decision in our Reports saying that Harry's Nitery, an entirely closed-up arrangement in Bay Street, is a public place; therefore the House of Assembly can be a public place. The fact that the policemen question people coming up the stairs is no more than the fact that Harry questions people coming through the door.

Attendance at our meetings is not restricted to any limited class of person; it is open to the public subject to the right of the House to exclude them just as Harry's is open to the public, subject to Harry's light to exclude anybody. The same way we can put out strangers, Harry can put out strangers; the same way the policeman stands up to sift who comes into the House of Assembly, so does Harry stand up to sift who goes in his place; but Harry's Nitery has been found to be a public place. It is the definition of "public place" you have to go at, if you do not want the Clerk to have the duty of writing the Police asking for permission. We could never suspend from day to day because you would not have the two days' notice to give to the Police. Do not laugh at these things; it is not beyond the will of hon. members on this side of the House to lay an information against Mr. Clerk for calling together a meeting in a public place, and have no confidence that the prosecution would fail. I am not telling you it will succeed, but I am telling you as a lawyer that it would not fail. It is that that we have to attack; it has worried me from the time I read it, but unfortunately I could not put my finger on it when I got up. You might find that the only thing we would do to protect ourselves from that is to close the Gallery; so we would be in a paradoxical position of having the Police who attend the House declared by law to be our servants and not the servants of the Commissioner of Police once they are inside the House; but yet we would have to get the permission of the Commissioner of Police to allow the public to come at all, if that particular view is upheld. It seems absurd because the whole concept of this part of the Act is absurd. I am asking

the Leader of the House to come and take his seat and tell me what is the flaw in my logic.

Hon. J. C. TUDOR:

The flaw in the hon. member's logic is that in this building we are elected, and at Harry's Nitery they are selected.

Mr. St. JOHN:

Mr. Chairman, if we read the definition of "public place", we see it says that it means "any highway" - I do not think this Place is a highway - "any street, public park, garden, any beach, any public bridge, any passage whether a thorough- . fare or not;" I do not think that this House falls within any one of those definitions. It includes "any open space", and this House is not an open space. Listen to the way it reads "and any premises to which for the time being the public have or are permitted to have access whether on payment or otherwise." I challenge anybody on that side to say that this Place is not "premises"; the public have access to it on sufferance of the Speaker so it is included in there. They come in here on sufferance, but not on payment, on the permission of the Speaker. Listen now to the English Act "public place" means "any highway, public park or garden, any sea beach, any public bridge, road, lane, footway, square, court, alley or passage whether a thoroughfare or not, and includes any open space to which for the time being the public have or are permitted to have access whether on payment or otherwise." Do you call in here an open space? The fundamental distinction between this Act and the English Act is that you use in this Act the word "premises" which is sufficiently wide, and it says " any premises", whether it is public premises or private premises, and that is the point. That is the very point we were making from the beginning, that this definition is so wide that it means that you are going to require for a meeting permission, for the most part, for any gathering that is called together, to which you say the public can come in; whether it is on private property or not, whether it is enclosed or not, you have to have the permission of the Commissioner of Police, including having a meeting of the House of Assembly.

Hon. J. C. TUDOR:

I wonder whether I might ask the hon. member who has just given way whether he does not think that chapter 5 of the Constitution under which Parliament is established does not meet all the possible objections he may be making at this point. Section 35 says "There shall be a Parliament of Barbados which shall consist of Her Majesty, a Senate and a House of Assembly." Does the hon. member not think that the establishment of Parliament in the Constitution gives Parliament all the legal existence and powers it may need to meet and to transact its own business, since it is Parliament itself that must make all the laws including the one we are now making? I would like the hon. member's attention to be drawn to that.

Mr. St. JOHN:

When one looks at the other Section we are dealing with, it says "notwithstanding anything contained in any other enactment", and the Constitution is an enactment.

Hon. J. C. TUDOR:
Would not the Constitution override any other enactment?

Mr. St. JOHN:
Only if that Section is infringed. 9.45 p.m.

Hon. J. C. TUDOR:
Would not the Constitution override anything else?

Mr. St. JOHN:
Only if it is entrenched. Where is it entrenched?

Mr. J. M. G. M. ADAMS:
Mr. Chairman, I would like the Leader of the House to discuss with the Law Officers the definition of "public place" to the effect that you delete "premises" and include "open or enclosed place". I understand that you can take a very narrow view of the construction. You can have such a place as Kensington Oval which includes a Cricket Ground. Perhaps the Crown Law Officers will find a suitable phrase to cover this. You have to bear in mind "open and closed places." You might find that it will cover all that is needed to be covered without opening the gates of the House of Assembly or other people's.

Sir, I would not like hon. members to believe that the analogy I have made with respect to the House of Assembly is complete, because it is a particular sub-paragraph of the Vagrancy Act under which it has been held to be a public place. 1 suggest that there ought to be a separate paragraph which ought to include the word "building". I would suggest that my use of it is a better analogy than the Leader of the House's use of it from the point of view that they are selected and we are elected, and what I have said would have more relevance to the debate. (Asides.)

Mr. Chairman, he has obviously missed the point; it is not we who would be guilty; we are not the public; we are the persons who would be the conductors, so to speak, of the meeting. It would not be us

who are carrying on a meeting in a public place; it would be the organisers who permit the public at large to come. We are exempted from that; we are a highly limited class of the public; therefore, the organisers would not be wrong in asking us to come and talk; it is not a meeting of the House which would offend the Act; it is the invitation to the public and the permission of allowing the public at large to attend the meeting which would offend the Act. It is a question of transferring a meeting to a public place to which the public are entitled to come.

Mr. St. JOHN:

Mr. Chairman, if this difficulty refers to places like Kensington Oval and so on, under the Representation of the People's Act there is also A definition of "public place", The definition is

"Road" means any street, road, lane or highway and any park, garden, field, or sea beach within a constituency to which the public has access, whether as of right, or on the payment of any sum of money or otherwise, "

If the difficulty here is that you want an expanded definition to include places like Kensington Oval and football grounds, then put in the word "field"because you do not have it in this Clause, The Clause here states:

" Public place" means any highway, street, public park or garden, any beach and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;....."

You do not have in the word"field". Further down you have the words "open space" and then you go on to use the word "premises". Premises connotes a construction, but if you use the word "field".....

(Asides.) The point I am putting forward is that if you use the word "premises" it is far too wide, because it would include places like here. The public can come here on the sufferance of the Speaker.

Hon. J. C. TUDOR:

Mr. Chairman, I would like some enlightenment on this point. I am under the impression that since Section 35 of the Constitution establishes Parliament of which this is part, and since Section 11 says that the Constitution of Barbados will be supreme over all other laws, is Parliament not itself entirely out of

the scope of this Act that we are now legislating?

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

Mr. Chairman, that has nothing to do with it. Surely, the hon. junior member for St. Lucy is not going to suggest that you could call a meeting of the House of Assembly in Independence Square and invite people to come and attend and that would not be a public meeting! The fact that we were established by Section 35 of the Constitution is not going to prevent a meeting held outside from being a public meeting. "Premises" would not prevent it when it is privately held. The good old Barbadian word "yard" appears in the Vagrancy Act. You cannot be found in an enclosed "yard". Why not put in "field", put in "yard" and remove "premises"?

Hon. J. C. TUDOR:

Mr. Chairman, that is the point I am making. Section 1 of Chapter I of the Constitution states

"This Constitution is the supreme law of Barbados and, subject to the provisions of this Constitution, if any other law is inconsistent with this Constitution, this Constitution shall prevail and the other law shall, to the extent of the inconsistency, be void."

How can we be affected? That is what I really do not understand.

Mr. J. M. Q. M. ADAMS:

Mr. Chairman, my thoughts are overtaking my words. Perhaps neither the Reporter can get them down nor the Leader of the House comprehend them. The fact that Parliament is set up by a Constitution does not mean that everything that goes on in Parliament is exempt from all laws passed. That is an argument we have been having recently. It would be useless to say that because Section 35 of the Constitution sets up Parliament, we can commit murder or do something worse in here. It is equally wrong to say that because Section 35 sets up Parliament, we can break the Public Order Act in here with impunity. The reason, for example, why you would not hear me saying that you cannot Incite racial hatred in here is generalia specialibus non derogant, and we do have the Act saying that no member shall be liable civilly or criminally for anything he says in here; otherwise we would not be able to incite racial hatred under this Act any more than we could go outside if it were not for the Parliamentary Immunities And Privileges Act.

First of all, there is nothing that says that Parliament should meet here. Secondly, there is nothing that

says that, no matter where it should meet the ordinary law of the land should not apply where applicable. Obviously the ordinary criminal law applies to Parliament. There are numerous decisions where Colonial Parliaments do not have privileges. Independence or no Independence, that is all we have inherited. The fact that Parliament was established under the Constitution does not mean that Parliament can break the Public Order Act. 9.55 p.m.

The reason why it would not be a breach of the Public Order Act for the House of Assembly to meet without Police permission has nothing to do with Section 35, It has to do with the fact that we are not members of the public. We are a very limited class of persons; but once we extend it and allow members of the public in, we ought to notify the Commissioner of Police. Section 35 does not protect us from the operation of this or any other criminal act. It be--comes a political meeting at that, not just a public meeting, subject to severer penalties under other sections of the Act than this.

Sir, is it beyond the wit at this stage of the Crown Law Officers to suggest some words that will assist hon. members? They may have great confidence in the eiusdem generis rule, but we do not want to have such confidence because Judges sometimes surprise legislators. Legislators are surprised at the things they intended and the things that Judges say they must have intended when they come to interpret the laws. To Parliament it looks absurd; but some day somebody will hold a private meeting in a private house and is unable to show that he limited the class of person whom he invited, and some Judge, because the people were a pack of very wicked people - perhaps they were thieves going there to hold a thieves' meeting, or revolutionists going there to make Molotov cocktails - will bend the law to punish the wickedness. That is what we do not want and you should make it clear. What does "premises" mean in the ordinary connnotation? Would you say this House is not "premises"? It requires a particular act of judicial construction to say that this House is not "premises" within the meaning of this; so I am suggesting that the Minister should us a such words as "open or enclosed space, yard or field." All these words occur in the LAWS of Barbados, I should imagine, and have all fallen to be considered by Judges; therefore there is some caucus of authority to assist those who have to live by the law and those who have to administer it in something of this sort. You should remove "premises".

Mr. St. JOHN:

Sir, let us go further. The Centre for Multi-Racial Studies has a lecture and discussion taking place there. Is it the intention that they must go to the Commissioner of Police every time one is held? This would be a public meeting because it would be a matter of public interest being discussed and it would be "premises". Suppose they gave anybody permission to use the building to hold a tourist seminar, on tourism generally or environmental studies; must they go and have permission from the Commissioner of Police? There was a tourist seminar at the Hilton yesterday and the public was invited, and people were invited to address the meeting. That is a matter of public interest. They would have to go and have permission from the Police because it is "premises", the public are entitled to go in and the only condition is not payment, but good behaviour. That word "premises" is too wide.

Hon. J. C. TUDOR:

May I just put this consideration to the hon. member. As 1 understand it, all of these words which go with the definition of "public place" - highway, street, public park or garden, beach, bridge, road, lane, footway, square, court, alley or passage etc. appear to me to be open spaces. Would it not be a case then that the words "any premises" must include and be held to include all other places which are open spaces?

Mr. St. JOHN:

When you use the word after "any"?

Mr. ELLIOTT MOTTLEY:

Euisdem generis would be connoted if you use the words "and any such premises" which would qualify it to mean reference to what went before, but "any premises" just means any premises at all. If you say "any such other premises", you qualify it to show you were referring to the premises that went before; otherwise the eiusdem generis rule cannot apply.

Mr. ERNEST MOTTLEY:

I have a suggestion to make. Why do you have to ask for a permit? Why can't you say "notify the Commissioner of Police"? This is dangerous.

Mr. ELLIOTT MOTTLEY:

Mr. Chairman, when one looks at the comparative tables and sees U.K. sec. 9, the one thing that is quite clear is that in the Public Order Act, 1936 in the United Kingdom the definition continues and says "and includes any open space to which for the time being the public are allowed".

Hon. J. C. TUDOR:

If the hon. member would give way, I wonder if this might help. After the word "open" insert the words "or enclosed" and then take out the words "and any premises"; so that it would read "it Includes any open or enclosed space to which for the time being etc." Would this be acceptable? (Mr. St. JOHN Yes.)

Mr. HINDS:

Mr. Chairman, let me take the Minister back to the definition of "meeting" as he tried to amend it. 1 am glad to hear the Minister say that he has no intention of restricting the rights of the group called 'the bus stand Cabinet' or similar groups that may meet in any other part of the Island. Now when the Minister substitutes the words "called together" for the word "held", I would like to hear exactly what is the Minister's interpretation of "called together" for this reason the 'bus-stand Cabinet' has its leaders, and there is no denying the fact that the head of 'the bus-stand Cabinet' depending on the issues to be discussed will announce that they would be meeting tomorrow evening half an hour earlier to discuss this very important Bill that is coming before the House on Tuesday or whenever it might be. Is that then a meeting that is called together? (Hon. J. C. TUDOR No.) When the Police run them down, will you not prosecute somebody for calling the meeting together? 10.05 p.m.

Mr. Chairman, is the Leader of the House telling us that if the leader of any body announces an hour that they want their members or supporters, whatever one may care to call them, to assemble at a particular meeting spot, whether it is 'the bus-stand Cabinet' or whether it is the group under the tamarind tree at Halls Road or anywhere else for that matter, is that not a meeting called together? Is the Minister really serious when he says that is not a meeting called together? Exactly then what would 'call together' mean? The meetings, for instance, on tourism that were held at the Hilton to which the hon. senior member for Christ Church made reference, are those meetings that were 'called together'? It depends, Mr. Chairman, on the circumstances of the body of people meeting, that they can afford to send out letters by post, or the size of the group meeting where they can pass the word from one to another and let it be known that some very important issues are now to be discussed and they must meet tomorrow at 4 o'clock or sometime.

I am sincerely hoping that the Minister is not merely sitting there and telling us that this is not a 'calling together' merely for the sake of getting through Ms Bill, but then for us to hear that these people are hounded down by the Police; that is what we are trying to protect these people from.

Hon. J. C. TUDOR:

I thought that I understood the hon. member's point and was suggesting this form of amendment in order to meet it, and I also thought it was acceptable to everybody on the other side. I honestly cannot think of a different way of amending this in order to meet the point he is making.

Mr. HINDS:

The words that the Minister has just said convince me now more than ever that it is merely a case where the Minister realises that there is a point to be answered, but that he as a Minister cannot Just find the answer to accommodate me.

Hon. J. C. TUDOR:
I have suggested it.

Mr. HINDS:
The Minister, Mr. Chairman, has further stated that there is a point to be met, but that he cannot see where he could go or what he could do to meet the point, and the point remains unanswered.

Hon. J. C. TUDOR:
No, the point is not unanswered; I have suggested a form of amendment which in my view could meet the point. You are still acting as if I have not done so. If the hon. member wishes to suggest something better, he may do so; but up to now I have not heard any alternative thrown out which is better than what I have suggested, because it takes care of my suggestion.

Mr. ELLIOTT MOTTLEY:
What are the two amendments you moved? I think it is that you delete the word "held" and insert the words "called together" and you delete the words "and any premises" and insert the words "any open or enclosed place".

Hon. J. C. TUDOR:
Yes. Mr. Chairman, I beg to move that Clause 2 as amended stand part.

Hon. K. N. R. HUSBANDS:
I beg to second that.

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

Clause 3 was called.

Hon. J. C. TUDOR:

Mr. Chairman, I beg to move that Clause 3 stand part.

Hon. K. N. R. HUSBANDS:
I beg to second that.

Mr. St. JOHN:
Mr. Chairman, I would like to move an amendment to Clause 3, that the words "a permit" be deleted between the words "unless" and "has" and that the following be substituted The word "notice" should be inserted and the words "has been issued" be deleted. After the word "thereof" the following words should be substituted "has been given to" and you delete the word "by", so that it will now read "Notwithstanding anything contained in any other enactment, but subject to section 8, no person may organise, hold, call together or address a meeting in any public place unless notice in respect thereof has been given to the Commissioner of Police." 10.15 p.m.

Take out the word "Commissioner", and insert the words "Officer of Police or Constable in charge of the Police Station nearest to the public place in which the meeting is supposed to be held." I am using the words which you find in the Representation of the People's Act. In other words, wherever you are holding the meeting, you will notify the nearest Police Station. I beg to move that amendment.

Mr. J. M. G. M. ADAMS:
Mr. Chairman, may I suggest to hon. members that these amendments are really different in sense one deals with notice, and one deals with the person to be notified. The hon. member wants to notify the local Police Officer. I would suggest that the amendments, although moved by the same person on two occasions, be treated as two separate amendments by the Clerk, and not as one. I only seconded the first amendment.

Mr. St. JOHN:
Mr. Chairman, I would put it this way, because there seems to be some difficulty in the matter I beg to move that the words "a permit has been issued" be deleted, and that the word "notice" be inserted therefor. The Clause will now read

"Notwithstanding anything contained in any other enactment, but subject to section 8, no person may organise, hold, call together or address a meeting in any public place unless notice in respect thereof....."

Also, that the word "by" be deleted, and you substitute the following words:

"has been given to the Commissioner of Police." Mr. ELLIOTT MOTTLEY:
I beg to second that.

Mr. ERNEST MOTTLEY:
Mr. Chairman, I cannot see the Government not accepting this amendment. The Bill, as it stands, says that you must get a permit, but the Opposition is saying that instead of a permit you must notify the Commissioner of Police two days before. The only conclusion I can come to, if this is not accepted - (A sides.) I think notifying the Commissioner of Police is quite sufficient, in my opinion. I can remember that the present Prime Minister used to tell me that there were 20 years difference between himself and the now Leader of the Opposition. There are now 20 years' difference between some of the youngsters over here and the present Prime Minister. Whatever can cut one way will cut the other way. 1 cannot see, unless there is an ulterior motive, why a Government would want anybody to apply for a permit to hold a meeting. You have other safeguards in the law. One of the reasons is that it is the right of the Prime Minister to say when an election should be. At election time you may still get two weeks to talk and so on. It is the easiest thing in the world for someone to select nearly all of the sites in the various parishes and make application to the Commissioner of Police for the use of them two days before - the Opposition will know what they are doing - and the Commissioner of Police is bound to accept the applications he received first. This is a serious matter, and I know exactly what can be done. You can make application for all the places at one time, and nobody else will be able to use any of those places to hold a meeting.

Sir, I have seen this sort of thing done in this country already, and I think the Leader of the House knows about it. I know that the Police had to tell people that they handed in their notices first, but they had to give others a chance to hold meetings. I feel that to give notice to the Commissioner of Police two days before is quite sufficient. I will warn hon. members over there that this will cut both ways. What goes up can come down, and I do not see why we cannot go to the Commissioner of Police and say: "We notify you that we are going to hold a meeting." If he says that you cannot hold a meeting, then you cannot hold a meeting. I do not think it should be necessary to get a permit from him to hold a meeting. If the Commissioner of Police refuses to give you a permit, you will then have to appeal to the Minister. Human beings are human beings; all things are fair in love and war as well as in politics.

Sir, I beg to move that the word "Commissioner" be deleted, and the words "Officer of Police or Constable in charge of the Police Station nearest to the public place in which the meeting is proposed to

be held." be inserted. If you are holding a meeting in St. Lucy, you can notify the Officer in charge of Crab Hill Police Station. It will have to be an ulterior motive if the Government does not agree to an amendment like this. (Asides.) Look, sleep

Mr. CHAIRMAN:
I have no intention of sleeping.

Mr. ERNEST MOTTLEY:
I will bet that you did not hear him when he was talking to me.

Mr. CHAIRMAN:
The hon. senior member for the City is standing, and I am expecting him to address the Chair.

Mr. ERNEST MOTTLEY:
Then the members of the Government can make asides and you will say nothing! Mr. Chairman, take it easy.

Mr. SMITH:
I beg to second that. 10.25 p.m.

Mr. CHAIRMAN:
The question is.....

Mr. HINDS:
Mr. Chairman, the question really is how can the Government in all seriousness expect hon. members on this side of the House and even its own members who have a conscience, to support Section 3 in its present form. The Section seeks to expose persons to too much danger as it stands at present. It warns that no person may organise, hold, or call together or address a meeting. Now we have had the definition of a meeting, bat now that we have heard what the Leader of the House had to say on this question of calling together, What is going to be the yard stick for addressing the meeting? Let us for a single moment content ourselves by believing that the Leader of the House knew what he was suggesting as to his interpretation to "calling together" in respect of the 'bus-stand Cabinet" to whom I referred earlier.

That is all well and good and we accept; but at that same calling together one or more persons may address the body of persons there. What is going to be the yard stick to determine whether a person was addressing that meeting? That is a point we must not lose sight of. It is a very serious matte? indeed, and that is where people can easily run into trouble, because after it has been found that a person has been addressing the meeting, it is thin determined that this was a case where a meeting was held and a permit had not been obtained from the Commissioner of Police. All these things are involved in Clause 3, and a person is being put to a considerable disadvantage, and we gay it is not fair. This is a matter which should well be looked into. Nobody would attempt in any way to get around the point. It is our contention on this side.....

Mr. CHAIRMAN; Mr. Marshal, would you please ask that less noise be heard from the Clerk's Office? Let the hon. member continue.

Mr. HINDS:

We must assume at all times that the Government is honest in its every motive, but here we find that the Government is unwilling to let any person who wants to hold a public meeting in a public place notify the officer or whoever it may be at the station in the area nearest to where a meeting is to be held. What would be wrong with that? It must be borne in mind, Mr. Chairman, that at every Police Station a diary must be kept, and if the report is even to be made in writing, it would still have to be copied off in the Police diary and put on file for the senior officer to see. We must bear in mind, Mr. Chairman, that Barbados is still 21 x 14, and in truth and in fact it is not in terms of communication as big as it used to be in years past for the simple reason that our communications system makes possible for us to contact the farthest point, and Crab Hill in St. Lucy or District "C" Police Station can be in communication with Headquarters in a matter of seconds. When notification has been given that a particular person, organiser or political party wants to hold a meeting it can be conveyed to the Commissioner in the shortest possible time, as I have suggested. In other words, what further interest do you want the Commissioner of Police to have than to be notified about the meeting whether it be at Crab Hill in St. Lucy or at Four Roads? I am willing to say that he must be given the name of the district, for instance, at Pie Corner next to Mr. Boyce's house or shop. What more must the Commissioner be told other than that a citizen is going to hold a public meeting?

Mr. Chairman, if the Government is armed with something which, when used, could be of benefit in convincing the Opposition as to the necessity for seeing their way in matters of this sort and in taking away the rights of the citizens of this country against their will, let them advance it; but do not let the Government depend on the force of their numbers in passing this, regardless of the consequences or whom it offends or whose liberty or freedom is taken away. This could not be fair, Mr. Chairman.

10.35 p.m.

We quite see, and we are ready to admit, that there should be no meetings in the future to be held in Barbados without the Commissioner of Police being notified. That is our contention; we stand for that. We contend further that he should be given due notice - we are not dealing with the two days yet; we are not concerning ourselves about tint part of it yet at all - but we still feel that the Commissioner of Police should be given due notice. We are also con-tending that we should be able to five notice at the Police Station in the area nearest where the meeting is to be held; that we stand for. Mr. Chairman, if we in Opposition can see the necessity for this, but the Goverment side sees a reason for more, let them advance the reason. We are willing to see and to hear and to be at one with them for that matter, if it is not & ease of wilfully and maliciously impinging upon the rights, the privileges and the freedoms of the subject. That is what we are concerning ourselves with.

There ought to be nothing in this Clause to bring about or to create any situation to make us to feel on this side of the House that here is the Government willing to use this Public Order Bill to create what we call a Police State in this country; that is exactly what the Government is trying to do, to create a Police State, and Sir, what I am saying is this; let us warn the Government that in their careless and silly handling of this affair, if affair it is at all, they are merely sowing the wind and they are going to reap the whirlwind, because we can see here the Leader of the House has nothing whatsoever to contribute..... (Asides.)

Mr. CHAIRMAN:
This sitting is not suspended.

Mr. HINDS:
I was saying, Mr. Chairman, that the Leader of the House has absolutely nothing to contribute to this debate to show.....

Hon. J. C. TUDOR; If the hon. member would give way, I would like to contribute this. Mr. Chairman, I beg to move that Your Honour do now report progress and ask for leave to sit again.

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

The question was put and resolved in the affirmative without division, and Mr. CHAIRMAN reported

and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

SUSPENSION OF SITTING

Hon. J. C. TUDOR:
Mr. Deputy Speaker, I beg to move that this sitting be now suspended until tomorrow at 4.00 p.m.

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

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

10.43 p.m.

On Resumption:

Mr. SPEAKER:
When the sitting was suspended, the House was in Committee; thereto automatically it returns.

The House resumed Committee. Mr. YEARWOOD in the Chair.

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

Mr. HINDS:
Mr. Chairman, I think at the suspension I was on the point of saying that the Hon. Leader of the House had shown quite clearly that he had nothing to contribute to this debate to show why, in the

future, Government did not want to have peo--ple holding meetings without this burden inflicted upon them of having to obtain a permit from the Commissioner of Police. It is a matter of very grave concern where you find, as is stipulated in this Bill, this condition which, it cannot be denied even by our enemies, is a condition imposed not for any good reason in itself. One must bear in mind that there are conditions attached to this permit and the issuing thereof; all of those things, Mr. Chairman, have got to be borne in strict relation, one to the other, because it is not a case where upon the spur of the moment someone can express a desire to hold a meeting in a public place and can thereupon make an application to the Commissioner of Police and to receive a permit. It is not so; and since this Bill sets out in greater detail to lay conditions by which the application must be made and the permit issued, each hon. member of this House - each member of this Committee - has a very grave responsibility upon him to be sure, to be in no doubt whatsoever, that the intention of Government in introducing a Clause such as this is not in any way seeking to take away from either one of us in the first place, and from others who are not inside here in the second place, that right which is now theirs.

Mr. Chairman, this is a very serious Clause indeed, because you cannot even organise. Just look at it; you may not organise. That is one objection; we are not coming down yet, Mr. Chairman.....

Mr. CHAIRMAN:

What I would advise the hon. member is this. Certainly this is a continued sitting; therefore anything that was said by the hon. member last night which is now being said again, in my opinion, is repetitious, and the hon. member is continuing to say the same things he has said last night. There are no new points, in my opinion, being developed, and if this continues, I am going to warn the hon. member that he will have to take his seat.

Mr. HINDS:

Mr. Chairman, if I had done nothing and you had ordered me to take my seat, I would do so. What I am prepared to maintain is that any hon. member has a right not only to seek to attack the people outside, but to attack the people in this Chamber, if necessary.

Mr. CHAIRMAN:

This happens to be, in my opinion, a reflection upon the Chair, and I am going to ask at this point that the hon. member take his seat if he has nothing more to say. I will not hear him any more on this point.

Mr. J. M. G. M. ADAMS; I hope that the Chairman is not going to say that I am repetitive, and, having said so, say he is not going to hear me any more on this section, because I believe that he in Committee would be stepping outside the Standing Orders.

Mr. CHAIRMAN; Stepping outside the Standing Orders does not now apply in Clause 3, and I want the hon. member to confine his debate to Clause 3.

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

I hope that, when the Standing Orders are revised, one of the revisions to be put in is that we have access to the Courts to question the Speaker's and the Chairman's decisions, because we will get more responsibility there.

Mr. CHAIRMAN:

This happens not to be a point of debating Clause 3 of the Public Order Bill, but of the Standing Orders; the hon. member is a member of the Standing Orders Committee and he has full time to deal with that. Let the hon. member confine his arguments and his statements to Clause 3 of the Bill.

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

Mr. Chairman, Clause 3, I believe - and I hope that Your Honour would correct me - is not alone in the debate which we are instantly engaged upon, because, as I understand it, there are two amendments - an amendment dealing with notice instead of application for permission, and an amendment dealing with the person to whom such notice or application should be given. Sir, I want all hon. members to bear this in mind; it is possible to support the amendment of the hon. senior member for St. Joseph, whether in those words that have been moved or in similar and more convenient words, without supporting the amendment which has been moved by the hon. senior member for Christ Church, and I would suggest to hon. members that they divorce the two amendments in their minds from each other since they do not embody the same points of principle. 4.10 p.m.

Now, as I recall from Standing Orders, if Mr. Chairman will allow me to use the - apparently - dangerous words "Standing Orders" again, we will have to vote on the last amendment first. Is that right, Sir?

Mr. CHAIRMAN:

As I remember it, I think the amendment moved by the hon. senior member for the City is the amendment with which we will deal first.

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

Then it was not moved by the hon. senior member for St. Joseph! He spoke on the principle of it long before it was moved, and I would like to support his arguments on the principle. I understand that the Commissioner of Police may well be thought to be the authority who should be placed in this Bill, as that alone which could lend to a decision whether or not a public meeting should be held on the necessary responsibility. The arguments raised by the hon. senior member for St. Joseph and my friend the hon. and learned senior member for Christ Church are of some potency, and some formula, I would suggest to hon. members, should be sought so as to make it possible for local people in districts to deal with their local Police Officer-in-charge, even if the ultimate authority has to be the Commissioner of Police, and yet be allowed to have this permission.

Sir, we are thinking all the time in terms of political meetings carried on by a political Party with central headquarters in Bridgetown; but political parties are not the only people who hold public meetings, In my own constituency in St. Thomas and the adjoining constituency in St. James, there is a Youth Group which goes about holding public meetings at certain times of the year every couple of weeks. It is, probably, something of an imposition for them to be asked to make their applications to the Commissioner of Police in Bridgetown when, in fact, the Commissioner of Police in Bridgetown is still going to have to ask the Sergeant of District D: "Who are these people? Are they bona fide people?" I am referring to such Youth Groups as the Sea View Youth Group, the Welches Youth Group, and a group of boys from Welchman Hall who have been known to join in holding these meetings. The Sergeant in charge of District "D", Sir, will still have to advise the Commissioner of Police as to whether these are revolutionary youths whose meetings are likely to be attended with disorder.

I do not, on the basis of my inspection of Schedule 1, believe that they will be able to bring their activities under any of these heads. There is some religiousness in it, Sir. Sometimes they have a religious speech; there is something educational in it; they often hold musical and theatrical entertainments, and they carry on sports; but they are not the sort of clubs formed for any of these reasons, nor will the meetings always consist of these activities. They usually hold meetings in public. I suggest that this Bill will discourage them if they have to come to Bridgetown, attend on the Commissioner of Police, perhaps be interviewed in connection with these meetings, and have to go through all the paraphernalia set out in this Bill before they can hold a harmless little meeting in Rock Hall or wherever they go. (Asides.)

I am sorry to see the hon. junior member for St. Thomas sucking his teeth. I thought he would have welcomed the youths in Welches or Rock Hall holding meetings to promote youth activities in the constituency which we both represent. I think he should be ashamed of himself to treat this matter in so cavalier a fashion.....

Mr. CHAIRMAN:
I would advise the hon. senior member for St. Thomas to address the Chair and pay absolutely no attention to anybody who is sucking his teeth.

Mr. J. M. G. M. ADAMS:
I thank you, Sir. I should be glad if you would look at him and see when he is infringing the.....

Mr. CHAIRMAN; I am listening to the hon. member.

Mr. J. M. G. M. ADAMS; I thank you, Sir, In due course, I would argue that meetings organised by persons such as these could well fall to be exempted anyhow, but - who knows? -I may not be so successful as to persuade the Leader of the House to accept my views in this direction, I do not mean to delay the proceedings, but I have been told that there is something about Youth Clubs in this Bill. With reference to Youth Clubs, under the definition of "public marches" in the definition which we have already passed, you will find that marches are allowed if they are carried on by any Youth organisation, or any other body approved by the Minister, (Asides.) Marches, not meetings In due course, I will no doubt have an opportunity to discuss this. Suppose 1 do not catch the eye of the Leader of the House, so to speak, under this Section, what will be the position of Youth Groups? I know of the one in St. Thomas, and I am sure that some exist in Crab Hill, Sealy Hall, Ragged Point and East Point. Why subject them to this, Sir, when all that is possibly required is for the Commissioner of Police to know that these young men are holding meetings? Which policeman should know this, Sir? Surely, the local Police in the districts in question.

I would urge on hon. members that, even if they cannot accept the precise words in the amendment moved by the hon. senior member for Bridgetown, they should agree that the application should be made, first of all, to the Police Officer in charge of the district. Even if you do not accept the precise words, then we should endeavour to find a form of words that may express the principle behind the amendment in such a form that we can all accept it.

Sir, as to the second amendment, that is, the one which will be put, the Leader of the House has dug his heels in about this. I could wish that the Prime Minister were here, because I wonder if he would dig his heels in quite so firmly. I know that the Cabinet may be trembling. The last time they took a liberal decision.....

Mr. CHAIRMAN:
That has nothing to do with the Clause under discussion. (Asides.)

Mr. J. M. G. M. ADAMS:
Mr. Chairman, has the hon. member finished?

Mr. CHAIRMAN:
While an hon. member is addressing the Chair, I repeat that all other members must be silent. (Asides.)

Mr. J. M. G. M. ADAMS:
Keep quiet, Husbands! Sir, I would have thought that it was a matter of legitimate comment when I said that I would have liked the Prime Minister to be here, because I believe that he expresses the will of the Government mo re effectively than the Leader of the House on Clause 3. I am sorry if it has appeared to Your Honour that I have infringed the Rules, and I am trying very hard to keep within them. I can only do my best. I believe quite seriously, Sir, that the Cabinet may be afraid to take A decision on Clause 3, in the sense upon which we on this side are urging, because of the Prime Minister's absence. If he were here and they could take his advice, they might find that the Prime Minister has retreated A long way from the bold words in Independence Square. He has retreated in respect of the contents of speeches, and he may retreat in respect of the application for permission, but they are afraid to retreat. I have never denied that the Prime Minister is a bigger man than anybody else in his Cabinet, You will never hear me say other than that he towers above his Cabinet - not like a giant above pigmies.....

Mr. CHAIRMAN:
That is Irrelevant to Clause 3, and I am going to ask the hon. member to take his seat. No irrelevance must go on at this time. 4.20 p.m.

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

Mr. CHAIRMAN:
I am asking the hon. senior member for St. Thomas to take his seat.

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

With great respect, there is no Rule that says that a member can be put down for anything other than repetition or tedious repetition.

Mr. CHAIRMAN:

I asked the hon. member to sit and I will read the Rule.

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

And, Sir, with respect, when you look at the Rule, you ask an hon. member to discontinue his speech. There is nothing about taking his seat. I will discontinue my speech and sit down, and if necessary I can rise to a point, but this is still Committee. I have not tediously repeated anything.

Mr. CHAIRMAN:

At this time I am asking the hon. member to sit.

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

I have concluded that part of my speech. Somebody else will speak.

Mr. SMITH:

Mr. Chairman, I must sound my voice on this Clause. I can clearly see, Sir, that this Clause 3 is not going to be passed tonight, and I will ask the Leader of the House to postpone it and carry on and come back to it. I have not been convinced yet by the Leader of the House or anybody else why one has to ask for a permit in this particular Section to hold an ordinary meeting. It is not like when the fire begins to be lit at election time. As I have pointed out, I may possibly hold a hurried meeting to see how my constituents would take my vote one way or another. In other words, they would have to advise me how to vote on this particular Section which is only for a few politicians in here. You might have some outside wanting to get in, but I doubt you would get more than sixty to whom this would apply. I could understand this if I were going to hold a meeting and invite people from outside, as I have seen Parties do at election time. It is then that the people who are going to hold the meeting should apply for a permit because they are bringing in strangers, and there is a possibility that it may be a Black Power Advocate coming in; but this should not apply to A Barbadian whom you cannot deport, because there is a particular one in this country that you would get him away if you could, but he is a Barbadian, Speaking for the representatives of the people in here, do you mean that we would have to apply for permission to have an ordinary meeting? There are some reasons for keeping this Section after hearing the arguments

put up, and you will see that the Opposition is prepared to bend over backwards not so much for themselves, but they know how it can affect them. The Government may not be in power next time and this may hit back on them, and they would meet it worse than we would because there are certain people that would be in the other Government who will be more crude than the present Government when it comes to this, and for that reason the Government should take it out. We can never tell where we are going to drop. This is no true country because in 1961 I would have bet my life that the Democratic Labour Party could not throw us overboard, but they did, and it looks to me as if it is for a long time too. Let us take it out. We belong to this country, and according to the old woman, we are weak, and it is not fair to us to have to come all the way to Bridgetown from St. John or elsewhere asking for a permit to hold a cold-pone meeting. The Leader of the House lives in the City; so the Commissioner lives near to him. But it is not fair to me to leave Sugar Hill, St. Joseph, to come to town with hat in hand asking for a permit to hold a little cold-pone meeting. I am talking for the representatives of the people in this House. It is not fair to us as this will only affect us, and nobody else. We are not asking you to take the sting out of this Bill; we are not asking for anything to defeat the principle of this Bill, because if you take this out, the Bill is still strong. If you leave it in, then we are weak. One may say that you have to ask for permission in other Clauses, and why not in this. You, Sir, have not been here long enough and would not know about a cold-pone meeting, but an old stager like me knows what can happen. Everybody knows that I was a Pope in my Party and I only resigned, and now my head will be cut off My case should be an example for each and every one of us in here. You belong to the Government now; but if you leave, 1 myself may have to come to your rescue, and I will come and talk for you.

4.30 p.m.

You and I will hold a little cold-pone meeting in Small Town, but you will have to come for the permission and you will have to say that Mr. Smith is talking, and you would not get the permit because Smith's mouth bewitches people. All of that can happen in this Bill; we all need help. I never thought that I would want help from the Government as far as a meeting is concerned, but now I have to turn now to the left, your humble servant's case should be a lesson to you with this; we do not know where we will be. You may not care to join any more Parties, but you like to represent your people, and you cannot ask your Party to help you when you leave it. Protection is in this; I know what can happen; especially the last week when the horses are going around the pasture and everything is hot, you have to be good to stand up or else you will fall. Then the time will come when the Sheriff is going to call and when you hear your name being called out once for every three times the other name is called, your heart begins to beat faster. Let us remember and think of those things; I am appealing to the Leader of the House to do something with this. I am not asking him to throw away the Bill; I am asking him Just to prevent us - do not embarrass us, and even himself. You can never tell; he may have to leave his Party, and, believe me, if he leaves it I will support him wherever he goes, and when he has to apply to the Commissioner and the Commissioner goes and applies to the top man in charge, when my name goes up, the answer will be "No" and I will not be able to help him; then he will feel odd.

If the Hon. Leader of the House can convince me why this should be in, it is all right; but if he does not, or if he cannot, take it out. It cannot harm the Bill; we have a Clause to govern those foul-mouthed

people - the people that we want to govern; we have the Clause to prevent these people from doing as they like on a public platform. This would not prevent it, but this would prevent you and me from being embarrassed at some time or other. It may never have to apply to any of us in here, but who can tell? I know a certain member of this House passed a law and the first person who got captured was the person who passed it. The Shop Closing Act; he agreed to it, and the first person to get caught was my good friend; his jacket was too long.

Mr. CHAIRMAN:
The Shop Closing Act and long jackets are not under Clause 3.

Mr. SMITH:
The Chairman is letting the cat out of the bag; I did not say 'long jacket'; if I could appeal to you I would, but you are useless. I know that you are with me, ...(Mr. ELLIOTT MOTTLEY How do you mean he is useless?)

Mr. CHAIRMAN:
Hon. members not addressing the Chair.

Mr. SMITH:
Mr. Chairman, send him out; I went out and anybody else can go out. Again, you will have to bear with me. I am going to sit now. I am not going any further; I want to hear the Hon. Leader give me his reasons, and if they are justifiable I am going to vote for it; if they are not - I am not going to use any threats, but I would advise him to postpone this particular section and go on to the others and see how far we can get and then come back to this. I am going to sit and I will hear him.

Hon. J. C. TUDOR:
Mr. Chairman, I have listened with great interest both last night and since we have been here to the arguments from the other side. I must tell the Committee quite frankly that I do not feel able to make any accommodation with respect to the requirement about seeking a permit, but I think I may be able to accommodate the other points of view in respect of applications to the Commissioner of Police, and I asked my advisers to see what can be done in that respect. In the light of that, if hon. members would like to postpone further consideration of Clause 3, we might come back to it and then I will see what amendments can be drafted, I therefore beg to move that further consideration of clause 3 be postponed.

Mr. J. M. G. M. ADAMS:
I beg to second that, and I hope that Your Honour would take note that it was precisely while I was arguing that point that Your Honour told me how irrelevant I was and asked me to sit down.

The question that further consideration of Clause 3 be postponed was put and resolved in the affirmative without division.

Clause 4 was called.

Hon. J. C. TUDOR:
Mr. Chairman, I believe that hon. members have had circulated to them a sheet of paper which will describe the proper form which this Clause would assume. Nothing need be done to clause 4(1), but clause 4(2) would read, "Every application under subsection (1) shall be in writing" - this answers the point raised by the hon. senior member for St. Joseph - "and shall specify (a) the name or names of the persons desiring to organise, hold or call together the meeting, and (b) the purpose or purposes of the meeting, the place at which the meeting is to be held and the approximate time at which it is to begin, and the name of every speaker who is to address the meeting." I beg to move that Clause 4, as amended, stand part.

Hon. K. N. R. HUSBANDS:
I beg to second that.

Mr. J. M. G. M. ADAMS:
Mr. Chairman, there is, in fact, a great deal in this Clause, and I sincerely hope that Your Honour would give other members of the House whose minds may not be quite so quick as the Chair's a chance to hear and understand my argument. I know that you hear and understand at once, and I am sorry if they appear repetitive because you have grasped them, and the Leader of the House and other members who have grasped many of my arguments already and accepted them by way of amendments, it is conceivable, need a little more opportunity. 4.40 p.m.

Mr. Chairman, with reference to Clause 4 (1), I know that you must give the Commissioner of Police some time to consider the notification or application, as the Committee may decide when it finalises Clause 3; but there are occasions when you want to hold a meeting at short notice. I refer to occasions when you want to hold a meeting and you need a shorter notice than two days. It can definitely happen

that even the Government might want to hold a public meeting and make certain things known. It might happen that the Opposition might want it on a political matter. It may even be the odd occasion when sporting organisations may wish to hold a public meeting to tell people about something that is going to happen the next day,

Sir, it is easy to envisage political, social or recreational circumstances in which two days will be too long. I would suggest to the Minister that he invites the draftsmen to seek ways and means of making it possible to hold emergency meetings. This is not something by any means which, I think, should be treated as a Party political matter. Indeed, I have the feeling that the power to hold emergency meetings might very well help the Government more than it will help the Opposition. It might very well help the Government, because despite the resources of radio and television, a Market Square or an Independence Square meeting may well suit Party announcements better than the resources of dissemination. That is the point.

I believe that the hon. and learned senior member for Christ Church will address the Committee on the undesirability of requiring the name of every speaker who is to address the meeting to be submitted. That, Sir, taken in conjunction with the rest of this Part of the Act, is clearly a way of attempting to gag speakers. We can quite confidently anticipate that the Commissioner of Police will strike out speakers even when he allows you to have a meeting. You will also have to look at another factor. You do not want to make anybody so resentful that he will try Co make the work of the Commissioner of Police difficult for him, because there is nothing in the Act to prevent this. What is the Commissioner of Police to do if Mr. Bobby Clarke applies to hold a political meeting and says that the persons who will address the meeting are: the Prime Minister, the Leader of the House, the 'Minister of Communications and Works, the Minister of Agriculture, the Minister of Housing, the junior member for St. George, the Leader of the Opposition, the senior member for Christ Church, Mr. Calvin Alleyne, Mr. Bobby Clarke and Mr. Oswald Redman? There is nothing in this Act that empowers the Commissioner of Police to ring up these people and ask them if they are really speaking on Bobby Clarke's platform. That would be outside the terms of this Act altogether to tell Mr. Bobby Clarke that he can hold a political meeting, but that the Prime Minister and the Leader of the Opposition must not speak because it would be a threat to public order. That is all that this Act allows; so you can see the absurdity into which you will lead the poor Commissioner of Police if you insist on this business of the name of every speaker.

Sir, there is still a common law power, if a particular speaker is going to cause disorder, for the Police to go and stop him. As a matter of law, it is my opinion that it is possible for the Police to tell the Chairman of a meeting: "If Mr. Clarke speaks tonight, there is going to be trouble; do not call on Mr. Clarke to speak." That is what was done in Duncan versus Jones, Sir. They told Mrs. Duncan not to speak at that particular spot because there would be trouble, and the Court said that they were right.

What is to prevent anybody giving the Commissioner of Police a list of 50 names: His Lordship the Bishop as a speaker; the senior member for St. Thomas, and so on? What is to prevent Mr. Speaker from calling a public meeting in St. Lucy and saying that it will be addressed by the senior member for St. James, or yourself, Sir? What is to prevent Mr. Deputy Speaker from calling a public meeting in St. Philip and saying it will be addressed by the hon. senior member for St. James? The only power that the Commissioner of Police would have to impose a term for removing the name of a speaker is the power that that speaker would cause disorder. All we have to do is to put down the Prime Minister's name every time we make an application for permission to hold a public meeting. Obviously the Prime Minister's speech will not cause disorder. You will get this absurd situation, Sir, where a list of names - there is no penalty attached to applying for a man to speak and he does not speak. I do not see anything in the Bill that says a speaker whose name is listed has to speak. There is no penalty attached to that. Where will we find ourselves, Sir? There is no power in the Commissioner of Police to refuse a permit on the grounds of ridiculousness; he has to do it on the grounds of public order. The Constitution does not say that the rights of free speech can be curtailed on the grounds which would make the Police look ridiculous, or make the Legislature look ridiculous. Anyhow, I have dealt with the ridicule aspect of that Section. In due course, I believe my friend will be moving the deletion of paragraph (c) of subsection (2).

I would, at this stage, move an amendment to delete the words in subsection (1), "apply to the Commissioner of Police for a permit" and substitute the words "to give notice of such meeting to the Commissioner of Police." (Asides.) Sir, for safety's sake, this had better be done as two amendments, because the principle is different. Do it as two amendments, and I will support both. Delete the words "apply to the Commissioner of Police for a permit, " and substitute the words "give notice thereof to the Commissioner of Police." In moving this, I wish to state that I will support an amendment further to delete the words "Commissioner of Police" and substitute the words "the Officer in charge of the District" or whatever form of words hon. members eventually find it possible to accept in respect of that aspect of the matter; but the "notice" part is the burden of this amendment.

Mr. St. JOHN:

Mr. Chairman, I beg to second that. We are being asked here to submit to an unnecessary irritant to the common and accepted right which has been enjoyed in this country for people to hold meetings. What the Government is saying is that 48 hours' notice of your intention to hold a public meeting must be given to the Commissioner of Police. I really believe that, when one looks at the period of two days, the only conclusion to which one can come is that the Government feels that it must govern this country without any regard whatsoever to the convenience of the citizens in it.

4.50 p.m.

That is a grossly unreasonable period for any-body to give notice. Why must a person give two days' notice to exercise his democratic right of free speech, and what must he give it for? If the Police Force is

so inefficient that their security is not up-to-date that they do not know the state or temper of the country and need forty-eight hours to be able to decide this, then I say they are hopelessly incompetent, and the two days that they would be given would not be enough for such an incompetent Force to be able to find out if anything is going to go wrong. Do not let anybody fool him self. At the present monent the Police has a dossier of all potential trouble-makers and all the members of the Opposition, That is part of their normal security work; so how can you tell me that you need two days? We could never in any circumstances vote for that.

Now when it comes to the names of the speakers, I can only say that when this was being drafted, the people who were responsible for this never had any political experience in this country at all. If there is one thing that is certain in this country, it is that many a potential politician in Barbados has made his name because a speaker did not turn up at a meeting and he was given an opportunity to get on. It happens in all political Parties here. Sometimes you are running two meetings a night and one starts a little late because of technological troubles - because of electricity and so forth - and a speaker that is scheduled to go to a particular meeting cannot get there in time, but the other meeting wants to start. You may go around to a rank-and-file supporter and ask him if he wants to try his hand, which he does, and he bats so well that he becomes a frontline speaker. Now he is banned under this Bill. Under this Bill you cannot put him up because an offence is created. There is not even power in here for substitution; therefore if you put up the names to the Commissioner of Police and two or three of your speakers take down with some illness and cannot turn up - it may not be a serious illness, maybe diarrheoa - your meeting is dead, and this is a democratic country. You want to put political Parties in a strait jacket, and that is grossly unreasonable. Why is it necessary for the names of speakers to be given if the intention is not that the Commissioner of Police is going to say that Mr. X or Mr. Y cannot speak? Surely the objective can be achieved by saying 'that the organiser or chairman of the meeting when called upon by any member of the Police Force at the meeting to give the name of the person addressing the meeting shall do so, ' and then an offence is created if he does not do so. If you are saying that the object of putting in the name of the speaker is to give the Commissioner of Police ready access to the names of potential speakers so that when they go up and speak they would have their names if they create an offence, surely it still does not help you because it does not tell you the order of the speakers. You can give the Commissioner of Police the names of the speakers, and you can juggle the order of the speakers, and unless the particular policeman knows the speakers, he does not know when one has spoken from when the other has not. Nowhere in the context of Barbados have I not heard the chairman of a political meeting who does not announce the name of the speaker with all the buildup as if it were a boxing match, how he can hit hard, he will speak the facts and the truth, and his name is so-and-so. That in the context of how political life is carried on,

Mr. Chairman, if you take the two days in conjunction with the names of the speakers, it is my submission that you are going to frustrate the efforts of political Parties in this country to exercise their democratic right of informing the people, We ought to do nothing here through the scope of Sections 2 and 4 to allow a situation to arise where the politician become too remote from the masses, and where the governors become too remote from the governed, because when you have a situation like that, that is where trouble is being brought because you do not allow the people to be part and parcel of the decision-

making process; they do not understand what is going on, and it gives scope for the mis-informers, and people who want to exploit situations for the furtherance of their dictatorship ambitions. These are the reasons for my objections, and that is why I say that all that is necessary is for us to give notice. If you give notice he knows the name of the organisers, the purpose of the meeting and the place at which the meeting is to take place and he sends along his officers.

Look, Sir, you know that everybody can drive a motor car in Barbados. The law is not so ridiculous that to drive your motor car you have to go and tell the Commissioner of Police who is to drive your car every day, but in the Road Traffic Act you will find that the Police can go to the owner of a car and ask who was driving it on such-and-such a day, and the owner has to give a reasonable explanation; otherwise he creates an offence. As soon as you say that I must pre-name my speakers and do not provide any means for substitution, we are all in a strait jacket. Later I will have to move the deletion of that, but I just wanted to give notice of it. I am seconding the amendment of the hon. senior member for St. Thomas, and I am making an amendment that the words "Commissioner of Police" be deleted and the words "officer of police or constable in charge of the Police Station nearest to the public place at which the meeting is to be held" be substituted.

I beg to move that those words be inserted.

Mr. ELLIOTT MOTTLEY:
I beg to second that.

Mr. J. M. G. M. ADAMS:
Just to speak very briefly on it, I think perhaps the Leader of the House would like to tell us that since that form of words is not necessarily the one which will find favour, we have to postpone consideration of that amendment, at least. I really must ask Your Honour's assistance in this matter. Am I right in saying that we have to move two amendments? If there are going to be ten amendments to this section, all have to be moved. Once one is put, you cannot then move another amendment. Is that right, Sir? Is the Standing Order dealing with moving of amendments in Committee suspended? I am just making sure because obviously I am not as familiar with it as the Presiding Officer, My memory of it is that you cannot move another amendment once one has been put in Committee. Sir, I shall not object to the amendment that was moved by the Leader of the House dealing with the applications being in writing, but what I would respectfully suggest in respect of it is that the Commissioner of Police have forms printed and given to persons, who may not really be very accomplished at reading Acts of Parliament and filling out the particulars, to fill in the required particulars so that you can at least ..... (Asides.) I do not believe that you can delegate

certain powers such as these. 5.00 p.m.

The hon. junior member for St. Thomas is saying something very sensible, that the forms should be sent out to the Police posts, and I suppose the procedure will be in due course that you fill in the form and hand it to the local Sergeant who forwards it to the Commissioner of Police; I suppose that that would be done.

Hon. N. W. BOXILL:

If I may add this, I think the hon. member is a bit under a misapprehension, because even your driver's licence nowadays can be renewed at any of the Police Stations throughout the island; you no longer have to go to Central Station to have your driver's licence renewed as you used to before, and if you were to look at your driver's licence you would not see the Commissioner's name on it, but he delegates the power to the Corporal or the policeman in charge. I was surprised when I heard hon. members talking about somebody in St. Lucy; this is farcical. A man in St. Lucy is going to keep a meeting; he has no motor car but he has political aspirations; are we to expect him to walk from St. Lucy to Bridgetown to see the Commissioner to get a permit to go back to St. Lucy to keep a meeting? We are not trying to impose any hardships on anybody because, as I pointed out yesterday, the Government in power today can be the Opposition tomorrow, and therefore you do not pass legislation with any vindictiveness because it might come back against you.

The Commissioner of Police has the authority to delegate this power to all the stations; suppose he has leukaemia or is out of the Island, do you think we should have to wait until he is available? This is a matter of delegation; you are a lawyer and I feel you would know this. We will print the forms which will be sent to the various Police posts, and Police in charge will sign on behalf of the Commissioner of Police in order to facilitate everybody. The Government has to abide by it as well as everybody else.

Hon. J. C. TUDOR:

Mr. Chariman, I wonder if I could just perhaps explain a little what I said earlier. There have to be some points upon which we must agree to disagree. The Government takes its stand on certain points; there is criticism on that stand; if it finds it can accommodate the criticism, it ought to do so, and so farwe have tried to do this, I have already told the Commits that I cannot and will not give way on the point on whether or not you should have Police permission to hold & meeting I am willing however, as I have shown in the circulated amendments, as well as some others not circulated, to make it possible that the application of the law should be as fair and that those persons who have to use these procedures should be able to do so and expect every courtesy and confideration from the Police. For instance, I did not give an undertaking yesterday that I would put in a provision to make it impossible for the Commissioner of Police to delay until the last moment before giving his permission or refusal, but we

did consider this this morning and now, in any case, whether he is going to refuse or give permission, he must do it at least twelve hours before the stated time of the meeting because I personally felt - and I think we are on common ground here - if you did not make it obligatory to him to return an early answer one way or another, it would be possible for an official to be so careless or callous, or even spiteful, as to wait until five minutes before the scheduled time of the meeting and to say "Yes you can have it, " thereby inconveniencing you, or to say "No; you cannot have it" thereby inconveniencing you even more; so we have put in that, whether or not the answer is going to be refusal or permission, it must be done at least twelve hours before the scheduled time of the meeting.

This is the way in which we try to accommodate certain points of view; but in our view it would make nonsense of this Bill if you were to look upon giving notice as a substitute for getting permission. It is true that at election time giving notice and requesting permission are barely distinguished from one another because if you can tell the Police at least two hours before a scheduled meeting in election time that you wish to hold a meeting, and they can either refuse or grant permission or direct you to hold it somewhere else or at a different time, in that respect giving notice is very little different from asking permission, because the final word rests with them, anyway. I heard the point made by the hon. senior member for Christ Church that 48 hours is too long. I think the hon. member said there was not sufficient time; I will give way so that the hon. member may make that point.

Mr. St. JOHN:

The point I was making is that if you have to give notice two days before, and taking that notice in conjunction with the requirement to give the name of the speaker - taking the two of them together when you work in practice, if you put in your application and you specify the name of the speaker and anything happens in the intervening period, there is no power to substitute in this; so therefore you are going to put political Parties in a strait jacket.

Hon. J. C. TUDOR:

Surely one of the ways to ge around that - it is somewhat of a difficulty - would be perhaps in the case where you are having a meeting and you hid originally thought of putting down the names of, say, five speakers, to put down the names of six or seven or eight, as the use may be, and this would take care of the non-appearance of some speakers through illness or other inconvenience. I do not think that that is the kind of difficulty which cannot be got around; you can always put down the names of ten speakers and if only five participate it is alright. I cannot see the Police saying - indeed they have no authority to say - "You told us that five people were going to speak, but in fact only three spoke"; there would be no breach of the law there. But this is what I would do in my Party for fear that somebody should suddenly fall ill or should be out of the Island or should be in some way prevented from participating; I would give in a panel of names, say that all of them are going to speak, and then as many of them as can conveniently speak would do so. 5.10 p.m.

Sir, 1 just want to emphasise that I cannot give way on the major question of seeking a permit, but we shall try, during the course of the discussion on each Clause, to see where sensible adjustments can be made. I have already accepted that permission should be in writing as well as in Clauses 5, 11, and 18, we are making it obligatory on the Commissioner of Police that he should, at least, 12 hours before the time specified for the march or whatever it is, notify what his decision is, and that when he refuses it he must state in writing the reasons for such refusal.

As I have said, Mr. Chairman, we must agree to differ on certain points. We cannot expect to have unanimity on the whole Bill in every Clause of it, but, where common sense and the convenience of the ordinary citizen are both paramount, I think there is room for the adjustment of ideas.

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

Mr. Chairman, I want to move another amendment, if I can attract the attention of the Clerk. I move that the following subsection be inserted under Clause 4 as subsection (2); and that subsection (2) be renumbered as subsection (3). My amendment may need a little polishing, and I have already discussed it with the Crown law Officers. The amendment, I suggest, is as follows

"Notwithstanding the provisions of subsection (1) application may be made to the Commissioner of Police in a period shorter than 2 days for such a permit if it was not reasonably practical to make such application

within the prescribed time."

suggest that this will cover such crises as a number of people falling sick, somebody really wishing to hold

in emergency meeting, and so on. Is it impossible for on. members to envisage a situation where, for xample, we were threatened by public disorder, and he Democratic Labour Party and the Barbados La-

our Party wished to hold a joint political meeting to xplain why rioting had broken out in St. Lucy? We ould not call a meeting of the House of Assembly gether to amend the law, but suppose it was the

rime Minister's and the Leader of the Opposition's tention in the face of circumstances to have a Coalition Government and it was not thought enough merely to go on the Air and say so, but they also wanted to demonstrate to their particular followers solidarity by holding a Joint meeting in which members on that side and members on this side would appear on A platform together.

Sir, these things can happen in countries. These things have actually happened, It happened in 1931 in England. I am not talking about something impossible, but because a situation arose on a morning and you wished to deal with it in the evening to explain that the next day there would be a Coalition Government to take care of public disorder, it would not be possible under this Bill, I am merely giving an extreme example. At the other end, Sir, we have to think of the examples drawn by the senior member for Christ Church. You go to a meeting; you fall short of a few speakers on the platform; there may be somebody that you did not think of two days ago and you would like to call on him to speak. Well, the Senior Police Officer would be theoretically empowered to ring the Commissioner of Police and get the permission of the Commissioner of Police to vary the terms of the permit, I think the new subClause should have in something about the variation of the terms of the permit as well.

Hon. N. W. BOXILL:

Mr. Chairman, what the hon. member is saying has some sense in it, but during election time you do not need to have such permission; you can notify the Police.

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

Mr. Chairman, I am not talking about election time. 1 am just pointing out that an emergency may arise. Can it not be envisaged that if there was going to be a Coalition Government because of a national emergency, it might be considered desirable for all the Leaders to show themselves - to show that, for the moment, they are one? It might be necessary to do it at short notice. For instance, in Mauritius there were disturbance sat the time of Independence. Some of the Opposition's Leaders, I believe, had to be confined, and the Prime Minister decided that the only way to get the country out of a state of disorder was to have a Coalition, although he had a substantial majority in the House. The Government that now rules Mauritius is a Coalition of the former Government and the former Opposition Parties. It was found necessary to do it. It might very well be that a situation like that could arise and come on you so suddenly that you would want to hold a public meeting to talk about it. I feel confident, Mr. Chairman, that you will agree that if tonight it was declared that there was going to be a Coalition and a meeting in Independence Square, you would see the biggest crowd you have ever seen in Barbados' history; the people would be in the Public Buildings' Yard. These things can actually happen.

Now, at the other extreme, I would actually draw an example arising out of something the senior member for Christ Church has said. He said that certain people have come to the fore through something happening suddenly at a meeting; they get a chance to speak and make their names. I can tell you that the only woman who has ever sat in this House made her name in exactly those circumstances. I have often been told by the Leader of the Opposition how, during the bye-election that followed the death of Mr. Darry Foster in St. Andrew, Mrs. Bourne was invited to come on the platform - since it was her father who had died - and move a vote of thanks at the meeting. The Leader of the Opposition told me that as he heard her speak he said to himself."This should have been the candidate. Why did they not tell

me about her before?" In fact, the Barbados Labour. Party lost the bye-election, but at the following election Mrs. Bourne was the candidate and she remained in the House for 10 years. (Asides.)

Mr. Chairman, he is talking about the time when Mr. Josh Haynes won the election. The hon. junior member for St. Andrew will surely remember it, because he was one of the chief canvassers for the Conservatives at the time. That was the occasion when he was given the land by Mr. Josh Haynes, and it was only taken back after Mr. Josh Haynes lost his seat. I take it back, Sir. Please do not reprove me. You must allow us a little joke sometimes. We can admire the junior member for St. Andrew for getting in Mr. Josh Haynes, against the opposition of all of what was thought were the political forces in Barbados, and for getting in himself when the man who supplanted Mr. Josh Haynes resigned. Nobody can ever take that away from the hon. junior member for St. Andrew. He is the only man to beat both of our Parties in a bye-election, and he will be the only man, too, in my view, Anyhow, Sir, I bag you not to reprove me for irrelevance.

Mr. Chairman, you may be present at a meeting, and a local man in the crowd says: "Skipper, let me move the vote of thanks". Do you mean to say that, when that man gets on the platform and begins to speak, a Corporal can come and arrest the Chairman, the Party Secretary, and everyone who spoke on the platform? Could that be reasonable, Sir?

Hon. J. C. TUDOR:

Mr. Chairman, I am grateful to the hon. member for giving way. I have been able to get a draft amendment which, I believe, will meet one aspect of the matters which we have been discussing under this Clause. It is designed to meet the point that there should be as little inconvenience as possible in making an application to the Commissioner of Police to call together or to hold a meeting. 5.20 p.m.

1 am suggesting therefore, Mr. Chairman, that in Clause 4(1) immediately after the word "permit" we add the following words:- "and any such application may be made by delivering it to the Commissioner of Police or to the Police Officer in charge of the Police Station nearest to the place at which the meeting is to be held".

Mr. St. JOHN:

I wonder if this is just a technical thing. I understand there are some stations which do not have an Officer. The words in the Representation of the People Act are "Officer or constable" because some areas apparently do not have Officers.

Hon. J. C. TUDOR:

It is suggested that we might use "or of the member of the Police Force in charge of the Police Station nearest to the place at which the meeting is to be held".

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

With respect, I often wonder if hon. members do not give notice of meetings, because you meet this situation that apparently it is believed that the Sergeant must get the notice, and the Sergeant will tell you he has not got the notice unless you have given it to the diarist because he has to enter in his book the time at which it was received and so on, and the diarist is always a constable. When you go to the Station, if the Sergeant is out or off-duty, you hand it to the diarist and he enters it in the Book, and the Sergeant will tell you that they have not had notice if you just telephone them, even if you speak to them. A Corporal of Police gave me a great deal of instructive information on this today, and he has assisted me greatly, having been a member of the Police Force since 1936 or so. It should be "Police Officer or constable" as it says in the Representation of the People Act. There is a form of words that has stood the test of time.

Hon. J. C. TUDOR:

What would be the objection to "member of the Police Force"?

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

I do not think that the definition of "constable" has changed to the best of my knowledge. Apparently the draftsmen think that since the new Police Act says that a constable is a member of the Force below the rank of Corporal, this is something. It has not changed; it was always that. But perhaps I will have the pleasure or the nuisance of addressing a Court as to whether the difference in the wording of the Representation of the People Act and this Act connotes any difference in law. Sir, we would be happy to accept that. I have given way exactly to allow that amendment to be moved.

Hon. J. C. TUDOR:

I beg to move that amendment.

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

Has anybody seconded that?

Hon. K. N. R. HUSBANDS:
I am seconding it.

Mr. J. M. G. M. ADAMS:
Sir, I still want to speak now on my amendment. I am not suggesting that my amendment is perfect, but it may be that the draftsmen in their wisdom may be able to work out a form of words, a play upon that theme of variation, to suggest that the Commissioner of Police may without any notice at all vary the terms of a permit, because that may be what is required. He may on the application of the organisers of the meeting vary the permit. For example, it would mean that you can go to a policeman at the meeting and say that "so-and-so wants to move a vote of thanks; is it all right? " and you give the Police Officer in charge of the policemen on duty at the meeting the power to allow a particular man to speak. Sir, you can think of other situations. I am absolutely sure I can remember situations where the Prime Minister and the Leader of the House had been away and were not announced as speakers at meetings and have come back and spoken. There is a particular instance, I am sure I can remember, of the Prime Minister coming from the Airport and speaking at a meeting, and I can certainly remember myself personally bringing the Leader of the Opposition from the Airport to speak at a meeting very many years ago. He had not even got home before he could speak. On two occasions something like this had to happen. Once he had to go straight from the Airport to the Annual Conference of the Barbados Workers' Union to save Frank Walcott, and on another occasion he went straight from the Airport to speak. I remember hearing him tell me in London that he wanted his flight changed because there was a Resolution to move Frank Walcott as General Secretary, and he wanted to come back, and he got back in time and had to drive straight from the Airport to Fairchild Street.

Hon. N. W. BOXILL:
On a point of order, I would like the hon. member in future when referring to the Secretary of the Barbados Workers' Union to refer to him as Senator and not just Frank Walcott.

Mr. J. M G. M. ADAMS:
You may want to bring in the Prime Minister to speak at a meeting you are holding in your own constituency; he is not in the Island; you never thought he would be in the Island; you did not know where he was, he is such a traveller; and all of a sudden you hear he is back; you telephone the Airport and say you are having a little talk in Venture; "come over and give us a talk before the boys lick me down altogether". It could be Egdecliff where you are talking. Some power to vary the terms on the application of the organisers of the meeting, not on their own discretion, should be given to the Police. If it is thought undesirable to throw the onus on the Commissioner of Police of deciding it was not reasonbly practical for the organisers to make an application in time, at least give the Commissioner power which he can delegate because it is not every power you can delegate to the Police Officer in charge to allow a speaker to be put in. All this is subject to one of the amendments we intend to move with respect to the name of every speaker, because we are still unalienably opposed to that, and I am only waiting for the Leader of the House to make his other amendments before I move to delete

paragraph (c) of sub-clause 2. I see that there has been a withdrawal for consultation. I do not know if there is any section we can go on with. Sir, I will sit down and give somebody an opportunity of seconding my amendment to allow application to be made in less than two days if it was not reasonably practical to make it at the proper time.

Mr. HINDS:

Mr. Chairman, I rise to second the amendment proposed by the hon. senior member for St. Thomas. Now on this question of Section 4 (2) (a) "the name or names of the person or persons desiring to organise, hold or call together the meeting", nobody would for a single moment hesitate to agree. 5.30 p.m.

Mr. WEEKES:

Mr. Chairman, I am sorry, but - there is no quorum,

Mr. CHAIRMAN:

Mr. Clerk, would you ring the bell? The hon. junior member for St. Peter was addressing the Chair.

Mr. HINDS:

What I am saying is that nobody would have anything whatsoever to say against that, whether it be an individual or a political Party; but we must be forewarned. It has been spelt out by hon. members as to situations which can arise from time to time and cause considerable concern; but there are times such as these that you will find a political Party holding more than one meeting depending on the circumstances prevailing at the particular time. It may be found that the name of a particular individual has been submitted for speaking at a meeting at one point, but through some circumstances that member, it may be found later, can better be used at another meeting where help is needed; unless permission or the authority is given for the varying of the terms of the permit, you will find that there can be no shifting of a speaker from one meeting to the other unless his name has been submitted to the Commissioner of Police two days before the date on which the permission has been granted. That is the condition we feel that all hon. members would be faced with at some time or other, and it is one on which we feel attention should be focussed and everything possible done to put it right if, in truth and in fact, one of the objects of this Bill is to cause no inconvenience whatsoever to persons who want to hold public meetings, or meetings in public places at any given time.

This question of time, Mr. Chairman, this matter of having to give the Commissioner of Police for him to receive your application two clear days before the date on which the meeting is to be held is, in our view, an unnecessary hardship that is being placed upon the people who find it, and will find it,

necessary from time to time to hold meetings. We do not for a single moment know of any situation or of any reason why there could not be included an amendment providing for a shorter period, or a period shorter than two days, be cause it has to be known, Mr. Chairman, that the Police Force must be ready at all times to deal with all situations, and there can be no situation arising in this Island, as far as we know, which would require the Commissioner of Police to be given such notice so that he would have to ready his Force for any eventuality, because the Commissioner of Police under this Bill has it within his power that if a situation warranted it he can refuse a permit; so it could not be advanced as a reason for his having to be given two clear days' notice before the date on which the meeting is to be held, that it is for giving the Commissioner of Police opportunity to ready his Force for an eventuality, because the Bill in itself makes provision for the Commissioner to refuse the permit if he has any reason to believe that an untoward situation would arise resulting from the issuing of this permit; so we are certain that this is one of the Clauses in this Bill which call for a considerable measure of review, if it is not to be seen as one designed for creating hardship on people who will have to abide by it and try to make it work as time goes on.

Clause 4(2) (c):

"the name of every speaker who is to address the meeting." You will agree that the suggestion that the names of speakers could well be obtained from the Chairman at the meeting is a very reasonable one, and one that can be seen to work without creating hardships, because anyone who is familiar with the management of public meetings in this island will agree that if this Bill makes provision or places upon the Chairman or the Organiser of the meeting such a responsibility as to provide the name of every speaker to a Police Officer at the meeting, there would be no difficulty. 5.40 p.m.

It has been done, I am sure, in the past without there being any law to that effect, and I am sure that persons concerned with the holding of meetings would readily co-operate and assist the Police in a matter of this sort. Those are my observations and comments on this Clause, and I feel that when the Leader of the House is ready to reply, he will put forward something that would make the whole Clause a workable and sensible one,

Mr. ELLIOTT MOTTLEY:

Mr. Chairman, I believe that, like one of the earlier Sections, this Section is very repugnant. I will never accept that any persons who requires to hold a meeting should apply to the Commissioner of Police, at least 2 days before the date on which the meeting is supposed to be held, for permission to hold that meeting. I think this is repugnant to any ideas of freedom, whether freedom of association or freedom of speech, and it is repugnant to the very sense of what is right and what is wrong.

How is it that after so many years, as this Government from time to time likes to brag of the 300 years tradition in this country, it has now become necessary for the Government to impose limitations such as

these on the freedom of its subjects under this Constitution? Why is it that at this stage of our development the Government has now seen fit to introduce and impose upon the citizens of this country the restrictions set out in Clause 4 of this Act?

Again, as I said earlier, there is absolutely no precedent in any part of the British Commonwealth which requires any person, who wants to hold a meeting, firstly, to have permission to hold that meeting and, secondly, to apply to the Commissioner of Police for a permit two days before the holding of the meeting. Can the Government state clearly the reason why they have found it necessary to make people give notice of these meetings? Why have they created the right to grant and the right to refuse permission to hold meetings? As I see it, the reason why the Government created the right to grant and the right to refuse is that they have every intention of usurping the right to refuse.

Sir, I do not want to jump ahead to the next Clause, but later in this Bill it is stated that the Commissioner of Police - I must go ahead to the next Clause to tie it in with what I have to say about Clause 4(2), Sir. Clause 5(2) states:

".....the Commissioner of Police shall issue to the applicant a permit for the desired meeting specifying therein the times between which the meeting may be held....."

That is something which goes in there in a roundabout manner, because in Clause 4(2)(c) it states that you have to state the place at which the meeting is to be held and the approximate time at which it is to begin. It does not state how long the meeting is going to last, but under Clause 5(2) the Commissioner of Police has the power under this Act to grant a permit for the desired meeting specifying therein the times

between which the meeting may be held....." In other

words, the Commissioner of Police now has the right not only to prevent you from holding a meeting, but he can give you the right to hold the meeting and tell you for how long you can hold it. The Clause goes on to state:

.....and such other terms as the Commissioner

of Police may consider necessary for the preservation of public order."

Mr. CHAIRMAN:
I think the hon. member is now dealing with Clause 5.

Mr. ELLIOTT MOTTLEY:
Mr. Chairman, as I pointed out, I had to read that Clause in order to show the true manner of interpreting Clause 4(2). What reason could the Government have for stating in subclause (2)

"Every application under subsection (1) shall be in writing and shall specify -

(a) the name or names of the person or persons desiring to organise, holding or call together the meeting;

(b) the purpose or purposes of the meeting;

(c) the place at which the meeting is to be held and the approximate time at which it is to begin; and

(d) the name of every speaker who is to address the meeting."?

Why is it that, after so many years, the Government now find it necessary, if one wants to hold a meeting outside of election time, that one should tell the Commissioner of Police who is going to speak at the meeting? I view this Section very suspiciously, because when it is read in conjunction with the Section which follows and which gives the Commissioner of Police power to make such terms as the Commissioner of Police may consider necessary for the preservation of public order, one can easily see that when one submits the name of a person under Clause 4(2)(d) stating that Mr. So-And-So will address the meeting, one can easily get permission from the Commissioner of Police to the effect that one can hold the meeting, but one of the persons listed would not be allowed to speak, because the

Commissioner of Police feels that it is improper or not in the interest of the preservation of public order for him to speak.

Now, these two Sections, taken in conjunction, will show that the Government are deliberately giving to the Commissioner of Police the right not only to refuse permission for holding meetings, but the right to limit the time of meetings and also to limit the number of persons who can speak. In other words, if the Barbados Labour Party decides to hold a meeting and submits my name, there is nothing to prevent the Commissioner of Police, under this Act, from saying: "Mr. So-And-So, you cannot speak, because it is not in the interest of the public safety for you to speak." It is not a question of whether I have a right to address a public meeting, but it is now a deliberate attempt on the part of the Commissioner of Police, inspired by the Government of this country, to limit my freedom of speech under this Constitution. 5.50 p.m.

If the Commissioner of Police under Clause 5 could state, when he grants permission, that these are the terms under which permission is granted, one of the terms could be that if my name is put up as a speaker under Clause 4 (2), the Commissioner of Police can send back the application granting permission but saying that Elliott Mottley cannot speak because this is one of the terms under which he is granting the permit, and therefore you are giving the Commissioner of Police power to restrict the rights of certain people to address meetings. (A VOICE: You have a right of appeal.) If the Commissioner of Police says I cannot talk at a meeting, do you think the Minister of Home Affairs will say that I can talk? I would have thought that the hon. junior member for St. Lucy was in politics for too long to be so naive. I doubt whether in the circumstances you have a right to appeal because you only have a right to appeal if the Commissioner of Police refuses to grant permission; but in the case which I have pointed out, you have not been refused permission to hold a meeting. You are allowed permission to hold the meeting, but the terms are specified to such an extent that they are inconsistent with the freedoms which you would enjoy. Even if the Commissioner of Police says that Mr. X cannot speak at a meeting, you will be told that the Commissioner has not refused permission for you to hold the meeting. You cannot then appeal to the Minister because he has not refused to give you permission, and it is only if he has refused permission to hold the meeting that you can appeal.

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

Mr. St. JOHN:
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.

SUSPENSION OF SITTING

Hon. N. W. BOXILL:
Mr. Speaker, I beg to move that this sitting be now suspended for twenty minutes.

Mr. LOWE:
I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the sitting accordingly. 6.00 p.m. On resumption:

Mr. SPEAKER:
When the sitting was suspended the House was in Committee; thereto it shall now immediately revert.

The House resumed Committee, Mr. YEARWOOD in the Chair.

Mr. CHAIRMAN:
When the sitting was suspended the hon. junior member for the City was addressing the Chair.

Mr. J. M. G. M. ADAMS:
Mr. Chairman, I would not impress upon the Leader of the House to get up just at this moment, because I think on all sides it is accepted that all of us are worried about this question of the names of speakers at meetings, though we have been unable to arrive at any formula that would satisfy the feelings of hon. members on both sides of the House. The view is expressed that the Commissioner of Police will have no power to make terms relating to the names of speakers; I cannot accept that. The view is expressed that it would be undesirable to give the Commissioner of Police the power to ban a particular speaker; it is suggested that if he is so worried that one speaker will cause public disorder then

he should not allow the meeting at all; I cannot agree with that at all. I think it is within the experience of all practical politicians that you can have four quiet decent people talking on a platform - in fact you can even have four abusive people talking on a platform - but it will be the fifth man who may or may not be abusive, but he may be dangerous and he may cause disorder. He may-cause disorder because the crowd does not like him, or he may cause disorder because there is something in him that will give him that power over a crowd to make them act and do something foolish; so although I do not like to appear at any time as being a person seeking to restrict the liberty of the subject, what I say is that if we have this Act, we should have perhaps some power of restriction on certain people. I do not like it, but if we should have the Act at all - and the Minister has made it quite clear that the Government majority is going to vote for a permissive application to this Section and not a 'notice' application - if we have that, I think we should aim at achieving some compromise in respect of who may and who may not speak at a meeting, but will allow all the views of hon. members to be accommodated.

I am sure that all hon. members would wish a Chairman of a meeting, perhaps on application or notification or whatever you like to the Senior Police Officer on duty to have the power of allowing somebody - to use the vernacular - 'get piece' at the end of the meeting. I think all of us would agree with that; but it would be very unfair if some body whom you did not even think of two days before the meeting should turn up and not be allowed to speak. I do not believe, for example, the point has been taken before - again I am going to refer to my Youth Groups - you may notify and expect a speaker from an organisation to come and address you, but you would not know who he is. The Sea View Youth Club holds a meeting; it may invite the Welches Youth Group to send somebody to give greetings to the audience; the meeting may be in the Thorpe's - St. James area, and you notify somebody from the neighbouring St. Thomas group to come. You do not know whom the St. James people is going to send; you only know you have written them a letter; they may not have replied but you expect them to turn up; you may send to St. Lucy to call for somebody to address; you do not know who is going to come from St. Lucy, and so on. All these things, if the Commissioner of Police is going to have power to say that only those speakers named in the application can speak, all these things will no longer be possible; so we are to try in my suggestion to get some form of words that would deal with it.

1 do not believe that amending section 7 to remove the words "any of the provisions of this Part" will deal with it entirely; as I said to the Leader of the House while we were in discussion outside, Law Officers give opinions; lawyers give opinions; Ministers give pledges and the Judges say they do not want to hear all of that; the law is such-and-such. No pledge that the Leader of the House gives in here can bind either the Commissioner of Police or the Judges or the Courts when the moment arises. Nothing we say in here can bind them; it can only be - if it is allowed at all, as my hon. and learned friend, the senior member for Christ Church has pointed out - you will be lucky at all if you get the Judges to listen to what went on in Parliament. Very often they do not want to hear it in interpreting Acts; so I like to see it down in black and white; I have suggested that there should be some power at least to allow the Senior Police Officer present at the meeting, on the request of the organiser, to give permission to additional speakers; at least there should be that power, and also I would be perfectly happy, if it is the Crown Law Officers' opinion, and if that opinion conforms with the instructions given to them by Cabinet that it should not be one of the terms of the permit that only a limited list of speakers

should speak, to have us put it down in writing. When we are dealing with section 5, let the Minister give a pledge now that we will amend Section 5 to indicate that the terms shall not include a term that only a specified list of speakers shall speak; put it in so many words, if you like.

The Commissioner of Police shall not make it a term of the permit that only specified persons shall be allowed to speak at the meeting, because if the Commissioner of Police under this Act has the power to forbid specified persons, then the power would remain intact notwithstanding such provision; and if what we are worried about is that he will say only these people can speak, then that will be taken away and we will not any longer need to worry about that.

Honourable J. C. TUDOR:

Can he in fact say that only such persons may speak as whose names appear on the application? Has he that power to say this?

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

I see nothing in the Act to forbid him. I see nothing at all here that says he cannot say that; I repeat, I like to see things in black and white; Sir, 1 like to see them written down, actually put there that such-and-such shall not be done. Honourable members were suggesting that when the Commissioner of Police issues a permit for marches now that he does not say how many people should take part in the march. I have a number of permits in my custody, and all of them, as far as I can remember, say how many people should take part in the march, because I remember, when the honourable senior member for St. James and the honourable junior member for St. Joseph were suspended from the service of this House and a march was arranged to bring them in .....

Mr. CHAIRMAN:

If the honourable member would look at Clause 9 he would find marches under that Clause and I think it would be more appropriate to deal with marches under Clause 9.

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

I am not dealing with marches; I am dealing with permits. A inarch was arranged to bring the honourable members back in, and a permit was issued under legislation similar to that contained in Clause 3, 4 and so on, and the permit, as I remember it, had a limitation of numbers - I think it was 120 - but I remember that we had many discussions with the Committee that was organising it as to what would happen if more than 120 people turned up. I re member quite vividly speaking to the Commissioner of Police, and his pressing on the point of how many people I had expected, because he had to put it down in the permit; he told me so. I have not got the picture in my mind or the document in

front of me; so I would not like to say what it looked like, I can remember other permits that were issued for so many motor cars and the routes they should take and those permits which specified a certain number of cars. 6.30 p.m.

I can remember in particular on one occasion we asked for a permit for 60 cars, and the Police did close up at the end of the 60th car. A motor cycle rider was put at the head; the honourable senior member for St. Joseph will recall that next came a loudspeaker van; then he and I in his car, and after the sixtieth car a motor cycle rider came at the end. It meant that the Police were processing 60 cars and no more. Eventually, in fact, the procession broke in half, and the honourable senior member for St. Joseph and I met the motor cycle rider from the end of the procession somewhere in St. Philip. We met head-on, but that was only an accident and by the way, of course.

Mr. Chairman, as I recall it, what was needed in the way of estimate found its way in the permit. I suggest that what is needed here by way of application will also find its way into the permit. You apply for a certain number of speakers, and the permit is going to contain the names for which you have applied. That is how it is going to work, Sir. The senior member for Bridgetown says that it will have to. That is the way it looks to a layman, however it looks to a Crown Law Officer. Indeed, I must say it looks the same way to me; therefore, I would welcome some amendment to make it clear that, while a residual power may well exist to prevent a particular man from addressing a meeting -and I think the Police have that power anyhow, I am absolutely sure as a lawyer about that; the Police can stop a particular speaker from addressing a meeting if they have reasonable grounds for thinking that his addressing the meeting will lead to disorder.

Mr. Chairman, as the junior member for Bridgetown has said, there has been for at least 600 years the power to apply to a magistrate to bind over a man not to speak at public meetings, because of the threat of a breach of the peace. That has always existed ever since the introduction of the Justices of the Peace Act, and it used to be much exercised. That power stands on one side. I do not think any honouralbe member wants to prevent the ad hoc or impromptu speaker from speaking at a public meeting. I have not heard any honourable member who has spoken to that effect. I would urge on the Leader of the House specifically to limit the powers of the Police in respect of the issuing of permits, so that they will not include the power to list out a group of speakers and say nobody else should speak. The power of substitution, Sir, is one that all Chairmen of public meeting require. The power of giving a man, who is with you unexpectedly and whom you had no reason to believe would come, a chance to speak is another power all Chairmen of meetings want. The power of giving a member of the crowd an apportunity to say something is another power Chairmen of meetings would want.

Mr. Chairman, I can recall being a Chairman at Grazettes once. A member of the audience was making a lot of noise during our meeting. He was so far away that we could not hear what he was saying

and we thought he was a heckler. Later he came up to the platform and said to me: "Mr. Chairman, I want to ask you this is it true that a Minister of Government got in the House of Assembly, picked up a plate of food and ran with it?"

Mr. CHAIRMAN:

How re levant is that to Clause 4 which we are now debating, I myself do not know, and I would ask honourable members to be serious about their business.

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

Mr. Chairman, the point of the story is that when we realised that he was a talented and percipient observer of the political scene.....

Mr. CHAIRMAN:

I am asking the honourable member to be relevant to Clause 4 and desist from being irrelevant.

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

Sir, I do not think that is irrelevant.

Mr. CHAIRMAN:

In my humble opinion it is, and if the honourable member continues I will have no other alternative than to.....

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

Mr. Chairman, if I sit down, what will the Hon. Leader of the House do? He is glad for me to speak so that the Crown Law Officers can meet the points raised by hon. members of this House. I am only trying to make things amusing, Sir, so that I will not be repetitive while time is passed during a consultative progress. The point of my story is that this man made a noise at a meeting; we invited him to speak, because he inter-tained the crowd, and that obviously comes under Clause 4. His name was not advertised, but he was obviously a man who had something to say, and we invited him to move the vote of thanks. Anyway, I will sit down.

Hon. J. C. TUDOR:

Mr. Chairman, it seems to me that it is barely possible that we might be able to find a formula to meet the difference of opinion on both sides and to reconcile that difference, but I am advised that that formula would not find its proper place in this Section but, perhaps, in a later Section. This is being examined now. Meanwhile, we have, I believe, four amendments which are before the Committee, and it seems to me that we should dispose of them oneway or another, and then move on while drafting continues.

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

Sir, I understand it, I had given notice of my intention to move a motion to delete Clause 4 (2) (c), and this presumably will still have to be the back-stop of those honourable members who were not satisfied with the language which was used to meet their objections. I do not want to postpone consideration on yet another Section. Is it possible, since there is going to be a lot of worry under Part 11, to postpone further consideration of Part 11 and go on to Part 111 where I very much doubt we are going to have so much dissension? Let them work out what they are going to tell us about the names; let them work out what they are going to tell us about late applications for holding meetings, and so on. It is all bound up, Sir; it may be Clause 5 or Clause 7 that we will have to amend. Let us have a comprehensive offer of amendments to Part 11, so that we can look at it as a whole before we dispose of Part IV and then have to recommit it, as we did with Clause 2.

Sir, the argument of the Opposition to Part 111 is that the Government already has the power to control marches. Subject to short speeches that we may make on a Clause, I am indicating our point of view that we are not going to dissent from the Act of 1960 which was passed by a Government of this political complexion. If the Minister will accept that further consideration of Part 11 of the Act be postponed at this stage, that will embrace the fact that we have already moved to postpone further consideration of Clause 3 and we will go on Clause 8.

I beg to move that further consideration of Part 11 of the Act be postponed.

Mr. St. JOHN:

I beg to second that.

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

Clause 9 was called.

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move that Clause 9 stand part.

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

Mr. J. M. G. M. ADAMS:
Mr. Chairman, we would like on this side of the House to go on record by standing what our position is under Clause 9. Our position under Clause 9 is that this is a waste of the printer's ink to bring it into the House at this time; it exists already in the law for all necessary purpses. In 1960 the Barbados Labour Party Government, in the course of passing laws designed to control the practice of Carnival on our streets, passed comprehensive amendments to the Highways Act preventing musical instruments, masks, dancing, marches or processions from taking place on the public highway or in public places, as defined in the Highways Act, without the issue of a permit granted by the Commissioner of Police. 6.40 p.m.

That law, Sir, we believe to have been wise, well-judged and well-administered, because in the experience which I have had over five years in dealing with the Commissioner of Police on this matter, I have no cause of complaint whatsoever with the conduct of the Commissioner or any subsidiary Police Officer. In all cases I have had unfailing courtesy from the Commissioner and all his subsidiary Officers and every assistance in organising the marches and processions with which I have been concerned. We view this as unnecessary and a waste of time, and I repeat we are not going to vote against it for that reason; but we wish our views to be known.

The question that Clause 9 stand part was put and resolved in the affirmative without division.

Clause 10 was called.

Hon. J. C. TUDOR:
Mr. Chairman, there would necessarily be an amendment here to Clause 10 (2), and the Clause would read

"Every application under subsection (1) shall be in writing and shall contain particulars of." The words to be inserted after "shall" are "be in writing and shall."

I beg to move that Clause 10 as amended stand part.

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

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

Clause 11 was called.

Hon. J. C. TUDOR:
Mr. Chairman, I have an amendment here also. The following sub-clause is to be added as sub-clause (3). It reads as follows-

"The Commissioner of Police shall at least twelve hours before the time specified in the application in accordance with section 10 (2) (d) as the time at which the march is to begin notify the applicant of his decision, and where the application is refused, he shall state in writing the reasons for such refusal.'

I beg to move that Clause 11 as amended stand part.

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

Mr. ERNEST MOTTLEY:

Mr. Chairman, if you must give the Commissioner three days' notice of a march, don't you think he could at least give 24 hours' notice before the day of the march? Twelve hours is not long enough and I will show you how.

Hon. J. C. TUDOR:

If the hon. member would give way, this was put in because there was no provision hitherto to make him even have the courtesy to reply early enough; so we thought that to put in the provision of twelve hours would ensure that if he were going to refuse or indeed if he were going to accept, he should do it in a time reasonable to enable the applicant to make alternative arrangements if these had to be made.

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

I should just mention in connection with what both hon. members have just said that this really is a very important amendment. During 1966 in apprehension of the calling of a general election, I wrote to the Commissioner of Police applying for permission to hold a procession on the last Sunday in October. This letter was written perhaps some five or six weeks before the election was announced. In other words, a very long notice of nearly two months was given, and as a matter of fact I had no reply to the letter until after the election was announced, and I was spurred into, acting in the heat of the election campaign by the fact that it was announced that the Democratic Labour Party would hold a motorcade on the same day as I had applied six weeks before the election date was known, and the Commissioner of Police said that the date was so far in advance that the letter had been filed and he did not get it back out at the time when the Democratic Labour Party had written their application, and that is why theirs happened to be announced. I must say he acted with the greatest courtesy then. (Asides.) He did not prevent the Democratic Labour Party, but he told me that if we still wished to go ahead with ours, he would arrange the two motorcades and make sure that police control would so direct the two motorcades that we would not clash at any point, but that we would have an opportunity to visit every point visited by the Democratic Labour Party motorcade. (Hon. J. C. TUDOR We did not have ours.) The D.L.P. had theirs.

Mr. CHAIRMAN:

Members not addressing the Chair.

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

We cancelled ours. This is the one when Tony Vanterpool said that 3,000 cars left Democratic Labour Party Headquarters.

Hon. J. C. TUDOR:
And the box-cart left yours!

Mr. J. M. G. M. ADAMS:
I do not know anything about a box-cart leaving ours, but it would have been an amusing thing. Perhaps the Leader of the House will be able to enjoy useful employment as Public Relations Officer for the I.D.C. after we get into power, because he obviously writes much more witty English. But that is by the way. If there had been such a power as this, it is my belief that the letter would have been treated more urgently when it first came in; so I strongly support that power.

Mr. ERNEST MOTTLEY:
If you have to give the Commissioner of Police 72 hours' notice, why should he not be able to reply in 24 hours? I know we did not any at all. I am asking that the figure "12" be deleted and "24" inserted. If you have to give 72 hours' notice, how long is it going to take the Commissioner of Police to reply? Here you are only talking about a march; but suppose it is a motorcade! Thiscuts both ways. You cannot organise it in twelve hours. Let us say that they sent back to you at 5 o'clock this evening; you have then to take time to organise your people and the cars and so on. (Asides.) I know there was no time included, but that does not mean we would have been satisfied with that.

Mr. J. M G. M. ADAMS:
Perhaps if I may just resume my place very briefly, you have to apply three days in advance for a advance for a procession, not two, and therefore I think you can reasonably ask the Commissioner of Police to give you 24 hours' notice of refusal. With a meeting it is only two days and I have forgotten that point . (Hon. J. C. TUDOR We will take it.) Perhaps the Leader of the House would indicate if he wished me to move it as an amendment.

Mr. ERNEST MOTTLEY:
I have moved it already.

Mr. J. M. G. M. ADAMS:
I beg to move to second the amendment.

I wish to make another amendment to sub-clause (1) of Clause 11.

Mr. CHAIRMAN:
We are now discussing Clause 11. We have already passed Clause 10.

Mr. J. M. G. M. ADAMS:
Mr. Chairman, I beg to move the following amendment to sub-clause (1) of Clause 11 remove the full stop at the end of the sub-clause and add the words "but shall not refuse an application for a permit unless he has reasonable grounds for apprehending that the march in respect of which the application is made may occasion a breach of the peace or serious public disorder immediately or at any time thereafter." 6.50 p.m.

This will bring it into conformity with the 'meeting' power; this is exactly the power that has been proposed for meetings. This is a march we are dealing with, not a procession; a procession you have to give the Police power to refuse in the interest of traffic on the highway, but why should he have power to refuse a march? Why should he not have reasonable grounds for refusing a march? He can fix the routes.

Hon. N. W. BOXILL:
Hon. members on the opposite side must understand that we have accepted a lot of amendments to the Bill in good faith, but we do not want to have the Bill emasculated. The point is this. Hon. members of the opposite side must remember that the Commissioner of Police is a Barbadian like all of us here, and what is good for the goose is good for the gander. Why must people always be afraid of the Police and that the Minister in charge of the Police has the authority to tell the Police all these things? After all, a policeman is a reasonable person and must live along like anybody else; so do not let us try to make it look as if we are creating a Police State, and that you are so afraid of the Police that if you put certain powers in a policeman's hand, he is going to usurp his authority and forbid anybody from doing what they want to do. There is no need to have all these restrictions placed in the Bill. We must ask ourselves if we want law and order; if we want law and order, we must accept that there must be a Public Order Bill. I am not saying that we must accept it in its entirety, but we have tried to meet the Opposition to prove that we are as flexible or even more so than they have ever been; so why must we go on amending when somebody comes up with a bright idea? Why can we not have the Bill and see how it works?

Mr. J. M. G. M. ADAMS:
Honestly, Sir, if the Commissioner of Police is a reasonable man, why will he object to a Section saying he has to have reasonable grounds for doing something? When you object to a Clause saying that somebody shall not do something unless there axe reasonable grounds for doing it, you can only force into our minds the conclusion that you want to give him the power to act unreasonably. What other

logical answer is there? If the hon. member who has just sat down says that he must have this power, he must exercise it reasonably. Does the hon. member who just sat down wish Che Commissioner of Police to have the power to refuse a march unreasonably? Sir, the Government is going to move an amendment in due course to the unfortunate copy of this Act that achieved the first reading, the mistaken copy; if it was not for that, we would not even know that the Government intended originally that the power to refuse a public meeting should be unfettered by any

considerations of reasonable grounds, but in due course the Government is going to move an amendment in the same terms as I have just read out adapted for meetings. I am only suggesting that you make the Act internally consistent for all applications for a permit to be refused only if reasonable grounds exists for refusing them.

Mr. ERNEST MOTTLEY:

If anyone applied to the Commissioner of Police to hold a march a Saturday to come down Baxters Road, there would be reasonable grounds for the Commissioner of Police to refuse; but if you applied for it to come down Bank Hall on a Thursday half day it would not be reasonable grounds. (Asides.) I am not saying he would refuse.

Mr. CHAIRMAN:

Members not addressing the Chair, please observe the Standing Orders.

Mr. ERNEST MOTTLEY:

We are enacting laws and we must see to it that, when we enact these laws, they are made in such a way that nobody should object to them. The point the hon. member raised about the Commissioner being a Barbadian, he could be anybody, for that matter; being a Barbadian does not matter; it is a question of reasonable grounds. We believe he will act with reasonable grounds; but nobody would object, if somebody is stupid enough to want to parade down Baxters Road a Saturday or something like that, that would be unreasonable and he could say that those are reasonable grounds to refuse.

Hon. J. C. TUDOR:

The reason, I think, that we are sticking to this is that we are re-enacting existing law - so I am advised - and we see no reason to change it.

Mr. HINDS:

Mr. CHAIRMAN, the Leader of the House is saying that we are re-enacting existing law in respect of marches. That is all well and good; but here is a case where we have an opportunity, if we can, to cure something that is bad.....

Hon. J. C. TUDOR:

If the hon. member would give way, not "that is bad;" the senior member for St. Thomas reminded us that it is a Labour Party Act, that it is good, and we accepted that.

Mr. HINDS:

If we have the opportunity today to improve on it, why can we not do that? I have heard the junior member for St. Thomas make reference to the Commissioner of Police, who is a Barbadian, and tried to lay some sort of emphasis and make a mountain of that; but Mr. Chairman, we have had a Commissioner of Police, a Barbadian, whose responsibility it was to see that our one-way street regulations were observed, and the Commissioner of Police himself, a Barbadian, was the one person who, when it suited him, drove on a one-way street in the opposite direction; so we do not want to find ourselves in that position. I am ready to support what the hon. senior member for St. Thomas suggested in this matter; let us have it in black and white, regardless of whether the Commissioner of Police comes from Hong Kong or Honolulu; we are not concerned about that. We feel that in the case of having a march it is not too much to say that the Commissioner of Police should only be able to refuse if he has reasonable grounds for doing so. 7.00 p.m.

Now, I think it was the hon. senior member for Bridgetown who made reference to someone applying for permission to march along Baxters Road on a Saturday or something like that. That should not be reasonable grounds, in my opinion, for the Commissioner of Police to refuse permission. All the Commissioner of Police need do is to vary the route or vary the time in such a case, but saying that the street would be busy is not sufficient ground for the Commissioner of Police to refuse permission for the march. In such a case, he can issue a permit with variations, in order to accommodate the applicant who desired to have such a march.

Mr. Chairman, today we cannot see this Section as it was necessarily seen in 1950. It is our responsibility to see that an amendment is introduced in this Section of the Bill as in any other. What I understand is one of the principal objections from the other side is that it is felt on that side that they have already accepted what appears to them to be too many amendments or recommendations from this side.

Hon. J. C. TUDOR:

Mr. Chairman, it is not that. That is not the reason. We cannot agree on all things; we have to agree to differ on some; where we can reach accommodation we have reached it. Now, the House divided on the Second Reading of the Bill. This means that while the majority were in favour of the principle, the minority liked some of the principles but not all, and, therefore, divided the House. I would expect, therefore, that in Committee we would divide on those Sections on which we cannot agree, and we would accommodate each other either by amendment or by acceptance of the original draft.

Mr. J. M. G. M. ADAMS:
Mr. Chairman, I imagine my amendment has been seconded.

Hon. J. C. TUDOR:
No.

Mr. J. M. G. M. ADAMS:
Well, I will just speak to it briefly in the hope of obtaining a Seconder. Sir, the Leader of the House says that this is existing legislation. Is the Government branding itself as wishing to pass repressive laws, but only being held back by the Constitution? In other words, because this existed before, the Government likes it, and it is only where it did not exist before that the Government bows to the Constitution and accepts that Barbadians have liberties! Sir, this Act is existing legislation because it was passed in Colonial times. Even in self-governing days in Barbados, as the Leader of the House well knows, there were certain Bills to which the Governor of Barbados could not give his Assent. He could not give his Assent, without the consent of the Secretary of State for the Colonies, to a Bill extending the life of the House of Assembly, No Colonial Legislature was ever allowed to extend its own life. He could not give his Assent to any Measure which would place the internal security of a Colony or the control of the Police in their internal security functions under the portfolio of an elected Minister. All of these things, Sir, are known to the Leader of the House. All of these defects crippled even the Democratic Labour Party Government in its first few years of power, even though there was a Minister responsible for Police Affairs and all that.

I have seen a photostat of a secret Colonial Minute from Oliver Lyttleton to a Colonial official in 1963 questioning how the portfolio of Police came to be put under a list of subjects to be dealt with by an elected Minister, then called the Leader of Government Business, and about to be called Premier. I have seen it, and hon. members must accept it. I do not even know if it ever reached Barbados. It was signed by the Secretary of State himself, Mr. Lyttleton, as he then was.

Sir, it was not possible in 1960 to pass any law fettering the power of the Commissioner of Police to

act only on reasonable grounds, because the Colonial Office had to have in reserve the power of the Commissioner of Police to act in such a way that no Court could question him if he were right or wrong. We could not, therefore, fetter him to act reasonably because that would import on a long line of precedents; that would import the right to have his actions called in question in the Court as to whether he has done this or that, and to make him reveal the source of his information. That is why in all the Acts passed up to comparatively recent times you will not find anything that ever fettered the Commissioner of Police to act reasonably. That is the difference between Colonial Barbados and Independent Barbados.

As I have said many times in this Honourable House, Sir, we all suffer from having been raised in a Colonial regime; we accept a lower standard of liberty for ourselves than we would have if we had been born in England or the United States of America. That is one of the great disadvantages of being a Colonial; you get habits of authoritarianism drilled into you from childhood. The Barbados Police, in my experience, are on infinitely more decent Force than the Metropolitan Police in England. I give that as my considered opinion, Sir, because they are much more decent to prisoners. Never in my experience do they frame people. I do not believe that any police man in Barbados who arrested a white man would carry him and push his head in a lavatory as was done to three Trinidadians in a Police station in England in 1960. It was a dirty lavatory, and they flushed the water over it. Nevertheless, the fact that the Police in Barbados are individually more decent and collectively as a Force, I think, maintain a higher standard - this is my opinion and I have had experience of both Police Forces" - maintain a higher standard with general relationship with all sections of the public, and that is the important thing - even criminals. Because of that, it does not mean that their ideas are not more authoritarian than those of the Metropolitan Police. The Police here temper authoritarianism with decency just as the system of Government in Imperial Russia was absolutism tempered with assassination, and they tempered absolutism with decency. We are all Barbadians and we all have to live together here. The Commissioner of Police, as the hon. junior member for St. Thomas has said, is a Barbadian, but Barbadian or not be has been trained as a Colonial Policeman: and no matter how he looks at things, he must of necessity have been trained in more authoritarian methods of controlling especially public order than English Police Forces. One of them is that while the Commissioner of Police in London cannot decide to ban processions and marches and not expect to face the Court for it - he knows that if he steps out of line, especially in a matter of public order, he will have to face that Court - the Police in Barbados are free from that because the legislation is drawn along orthodox Colonial Office lines, worked out for 80 or 90 years, since the Jamaica rebellion, and the legislation is drafted is such a way as not to call in question the actions of a civil power. 7.10 p.m.

This is a point of general application. I do not want to waste time with it, but the Colonial Office never forgot that the Governor of Jamaica was charged with murder in the King's Bench of England, because he authorised an emergency and allowed a member of the House of Assembly to be hanged by Court Martial in a tree in Morant Bay the same afternoon that riots broke out, and although the Grand Jury would not find a Bill against him, his pension was taken away and he lived in very poor and straitened circumstances for eleven years until eventually they gave him back some small pittance in the evening of his life. The Colonial Office never wished any Governor nor Commissioner of Police to face a murder

charge again. This is why constantly in the House we meet these old statutes that give a much greater authority to the civil power than can be given in the headquarters of Colonialism, Great Britian.

Mr. CHAIRMAN:
Certainly this is very irrelevant to this Clause.

Mr. J. M. G. M. ADAMS:
Sir, only Your Honour Would think it is irrelevant.

Mr. CHAIRMAN:
If only I would think it irrelevant, I would have no alternative than to ask the hon. senior member for St. Thomas to discontinue his speech.

Mr. J. M. G. M. ADAMS:
I withdraw the remark. It was uncalled for. I thought perhaps mistakenly I had seen the attention on the face of one or two hon. members and flattered myself into believing that attention would be not given to irrelevancy. In any case that passage of my speech is over. I want to plug it home, though, to hon. members that we must not think that because something has always been there, it is good, and I would not like to think that the Government is putting itself forward on Clause 11 as saying that just because the Colonial laws said you do not have reasonable grounds for doing something, that we as independent Barbadians cannot hold our heads up and say you have to have reasonable grounds. That is the ground on which I move my amendment.

Mr. HINDS:
I beg to second that.

Mr. CHAIRMAN:
Now the amendment by the hon. senior member for St. Thomas.....

Mr. HINDS:
Mr. Chairman, I think the Leader of the House might have something to say on this point.

Mr. CHAIRMAN:

Would the Clerk please read the words proposed to be inserted by the hon. senior member for St. Thomas?

Mr. CLERK:

The words are as follows

"but shall not refuse application for a permit unless there are reasonable grounds for apprehending that the march or procession in respect of which the application is made may occasion a breach of the peace or serious public disorder immediately or at any time thereafter".

The question that the words proposed to be inserted stand part, was put and resolved in the negative, the Committee dividing as follows:

NOES:

Hon. J. C. TUDOR, Hon. N. W. BOXILL; Mr. SPRINGER; Hon. K.N.R. HUSBANDS; Mr. LOWE; Mr. CORBIN; Mr. WEEKES and Mr. HOPPIN - 8.

AYES:

Mr. SMITH; Mr. ERNEST MOTTLEY; Mr. HINDS; Mr. J. M. G. M. ADAMS and Mr. ELLIOTT MOTTLEY - 5.

Mr. CHAIRMAN:

The question that the words proposed to be inserted by the hon. junior member for St. Lucy, stand part.

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

On a point of order, unless I am very mistaken, the motion that Your Honour put last time was that the words proposed to be left out, stand part.

Mr. CHAIRMAN:
No. I said "inserted".

Mr. J. M. G. M. ADAMS:
Is this inserted too?

Mr. CHAIRMAN:
Yes.

The question that the words proposed to be inserted by the hon. junior member for St. Lucy, stand part, was put and resolved in the affirmative without division.

Mr. CHAIRMAN:
There is also on amendment moved by the hon. senior member for Bridgetown, and that is that the figure proposed to be deleted stand part.

Hon. N. W. BOXILL:
Mr. Chairman, we agree with the motion. The hon. member made a suggestion that it be changed from "12" to "24".

Hon. J. C. TUDOR:
Mr. Chairman, I was wondering whether we need to make a motion.

Mr. CHAIRMAN:
I did not know that the amendment was accepted.

Hon. J. C. TUDOR:
Mr. Chairman, I have accepted the amendment, and therefore there is no need ....

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

On a point of order, the Minister accepted the principle, but he did not change his motion; so in my respectful view, Your Honour has put the correct question. All that has happened is that perhaps a little error has been made in the voting, because the Minister did not alter his motion. He said he would accept the amendment, but it could not be put until now.

Hon. N. W. BOXILL:

Mr. Chairman, I want to get the record straight. Sir, you did not put the question; so there was nothing we could have voted on. If the Leader of the House had asked that the question be put with the amendment, it would have been different, but he never had a chance to put it with the amendment. We accepted it; so we do not have to go to the vote.

The question that the figure proposed to be deleted, stand part, was put and resolved in the negative, without division.

The question that the figure proposed to be inserted stand part, was put and resolved in the affirmative without division.

The question that Clause 11 as amended stand part, was put and resolved in the affirmative without division.

7.20 p.m.

Clause 12 was called and passed.

Clause 13 was called.

Hon. J. C. TUDOR:

I beg to move that Clause 13 stand part.

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

Mr. J. M. G. M. ADAMS:
This is a difficult one. We do not object to it, but it is a difficult one in this sense - persons taking part otherwise than in accordance with terms of the permit under this Part. We are going to amend at some stage, I believe, to accommodate the views of hon. members who think that you should penalise a meeting because a man who is not advertised spoke at it. We must also face the situation that we would not want to see that the Police give permission for 60 cars or 1,000 people and then all of a sudden the Police begin to count and then take off the last 20 and arrest them. I wonder if such words as are going to be used in connection with saving the right of spontaneous speakers at public meetings could also be appended to this Section to save the right of slight miscalculations and a few extras over at the end. As I see it, and as I observed it in England, the duty of the Police if they wish 500 people to take part in a march is to close up the march after 500 people have got there, and escort fore and aft, and at the sides, and also I have observed that disorders have come under the English Public Order Act when other people want to join the march and the Police seek to stop them from joining - not the organisers inviting other people to come, but people along the wayside want to run and join in and get between the Police horses and so on, or trying to rush the Police at Downing Street, and more than 20 people are not normally allowed to march down Downing Street.

I wonder if it would be possible to add in one of these Sections some saving power to prevent the organisers or those who add themselves to inarches from being subjected to any strict rule of interpretation - the Police said 1,000 and there is one more. I wonder if the Leader of the House would give his attention to this.

Hon. J. C. TUDOR:
Would this not, Mr. Chairman, be a matter in which the Police could exercise the kind of discretion that would have come out of experience ? It seems to me that you cannot really legislate against every conceivable contingency, and in a case where permission is given for 1,000 people to march and an extra hundred attach themselves, I believe the Police could say that the number they are aware of or for which they had already given permission, are present, and ask that the extras to stand aside and not to take part. I do not know that you need to put this down in black and white; I believe that the Police have enough experience and discretion to deal with this matter; I do not think I could accept that.

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

I accept what the Leader of the House says, but the Police should understand that it will then be Up to them that if they see more than the number of people to march, they must stop the march at the given number.

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

Clauses 14 and 15 were called and passed.

Clause 16 was called.

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

Mr. HINDS:
I beg to second that.

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

SUSPENSION OF SITTING

Hon. J. C. TUDOR:
Mr. Speaker, I beg to move that this sitting be now suspended until half past eight.

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

The question was put and resolved in the affirmative without division. 7.30 p.m.

On resumption

Mr. SPEAKER:
When the sitting was suspended, the House was in Committee and it now reverts thereto.

Mr. YEARWOOD:
Mr. Speaker, I observe that we do not have a quorum, and I ask that the bell be rung.

The bell was rung and a quorum was obtained. THE PUBLIC ORDER ACT, 1970

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

Clause 16 was called.

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move that Clause 16 stand part.

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

Mr. St. JOHN:
Mr. Chairman, I notice that this is one of the Clauses that we on this side are not happy about. I refer to (2). We understand the provisions of this Section and what it hopes to achieve. It states

(2) Every Order made under this section -

(a) shall remain in force for a period of not more than one month without prejudice to the power to make a further Order at or before the end of such period;

(b) shall be published in the Official Gazette;

(c) may at anytime be varied, altered, amended or revoked by the Minister; and

(d) shall be subject to negative Resolution.

We cannot agree with that at all. Our experience in here is that if you have anything subject to a negative Resolution in the context of the existing Standing Orders, it means that it is possible for the majority Party to so suspend the Standing Orders as to prevent us at any time from initiating a Resolution to negative that. Everything in here must be subject to an affirmative Resolution, and we feel that it is very important. We also feel that if the Minister is satisfied that, by reason of particular circumstances existing in Barbados or in any area thereof serious public disorder would be occasioned by the holding of public meetings or marches in Barbados or any area thereof and that it would be in the interest of public safety and necessary for the preservation of public order so to do, he may by Order, subject to such exceptions as are from time to time specified in the First Schedule, prohibit throughout Barbados or in any area thereof all public meetings and all public marches. This is similar, but with less drastic consequences, to a situation where a state of emergency is declared.

Now, when we were drafting the Constitution we were very careful that the Constitution was drawn up in London to ensure that although the power was granted to the Governor-General in his discretion to create a state of emergency, its continuance for a period could not take place unless supported by a Resolution of the majority of the members of the House of Assembly. You can look at Section 25, page 26, and you will see the position. At page 26 we said: "A proclamation made by the Governor-General for the purpose of this Section shall, unless previously revoked, remain in force for one month or for such longer period, not exceeding six months, as the House of Assembly may determine by a resolution supported by the votes of a majority of all the members of that House." I repeat that we were very

careful about this. The Governor-General could have made his proclamation, but he could not extend it unless the majority of all the members of the House of Assembly came in here and voted in relation to it. (Asides.) You must have a majority of 13 members voting in favour of it. That is the protective provision.

Sir, this is the intermediate stage, and I am not suggesting that Section 16(1) is the same circumstance or the same power as a state of emergency, but this is a half-way house in between, where you are going to ban all meetings. We cannot deal with it with a negative Resolution. We would never be able to do anything about it, because all the other side has to do is to come here and suspend the Standing Orders each day and Private Members' Business will not be dealt with, and we would have no power even to debate the necessity for it. We would like that Section changed. We definitely feel that every Order made under this Section shall remain in force for a period of not more than one month. We want this adjusted so that an affirmative Resolution in this House has to take place for its extension.

May I, for the benefit of members, quote the corresponding legislation just to show the similarity. In this Chapter a period of "public emergency" means any period during which -

"(a) Barbados is engaged in any war; or

(b) there is in force a proclamation by the Governor-General declaring that a state of public emergency exists; or

(c) there is in force a resolution of each House supported by the votes of not less than two-thirds of all the members of that House declaring that democratic institutions in Barbados are threatened by subversion.

(2) A proclamation made by the Governor-General shall not be effective for the purposes of subsection (1) unless it is declared therein that the Governor-General is satisfied -

(a) that a public emergency has arisen as a result of the imminence of a state of war between Barbados and another State or as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence, outbreak of infectious disease or other calamity, whether similar to the foregoing or not; or

(b) that action has been taken or is immediately threatened by any person of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community, or any substantial portion of the community, of supplies or services of life."

When once the Governor-General makes that proclamation, it can only continue in force for one month, and then it will be necessary to come before the House of Assembly. We concede that something not as drastic as that may occur in the country and, therefore, you come to Section 16 which says:

".....if the Minister is satisfied that, by reason of particular circumstances existing in Barbados or in any area thereof, serious public disorder would be occasioned by the holding of public meetings or marches in Barbados or any area thereof and that it would be in the interest of public safety and necessary for the preservation of public order so to do, he may by Order, subject to such exemptions as are from time to time specified in the First Schedule, prohibit throughout Barbados or in any area thereof all public meetings and all marches."

8.40 p.m.

Presumably you are going to deal with the Trade Union as a state of emergency, because having exempted them under this, if they have the threat of a general strike by the Kiaki King, you will declare a state of emergency, because a general strike would deprive the community or a substantial portion of the . community of supplies. You know the threat is always that he will tie up the Port and Seawell. He has the lifeline in his hands. If we found it necessary to have these safeguards there, we feel that any Order made by the Minister under this - and we agree it is necessary to have an Order - cannot continue longer than a month without an affirmative Re solution in this House. This Section says that it shall be subject to negative Resolution, and it says it shall remain in force for a period of not more than one month without prejudice to the power to make a further Order at or before the end of such period; so on the day before the end, he can make another Order. We cannot take that.

Hon. N. W. BOXILL:

Mr. Chairman, if the hon. member would give way, he himself said that he was responsible for the Constitution. (Asides.) You said the Opposition was responsible for the Constitution which I said wanted throwing through the window. Anything that is done in this country that infringes on the Constitution is null and void. The Constitution supersedes any Act we may pass because it is entrenched, and the hon. member knows this. No matter what we do, the Constitution comes first and we cannot do anything to impinge on the rights of people.

Mr. St. JOHN:

Let us get it straight. The precise point we are making is that while we agree that section 16 is a necessary power, my feeling is that situations can arise where you want to prohibit marches and processions. You do not want to use your state of emergency powers, because I believe that if you use them very often you provoke more passions than are necessary to provoke, and therefore this is a lesser power, I say that if the Minister makes an Order for a month, it should only continue for longer than a month if you come here and an affirmative Resolution of this House says it can go on for longer than a month and we go back to the old Emergency Powers Act.

In the 1939 Emergency Powers Act passed in Barbados after the riots, it says that where the Government declares a state of emergency by Section 3(2) "any Orders so made shall be laid before the Legislature as soon as may be after they are made and shall not continue in force after the expiration of seven days from the time when they are so laid unless a Resolution is passed by both Houses providing for the continuance thereof." Here we say 'one month, ' but the Minister cannot extend it for us; we want this House to extend it. Subject to adjustment on that, we would let that go through; otherwise we will talk a little longer, possibly for the whole night.

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

Sir, I would like to support the point made by the hon. and learned member for Christ Church. Far from being obsolete, as an aside from the other benches might suggest, the 1939 Emergency Powers Act is the only piece of legislation in Barbados dealing with an emergency. It was amended in 1955 and as a result of the Constitution being passed - because the only piece of past law in Barbados which was subject to the Constitution was the Emergency Powers Act - an adaptation Order was made in 1967 removing most of the powers taken in 1955 and restoring the full force of the 1939 Act. As His Lordship the Chief Justice said, and as my learned friend, the senior member for Christ Church reminded me last night when arguing with the hon. senior member for St. Peter, a lawyer should never argue law with a layman and even less with a law student. (Asides.)

Mr. CHAIRMAN:

Let me remind hon. members that Standing Order No. 29(6) has not be suspended.

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

I want hon. members to know these facts. We are providing here in an Act that a Magistrate who cannot give a vagabond that breaks houses more than twelve months will yet be able to give persons who offend against this Act two years; but the maximum penalty for a breach of an Emergency Order is

three months or L100. This is where there is a riot, insurrection, an invasion of Barbados, a rebellion or the destruction of the means of livelihood. Before that penalty can be in force, the Order has to be laid on the Table of the House and positively passed by both Houses of Parliament to render a man liable to three months' imprisonment for rebellion that does not amount to treason, because if it is treason, of course he can be hanged, once convicted by a jury; but for acts which interfere with the Government's administration of the country during an emergency, it is only three months, and only after a proper debate in the House, whereas in this Act it is going to be a much greater period of time after no debate in this House. That is not good enough. Although Section 16 provides a useful power, I have my doubts about its constitutionality. Nothing has given me more intellectual trouble than this Section of the Act. I can say that it grants additional powers because it does not only forbid meetings in public places, but also in private places to which the public are invited. In fact it forbids any meeting to which the public are invited. I hope hon. members realise that the definition of "public meeting" includes any meeting held in a public place and any meeting which the public or any section thereof are permitted to attend, whether on payment or otherwise, and "meeting" means any assembly or gathering of persons held for the purpose of the transaction of matters of public interest or for the discussion of such matters or for the purpose of the expression of views on such matters; so do not let us confuse ourselves with 'enclosed yard, highway, street or passage.' You will not be able to hold a meeting of the House of Assembly to which the public are invited, once this particular Order is enforced, if Bridgetown happens to be an area. Any meeting anywhere at which matters of public interest are transacted and to which the public are invited will be forbidden under this Clause; so let us understand what we are passing. Do not let the gloss of somebody's gloss confuse us. There was a lot of talk yesterday when discussing Clause 2 about whether a tourist seminar at the Hilton would come under that, and there is no doubt that a tourist seminar at the Hilton will come under this Section, because that is a public meeting, invitations go out to members of the public to attend the Hilton to hear matters of interest discussed; so all that will come to on end entirely without permission from the Police. This is something serious we are passing.

Again let it be made clear that we on this side of the House are not going to persecute the House to exempt the Hilton or the House of Assembly or Youth Clubs. 8.50 p.m.

If disorder is threatened, disorder must be controlled; nobody can doubt that, and if it means incidentally that the House of Assembly might have to exclude the public or something like that during a period such as this - you never know; some member of the public may come in here, as the Puerto Ricans went into Congress in 1950, with a machine gun and shoot down six or seven elected members. We want to avoid that. In 1947 in Burma when a group did not like the way the elections turned out, they went to a Cabinet meeting and shot down the Cabinet sitting in their seats. It may assist us to exclude the public during a time of disorder, but these arguments really are addressed particularly to the Leader of the House; let us debate in here - of necessity I believe we will have to debate it in private; so there would not be any question of the public hearing what we say and our pressing members of the Government to tell out secrets - it would of necessity by reason of Section 16 have to be a private meeting.

Let us debate in here whether such Orders are to continue; you cannot be so authoritative. I am very glad to hear that we have persuaded the Government to adapt at least this part of the Section to the General Emergency provisions, and I will give way to the Hon. Leader of the House if he so wishes.

Hon. J. C. TUDOR:

Mr. Chairman, indeed there is no disagreement on this point since the other side have accepted in its entirety Section 16 (1). We feel able to make the Bill better by finding some formula to accommodate their point of view on the rest of the Section. I am suggesting that for paragraph (a) of sub-Clause (2) we might substitute the following sub-paragraph, a new (a) and it would read "Every Order made under this section -

(a) shall unless previously revoked remain in force for a period of not more than one month but may be extended from time to time for a further period of one month by a like Order which shall be subject to affirmative Resolution;"

you put a semi-colon at "resolution" and then after the semi-colon at the end of sub-paragraph (b) of sub-clause (2) you add the word "and" and then at the end of sub-paragraph (3) of the game sub-clause we delete the semi-colon and the word "and" and substitute a full stop. Lastly, we delete from sub-clause (2) paragraph (d). I beg to move, Mr. Chairman, that Clause 16 as amended stand part.

Hon. K. N. R. HUSBANDS:

I beg to second that.

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

Hon. J. C. TUDOR:

Mr. Chairman, I beg to move that Clause 16 be re-committed.

Hon. N. W. BOXILL:

I beg to second that.

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

Hon. J. C. TUDOR:

Mr. Chairman, at the point at which I had said in the amendment "that may be extended from time to time for a further period of one month' I should like to put in after the word "of" the words "not more than." I beg to move that Clause 16 as amended stand part.

Hon. N. W. BOXILL:

I beg to second that.

Hon. J. C. TUDOR:

Mr. Chairman, so that there shall be no confusion I will read the properly amended version. "......shall unless previously revoked remain in force for a period of not more than one month but may be extended from time to time for a further period of not more than one month by a like Order which shall be subject to affirmative Resolution."

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

On a point of order, do you mean that we still have Clause (d) which is subject to negative resolution? (Hon. J. C. TUDOR No.) At what stage do you say that the original Order must be subject to affirmative resolution?

Hon. J. C. TUDOR:

It is not the original Order; the Minister must have power to put out the first Order. It is the extension of it which must be subject to affirmative Resolution.

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

So that although we appear to have got something we have lost something, because under the old dispensations the first Order was at least subject to negative Resolution; now do you mean the first Order is subject to no Resolution at all, Sir? 9.00 p.m.

Sir, originally the Minister made the first Order subject to a negative Resolution. You are now purporting to give a Minister power to make an Order under an Act subject to no sort of Resolution at all! (Asides.) If you search all the laws in Barbados, you will find that there has never been any Act under which subsidiary legislation has been made without reference to the House of Assembly. You either have to submit it to the House of Assembly by laying it on the Table and subjecting it to a negative Resolution, or you submit it by giving notice of it and seeking to move it. I have never heard of any subsidiary legislation dealt with in that manner and, as a matter of fact, you have me thinking now of looking at the Constitution again. I have never heard of any piece of subsidiary legislation that did not have to be laid at all. (Asides.)

Mr. Chairman, when the Barbados Motor Club is holding a rally, the Commissioner of Police does not have to lay the Order in the House of Assembly declaring Stewart's Hill to be closed to traffic on a Sunday afternoon. Only things like that are exempted. Every Order of this sort is normally subject either to a negative or affirmative Resolution. There is no need to delete subClause (d) if you have that amendment in subClause (a).

Hon. N. W. BOXILL:

Mr. Chairman, there is a point which, I think, the hon. member is overlooking. If it is made subject to a negative Resolution, the Minister can only make the Order for a period of 30 days. A negative Resolution is subject to 40 days, and we must not forget that. You will still have an extra 10 days. (Asides.) Do you see my point? (Mr. J.M.G.M. ADMAS It should never have been there in the first place.) I just wanted to get that point straight. (Asides.) ' Shut up!

Mr. CHAIRMAN:

I was not speaking and, therefore, I do not expect any hon. member to ask me to shut up.

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

Mr. Chairman, the hon. Minister has made a very sound point to the effect that the Order, if it is not annulled, would become final after 40 days when its effect was already spent. Of course, it would not prevent a member of the House on the day it was laid from putting down a Private Member's notice and seeking to annul it there and then... It has been pointed out to me by the Clerk that the recently made Order dealing with Judges' salaries provided that an Order may be made without reference to the House. I was not aware of this and it must have slipped me. I did not realise that Judges are now so far above Parliament that we cannot even discuss their salaries in here. I have no doubt that the Clerk's expertise, which we have seen to such excellent effect during this debate, is properly exercised in this respect. He has given me something to think about. I did not think that any public officer's salary should be above debate, Judge or otherwise. I think we will find that we have actually given the Minister more power than less. You are giving him less power to renew the Order, but you have given him total power in

making it. The House will not be able to discuss it now. I do not believe it is necessary to delete sub Clause (d). If you have that an affirmative Resolution is necessary for renewal, then you can make it necessary for all, Sir. (Asides.)

Mr. Chairman, the hon. and learned senior member for Christ Church has reminded me that an Emergency Order remains in force for 7 days without debate in the House, but thereafter you have to debate it. Actually, I was saying to the hon. and learned member for Christ Church that the Emergency Powers Act, although not absolete in the sense that the senior member for St. Peter suggested, is still the only Act. It may yet need a little tightening up, because 7 days seems to me a slightly short time. Suppose the emergency was such as to prevent the House of Assembly from meeting, this would be a little awkward.

Hon. N. W. BOXILL:

On a point of order, Mr. Chairman. Here is where the hon. senior member for Christ Church comes right back to us. He says that the Emergency Powers only last for 7 days. In contradiction to what the hon. member has said, here is where the Minister should be able to extend it for a month and not 7 days. After a month the members of the House should decide whether or not we want to prolong it. If we come to the House after a month, it means that we want to prolong the state of emergency. If we do not come here, it means that the State has gone back to its equilibrium.

The question that Clause 16, as amended stand part was put and resolved in the affirmative without division.

Clause 17 was called.

Hon. J. C. TUDOR:

Mr. Chairman, we have a small amendment to Clause 17. In the fourth line after the word "apply" put it the words "in writing" and take out the words "for a permit" from where they are and put them after "Police." The Clause will then read

"Any person who desires to organise or hold in any place to which an Order under this Part applies, a public meeting or a public march, shall, at least 2 days before such intended event, apply in writing to the Commissioner of Police for a permit".

I beg to move that Clause 17, as amended, stand part.

Hon. K. N. R. HUSBANDS:
I beg to second that.

Mr. ERNEST MOTTLEY:
Mr. Chairman, does not this Clause need re-phrasing?

Hon. J. C. TUDOR:
Mr. Chairman, may I read the Clause again? It will read

"Any person who desires to organise or hold in any place to which an Order under this Part applies, a public meeting or a public march, shall, at least 2 days before such intended event, apply in writing to the Commissioner of Police for a permit." 9.10 p.m.

We have taken the point of the hon. senior member for St. Joseph there.

Mr. HINDS:
Mr. Chairman, I wonder if the Leader of the House would see whether the draftsmen might be more inclined to go along if he were to rephrase it to read something like this "Any person who desires to organise or hold a public meeting or a public march in any place to which an Order under this Part applies, shall at least two days before such intended event apply for a permit in writing to the Commissioner of Police."

Hon. J. C. TUDOR:
I see. You do not want your main verb buried in a mass of verbiage.

Mr. HINDS:

Is the hon. member suggesting that there is verbiage in this paragraph?

Hon. J. C. TUDOR:
All writing is.

Mr. HINDS:
In all seriousness.....

Mr. CHAIRMAN:
The question is.....

Mr. HINDS:
Mr. Chairman, the question is what?

Mr. CHAIRMAN:
Every hon. member has taken his seat, and nothing is before the Chamber other than the question to be put.

Mr. HINDS:
But you ought to have heard what the Leader of the House said.

Mr. CHAIRMAN:
He did not address the Chair if he said anything.

Mr. HINDS:
It is a matter entirely for you.

Hon. J. C. TUDOR:

Mr. Chairman, it would be a tidier sentence if we put it as was suggested. "Any person who desires to organise or hold a public meeting or a public march in any place to which an Order under this Part applies, shall etc." We accept that, and we have rescued the hon. member's main verb, as I think he attempted to do.

Mr. ELLIOTT MOTTLEY:

Mr. Chairman, looking at the comparative Table and source of this Bill, I see that Clause 17 is adapted from the Jamaica legislation. There are two points which are different from the Jamaica legislation. One is that in Jamaica the time within which a person must apply is limited to twenty-four hours, whereas in this Act it is at least two days. Secondly in Barbados you must apply solely to the Commissioner of Police, whereas in Jamaica, you can apply either to the Senior Police Officer or to the Resident Magistrate in the district in which you want to hold the meeting. In the case of Kingston and St. Andrew, you can also apply to the Commissioner of Police. I would like to find out from the Leader of the House the reason for departing from the practice since the Bill is supposed to be based on the Jamaica legislation. I do not think you should say in the circumstances, since this is a special provision, that you should apply to any member of the Police Force. What I would suggest is that you apply to a Magistrate rather than any member of the Police Force,

Hon. N. W. BOXILL:

If the hon. member would give way, I heard him mention something about a

Resident Magistrate. Do we have any Resident Magistrates in Barbados? I thought that ceased some years ago. All the Magistrates come under the jurisdiction of the Chief Justice, and they all come under District "A" Court and are then farmed out. We do not accept the Jamaica Act in toto. Can't we improvise too? This is no impediment or anything that we would be imposing on anybody. The hon. member should try and see the Bill as something to help the country and not anything to hinder it.

Mr. ELLIOTT MOTTLEY:

I do not know why, when the Minister gets up, he likes to give the appearance of quarrelling with himself like that.

Hon. J. C. TUDOR:

In fairness to the hon. member, I really would like to tell him that I do not feel able to accept that kind of amendment.

Mr. ELLIOTT MOTTLEY:

I did not suggest any amendment. I am just asking why you have departed from the Jamaican situation since the Bill is adapted from the Jamaica Law. (Asides.)

Mr. CHAIRMAN:

Members not addressing the Chair. I can hardly hear the hon. member who is addressing the Chair.

Mr. ELLIOTT MOTTLEY:

When you ask hon. members to keep quiet, and a member keeps on talking, it is self-evident that that member does not consider himself honourable. The point is simply this it is not just a question of saying we do not have Resident Magistrates in Barbados; it is the principle of not applying to the Commissioner of Police, alone, but having the Commissioner of Police, your Senior Police Officer and also a judicial officer. If you wanted to adopt that principle for Barbados, you could easily have said "to the Commissioner of Police or the Magistrate for the district in which the meeting is supposed to be held". Why are you departing from the principle of applying to a judicial officer, and why have you extended the time? I am not making an amendment at this stage, but there must be some reason why you departed from it.

The question that Clause 17 as amended stand part, was put and resolved in the affirmative without division.

Clause 18 was called.

Hon. J. C. TUDOR:

Mr. Chairman, I have an amendment here. I would like to add the following sub-Clause as sub-Clause (3). It reads as follows-

"The Commissioner of Police shall at least twelve hours before the time at which the desired event is to begin notify the applicant of his decision, and where the application is refused he shall state in writing the reasons for such refusal."

I believe this may be a case in which we can substitute "twentyfour" for "twelve". I am sorry; we cannot. This is a two-day one. We have to retain twelve hours because in Clause 17 we have said at least two days; so twelve hours would be reasonable here.

I beg to move that Clause 18 as amended stand part.

Hon. K. N. R. HUSBANDS:
I beg to second that. 9.20 p.m.

Mr. HINDS:
Mr. Chairman, the Commissioner's notification of his decision ought to be in writing as well. You have heard at Section 3 "the Commissioner of Police shall at least 12 hours before the time at which the desired event is to begin notify the applicant of his decision"; I am saying that that notification should be in writing, and it should be so stated here in this amendment.

Hon. J. C. TUDOR:
But these amendments, if the hon. member would recall, are what I would call common form amendments covering Clauses 5, 11 and 18; their drafting is identical and we did not so include that for the amendment in Clause 5 or in Clause 11.

Mr. HINDS:
Mr. Chairman, it was not done at Clause 5 or at Clause 11, but it now comes to mind at Clause 18; all we need do is to ask that the other Clauses be recommitted and for the amendment to be made. In other words, this is a case where an application has got to be made in writing to the Commissioner of Police. (Asides.)

Mr. CHAIRMAN:
All hon. members must observe the Standing Orders; I can only hear one member at a time.

Mr. HINDS:
If it is stated in the Bill that the application must be made in writing, we are inserting that it should also be stated in the Bill that the Commissioner's decision also be in writing. We see here quite well that

where he refuses it must be in writing; what I am saying is that in any case it should be in writing. (Hon. J. C. TUDOR He will do that anyhow.) (Mr. LOWE That is foolishness.) Anything from this side of the House is foolishness and anything from this side of the House is trying to keep back the passing of the Bill!

Mr. CHAIRMAN:

Again I am appealing to hon. members.

Mr. HINDS:

Mr. Chairman, as this Bill stands, the Commissioner of Police can send a Police Corporal or Sergeant to notify any applicant that permission has been granted. The message might be delivered, but a meeting is now in progress; somebody who did not know or pretends not to know, or wants to show off his authority, comes up and enquires "Do you have a permit to hold this meeting"? You have nothing to show and he says "Stop this meeting at once; disperse, ". You do not disperse because you ought to have something to show. (Hon. J. C. TUDOR You will have his permit; if it is a document it has to be in writing.)

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

I have another amendment to move to Clause 18 (1) that you remove the full stop at the paragraph and you add the following words "but shall not refuse an application for a permit unless he has reasonable grounds for apprehending that the public meeting or march in respect of which the application is made may occasion a public danger or serious public disorder immediately or at any time thereafter." All I say to the Leader of the House is to make it constitutional; he knows exactly and precisely what I mean. There is no preexisting legislation on which the omission of this passage could be justified. In the interest of both sides of the House, make it constitutional. The expression "which may occasion public danger" is intended to correspond to the terms and conditions relating to the interest of public safety. Make it constitutional; I do not understand, as a matter of drafting, the use of the word "may". While the Minister is in there let him ask why throughout this Act they use the word "may" instead of "shall". 9.30 p.m.

It has "may" instead of "shall", and that is point number one. It imports a discretion which the Interpretation Act does not allow, because since the passage of the Interpretation Act, 1964, "may" always means "may" and "shall" means "shall" unlike the old law in which " shall" might mean "may" and "may" might mean "shall". "Shall" always means that you have to do it, and "may" means that you can choose to do it. What else is there for the Commissioner of Police to do but to grant or refuse the application, if we pass subparagraph (3)? If you did not have subparagraph (3), you could say that he had a plain discretion: h3 may grant, he may refuse, he may do nothing. Now that we have passed subparagraph (3) saying that he has to make up his mind twelve, fourteen or sixteen hours before the

meeting, I do not see how you can go on using "may". You could as well direct the Commissioner of Police that he "shall" either grant or refuse. That is point one, and point two is that you should make this Clause constitutional. We are interrupting people's liberty. The draftsmen are obviously so doubtful about Part 1V that although they purport in Clause 16, which we have just passed, to confer on absolute power, Clause 16 is yet qualified by Clause 18 which we are now discussing.

Now, this is a half-way house, as the senior member for Christ Church has said, to a stage of emergency. It is the preliminary. I do not agree that if Trinidad had had this, they would not have had disorder. I think that Trinidad had some determined and wicked people bent on public disorder at all cost. I do not know what number of Public Order Acts or what number of Clause 18 could have stopped the Trinidad Army from preparing to mutiny. You could have 25 Acts such as this with each one more severe than the last, and if the Trinidad Army felt like shooting its officers it would still have done it. That is only by the way. Let us have, as I suggest, "shall", and let us have these reasonable grounds added to constitutionalize the Act. Do not give the Commissioner of Police an absolute discretion. You will only cause somebody to go in Court and say that this part of the Act is unconstitutional; that the Commissioner of Police had no right to refuse him from holding a public meeting; that the Minister's act in making the Order was unconstitutional, because it did not provide that it should be done only subject to constitutional restrictions on the right of free assembly. The Constitution says that you have a right of free assembly to X. Well, let us put X here in Clause 18.

Sir, you can avoid putting it into Clause 11, because Clause 11 is pre-existing. This is only preexisting to the extent of marches. If you want to constitutionalise it for meetings, you must put it in.

On the question of "shall" and "may", Sir, I have not moved an amendment on that as yet, and I hope the Minister will deal with it. I would ask him to bear in mind Section 37 of the Interpretation Act, 1966 and not 1964. I misquoted it on the last occasion. "In an enactment passed or made after the commencement of this Act the expression "shall" shall be construed as imperative, and the expression "may" as permissive and empowering". This amendment will take away the permissive element of the Commissioner of Police's discretion. All he can now do, if we pass the Minister's amendment, is to grant or refuse. He cannot notify the applicant that he has not taken any decision which "may" will import.

I would ask the Minister to think about that, and

I would also ask, in the interest of constitutionalising the banning of meetings under Section 16, that the House accept this amendment. Perhaps it was a mistake to join together meetings and marches in Clause 16. If the Minister had sought to use the argument that this is pre-existing legislation, but bearing

in mind that pre-existing unconstitutional legislation may only be renewed in substantially the same form as it pre-existed, and the pre-existing unconstitutional legislation relates to public marches and not to meetings, if you add meetings to marches, you have to constitutionalise the ban on meetings. In the same way that you propose to constitutionalise it, and the Cabinet accepted the necessity of so constitutionalising it, in Part

II I would advise all those with an interest in the preservation of law and order to constitutionalise it in Clause 18 here in Part IV.

Mr. ELLIOTT MOTTLEY:

Mr. Chairman, I beg to second the amendment moved by the honourable senior member for St. Thomas. I believe the best reason he has given, and I believe the most forceful reason that I could urge on this side, would be to say that the amendment, apparently, is in the wrong copy of the draft Bill that was sent to this House. I am using the cyclostyled copy, Sir, which was handed to us originally, and unlike the printed Bill this is not in it; so that the words which the senior member for St. Thomas would like added to this Clause would be "unless he has reasonable grounds for apprehending that the meeting in respect of which the application is made may occasion-serious public danger, or serious public disorder immediately or at any time thereafter".

It would appear that, the Government themselves recognise, even under Clause 5, it was not sufficient merely to give the Commissioner of Police the right to refuse an application for a permit, but limited that right of refusal to cases where the Commissioner had reasonable grounds. If you were to look at Clause 18 as it now stands, Sir, you will see that it is somewhat similar to Clause 5 as printed and circulated, but not as it appears on the cyclostyled sheet. I think the Leader of the House is with me, Sir, and I do not think this would present any difficulty. Clause 18 (1), as it now stands, reads as follows:

"The Commissioner of Police, on an application made to him under section 4, may, in any case, grant or refuse the application...." but in the cyclostyled copy of the draft Bill Clause 5 (1) reads as follows:

"The Commissioner of Police, on application made to him under section 4, may, in any case, grant or refuse the application but shall not refuse an application for a permit . . ."

and these are the important words, Sir, - -

"unless he has reasonable grounds for apprehending that the meeting in respect of which the application is made may occasion a breach of the peace or serious public disorder immediately or at anytime thereafter."

The amendment we are asking the Government to accept is not an amendment coming from us. It is an amendment which the Crown Law Officers attached to the right of the Commissioner of Police. It is a qualification which they attached to the right of the Commissioner of Police to refuse an application for a permit under Clause 5. I would seriously suggest that for that reason, if for no other reason, they should accept their own amendment. 9.40 p.m.

Hon. J. C. TUDOR:

Mr. Chairman, I would be inclined to approach this from an entirely different point of view, and for that reason I would have to resist that amendment. I will tell you why. As I understand it, this Part of the Bill which the Committee is now dealing with, Part IV, is the Part under which the Committee has approved the granting of special powers to the Minister to act in extraordinary circumstances. In Clause 16 we have already given the Minister power to prevent the holding of public meetings in the whole Island or in any part thereof in the same state of emergency. We have then said that any Order that he makes in this respect he can make for a month, and he can renew it from time to time for a further period of not more than one month, but that when he does it beyond the first month he must bring or send it here so that the House can pronounce upon it. Then we go on to say, Mr. Chairman, that if you want to hold or organise a meeting in one of these areas which the Minister has power to prescribe as being an area where you should not hold a meeting, you have to apply to the Commissioner of Police for a permit. Then Clause 18 (1) says that the Commissioner, of Police when you apply to him under Section 17 - and you must remember that Section 17 is part of Part IV - may grant or may refuse. It would seem to me here that since we are dealing with a part of the Bill which prescribes how certain emergency situations should be treated, you have to leave this discretion with the Commissioner of Police, because he may grant the holding of a meeting in a prescribed area, so I understand, or he may refuse it.

Incidently in answer to the hon. senior member for St. Thomas, it seems to me that "may" may be in order here, because if you said "shall grant" or "shall refuse". I myself would not know how he would act; but if you give him a discretion it seems to me more proper to say he may grant or he may refuse. (Asides.) If he may grant or he may refuse, he cannot do nothing; he must do one of two things; if he may grant or he may refuse, he may grant or he may refuse, but he must do something. I think we are being involved in semantics. If you say I may do this or I may not do it, it is different from saying I may do X or I may do Y. In the latter case you only give me two alternatives. In the former case you give me two alternatives, but one of them is not to do. In this case you give two alternative sunder each of which you must take action - either to grant or to refuse. This is how I see it. I am not competent to argue what "shall" means under the Interpretation Act, because this would be a matter for lawyers, but I think we

are happier with "may" in the cir-cumstances of this particular Part of the Bill.

I would like to say that the real reason why I do not feel able to accept that amendment is that it does seem to me that this Part of the Bill deals with extraordinary curcumstances, near or semi-emergencies ..... Mr. ERNEST MOTTLEY: Near election time.) I do not agree with this because I do not think it is true. It has nothing to do with this. (Asides.)

Mr. CHAIRMAN:
Is the hon. senior member for Bridgetown addressing the Chair?

Hon. J. C. TUDOR:
While I am on my feet, I will take up the aside of the hon. member. Suppose it was even so that for a variety of circumstances this action had to be taken near election time in a particular area, it would not prevent.....(Asides.) Why did you say "Hinds" and not yourself? Why could we do it with him and not with you?

Mr. CHAIRMAN:
Is the hon. junior member for St. Lucy still addressing the Chair?

Hon. J. C. TUDOR:
I would be happy to, Mr. Chairman. I think we are dealing here in this Section with peculiar circumstances, I could not possibly advance any different argument from this, and since the House has already given the Minister these powers, I believe that what we would be accepting here falls in line with the general tenor of the Bill itself.

Mr. J. M. G. M. ADAMS:
Sir, I find it very hard to understand the reasoning of the hon. junior member for St. Lucy. Is he suggesting that merely because it is a near emergency that you can behave unreasonably? Circumstances require reasonable behaviour at all times in a matter of the restriction of people's liberties. I do not see a word in the Constitution stating that during a period of emergency, the Cabinet, Governor-General or anybody else may act unreasonably in handling the liberty of the subject. I do know that under the old Emergency Powers Act, a Clause has had to be repealed to make it constitutional. I do know that at one time the Emergency Powers Act contained these powers that when a proclamation of emergency has been made, and so long as the proclamation is in force it shall be lawful for the Governor-General to

make any Orders whatsoever which he considers desirable in the public interest. It is one of those splendid powers comparable to the powers of the Ministers of Northern Ireland who need only say that a Police Inspector told them that there was good grounds for locking up a particular citizen, and the law of Northern Ireland provides that the Minister merely has to swear an affidavit that the Inspector told him so and that in his opinion the Inspector was right, and off to gaol goes a citizen. We have passed from those days. We now have a Constitution which we fought for, and by reason of that such a power as this which was once given to the Cabinet to make any Order whatsoever which it considered desirable in the public interest, has been repealed. I repeat, I would suggest to the hon. member that if wishes to constitutionalise a ban on public meetings even under this section, he must include the words that the ban must not be applied unreasonably.

We heard a lot about this being a half-way house to an emergency. Suppose Section 16 is a half-way house to an emergency; half-way is not there. If you want to make an Emergency Order, you have to declare a state of emergency. If you do not declare a state of emergency, you cannot make such an Order as is envisaged in Section 16 of the Act, and yet expect to have the authority which you would have if a full scale Order of emergency was inforce. You cannot expect to circumvent the requirements of the Constitution.....

Mr. CHAIRMAN:

Mr. Marshal, could you ask the hon. members in the Clerk's Office to be silent?

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

Thank you, Sir. You cannot expect, I was saying, to have the power unfettered to make an Emergency Order without passing a proclamation of a state of emergency. In other words, you would have to go through all the provisions laid down in the Constitution for which we fought so hard that a proclamation has to be supported by a vote of a majority of all the members of the House, that is, by at least thirteen members, and it can only be passed subject to certain conditions. 'Half-way house' means 'half-way house.'

9.50 p.m.

The only additional powers, I urge on the Leader of the House, which Section 16 gives is the right to ban a meeting on private premises - nothing else; but it is a serious power. And does the Leader of the House honestly believe that the Courts of Barbados are going to say, for example - just to take a short example, something political - that a particular Constituency Branch of the Democratic Labour Party or the Barbados Labour Party that is accustomed to meeting every third Sunday in the month cannot meet because the Police say so, even though it may well be that there is no threat of any sort? The Democratic Labour Party will not be able to hold Constituency Branch meetings without permission of the

Commissioner of Police while such an Order is in force; is it to be suggested that a regular political meeting of this sort is going to be banned without the Commissioner of Police having to show reasonable grounds, having to show a real concern for public order? That is what the Minister is refusing. All these arguments about marches may be justified; in my opinion they are arguments I am sorry to see any hon. member of this House use, that because you could ban marches unreasonably before, you should continue to ban them unreasonably now. I have never known them to be banned unreasonably, but the power is there.

It is all justified with marches, but to take a common form example, is it going to be banned for that? As I said, I draw an example from the daily experience of all of us. Consider again the tourist seminars that we heard about; suppose there is some particular disorder in Bridgetown, and St. Michael is placed under a ban; is it seriously suggested that it will be possible to ban a tourist seminar at the Hilton Hotel without showing that it is going to be a danger to public order or a threat to public security? Is the Commissioner of Police going to be given arbitrary power, mainly permissive arbitrary power without any fettering that the power must be exercised reasonably? Is he going to be given it over every single public activity that is carried on and not threatened in the Act? The Minister cannot be serious, and I would urge on him again - if he can tear himself away from the interesting company in the Clerk's office - I would urge on him to think again on this particular Clause. I wonder if he understands that we are urging on him to make it constitutional, not to destroy it; to make this Part of the Act work, not to stop it from working. The Barbados Labour Party is just as much interested as the Democratic Labour Party in stopping violent meetings, conspiratorial meetings on private premises during a time of disorder. All of us in here have an interest in the preservation of the structure of Governments in such a form and manner as will allow for citizens of Barbados to aim at a modicum of freedom and a minimum of violence and destruction in all changes in our daily lives. I very much hope that the spirit "we have allowed too many amendments already" is not abroad and that therefore no further amendments are going to be allowed. I ask the Minister again to accept this amendment and make the Act work; do not take the danger of this Part of the Act not working because we have not got that provision of which Cabinet is in a particular position to know the wisdom.

Mr. ELLIOTT MOTTLEY:

Mr. Chairman, I endorse entirely the remarks made by the senior member for St. Thomas. One thing which has me at a loss is that if the Minister is adopting the view that it is all right for the Commissioner of Police to refuse permission without stating that he has reasonable grounds for doing so, why is it he has seen fit to sug-fest an amendment to sub-Section (3) the effect of which is to state that where the application is refused he should state in writing the reasons for such refusal? Why should the Commissioner of Police have to state in writing the reasons for his refusal, if at the same time the Leader of the House is saying that the Police can unreasonably withhold this permission? It makes nonsense of the whole thing; you cannot at one moment state that he will unreasonably withhold his permission and then go back in the same sub-Section and state that he should state in writing the reasons for his refusal. It is making nonsense of the whole situation, and it is blowing hot and cold at the same time.

If I may by analogy refer you to the Public Order Act of England of 1936, under that Act which also deals with the preservation of public order, Section 3 states that "if the Chief of Police, having regard to the time or place and the circumstances in which any procession is taking place, or is intended to take place, and to the route taken or proposed to be taken by the procession....." and it goes on to say, "has reasonable grounds for apprehending that the procession may occasion serious public disorder, he may give directions imposing upon the persons organising or taking part, etc." This Section provides that if the Commissioner 'has reasonable grounds for apprehending', so that throughout, whether it is a half-way house to state of emergency or whether it is a state of normalcy, the provision that the Commissioner of Police, 'having reasonable grounds for apprehending that the procession or meeting may occasion serious disorder', is fundamental because nobody would ever be in a position to challenge any decision by the Commissioner of Police. If the Commissioner of Police is not required to have reasonable grounds for refusing the application, it means that if you apply to the Commissioner of Police and he simply states: "No, I am not giving you permission then you cannot challenge that on the grounds that the Commissioner of Police has unreasonably withheld his permission. 10.00 p.m.

In the law, as it stands, there is no requirement for him to exercise his discretion in a judicial manner. The Section is a permissive Section in the sense that it states:

"The Commissioner of Police, on an application made to him under section 17, may, in any case, grant or refuse the application."

It does not limit the Commissioner of Police to act reasonably. The Commissioner of Police may for some reason decide that the Barbados Labour Party should not hold a political meeting without being limited to saying that the reason why he feels the Barbados Labour Party should not hold a meeting is that a serious breach of public order is likely to occur from the meeting.

As the law stands, the Commissioner of Police can say that you cannot hold a meeting and that is final. He can say that you cannot hold a meeting, and he can give his reasons for saying that. He can say: "I do not want Elliott Mottley or Tom Adams to talk." Under normal circumstances, if you had a requirement that he could not unreasonably withhold his permission, then one could say that if he did not want Elliott Mottley or Tom Adams to talk, it was a reasonable exercise of that discretion, but since you do not require him to exercise that discretion, he can simply say "I do not want Mr. X or Mr. Y to talk; and that cannot be challenged at all.

This Section, as it stands, can create serious hardships on any person when it is taken in the light of

another Clause which will come up for discussion later dealing, in particular, with the First Schedule. One can easily see that this Section can be used against the Opposition Parties to refuse to allow them to hold meetings. It is just a simple case of where you apply to the Commissioner of Police and he says "No." He can tell you that you cannot hold a meeting, and he does not have to state any reasonable grounds for telling you so. I think that to allow this Clause to remain like this will create a great injustice not only on the Opposition Party, but the Government must realise that some day they will be in the Opposition. When that time comes they will look at this Act from a different point of view.

Mr. CHAIRMAN:

The question is, "That the words proposed to be inserted stand part". Hon. members in favour will please say "Aye", and those against will please say "No". I think the "Noes" have it.

An HON. MEMBER:

Divide.

The Committee divided and voted as follows:

AYES:

Mr. SMITH, and Mr. HINDS - 2.

NOES:

Hon. G. G. FERGUSSON, Mr. Hon. N. W. BOXILL Mr. LOWE Mr. CORBIN and Mr. WEEKES -6.

Mr. CHAIRMAN:

Neither the hon. senior member for Christ Church nor the hon. senior member for St. Thomas was in his seat when I put the question.

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

Mr. Chairman, on a point of order. I will tell you what happened. By chance I came into the House, and I heard somebody saying "Aye" when the division was put. I took my seat and the Chairman then put the question a second time. When Your Honour put the question I said "No" and, therefore, I was going to ask that you allow the Clerk to cast a vote for me, because my vote of "No" was cast under a

misapprehension. I was here when Your Honour put the question, and it was only at a later stage I heard the hon. junior member for St. Thomas say "No", and I asked....

Mr. CHAIRMAN:

I would like to put the record straight. When I began to put the question neither the senior member for the City, the hon. senior member for St. Thomas, the hon. senior member for Christ Church, nor the hon. junior member for St. Lucy was in his seat, and I will ask the Clerk to exclude any vote from neither hon. member.

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

On a point of order, Mr. Chairman. I came in here before the question was put.

Mr. CHAIRMAN:

I am not going to hear hon. members on this, because I am sure I am right, and I rule that only the other hon. members who were in their places should vote.

AYES:

ELLIOTT MOTTLEY - 3 (Asides.)

Mr. CHAIRMAN:

No noise must take place in this Chamber. All hon. members must remain silent, because this sitting has not yet been suspended.

I am advised that 6 hon. members voted "No", and 3 hon. members voted "Aye". I, therefore, declare the "Ayes" have it.

The question that Clause 18 as amended stands part was put and resolved in the affirmative without division.

10.10 p.m.

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move that Clause 19 stand part.

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

Mr. ELLIOTT MOTTLEY:
Mr. Chairman, I would like to move an amendment to this by deleting the word "Corporal" and inserting the word "Sergeant". If you are dealing with crowds, you cannot expect inexperienced policemen to handle this. There are a lot of Corporals who are Inexperienced in handling crowds.

Mr. CHAIRMAN:
I would like to make it perfectly clear that every hon. member has a right to address the Chair, but he should not sit in his seat and make unseemly noises. Let the hon. junior member for Bridgetown proceed.

Mr. ELLIOTT MOTTLEY:
Mr. Chairman, my point is that this is a very important and difficult task you are now placing on the Police for the first time by calling upon them to disperse meetings and marches, and I do not even believe, thinking about this seriously, that this is the sort of duty you should place in the hands of anybody less than an, Inspector, because you are asking people to go and stand before thousands of people and ask them to disperse. I had the experience of witnessing what took place in Bridgetown in Independence Square on the night after Independence. All this happened because of the stupidity of one or two policemen. Somebody threw a chair and hit a policeman, and the policeman threw it back and hit somebody; and he was a Corporal. I was on top Speed Bird House. I would not expect an Inspector to react in that manner. I know that the Jamaica legislation has "Corporal", but I was told not so long ago that we have to adapt for ourselves. I do not believe the Corporals of Police in this country are experienced enough to handle crowds like these, and I would make an amendment to read "Sergeant."

Mr. ERNEST MOTTLEY:
The position is simply that in this country I have had as much experience as anybody in here in dealing with meetings, inexperienced policemen or over-zealous policemen, especially those who have leanings one way or another. I remember a meeting in lightfoot Lane where a stupid policeman took it upon himself to drive his car through a meeting because he thought he was doing some favour to the Government party. He was not in uniform, but people spotted him and he was very plucky that the

crowd did not turn him over in the car. An experienced Sergeant came up and dealt with the situation quite calmly and handled it quite easily. I find that before one can reach the rank of Sergeant he must have had some experence and responsibility, and you know too, Sir, the difference between a hot-headed person dealing with people and a Sergeant of thirty-five years of age dealing with them. I feel that this should not be below the rank of Sergeant. Even in the question of stopping a meeting, you have to show your authority without attempting to push it over. I think I have spoken of my experience with a Corporal trying to stop a meeting in Nelson Street and I had to get an Inspector. I think it would be well if the Minister would agree to the word "Sergeant". Have you not got enough Sergeants? I do not like "any member of the force not below the rank of Corporal".

I beg to second the amendment. (Asides.) Mr. CHAIRMAN: I am not sucking my teeth.

Mr. ERNEST MOTTLEY:
Nor have you got any false teeth.

Mr. CHAIRMAN:
I would expect the hon. member at all times to address the Chair.

Mr. HINDS:
Mr. Chairman, this Clause places a considerable responsibility upon the member of the Police Force who is going to attend a meeting. It not only calls on him in the case of the actual dispersing of a mob or crowd attending the meeting, but it is a case where the person attending the meeting has got to form an opinion. In other words, Mr. Chairman, paragraph (c) tells you that a person not below the rank of a Corporal can require any person appearing to him to be the promoter or organiser or one of the promoters or organisers or the leader or one of the leaders of such meeting or march, to call on such meeting or march to disperse. Now, Sir, this responsibility is not a very light one. It is one evidently that requires a policeman with some experience. It is all right for us to think of a time in which a policeman was operating under normal circumstances, but we have got to face up to a situation where a member of the Force is going to be calling on some responsible person at a meeting to disperse or cause those assembled to disperse, and the policeman has got to exercise his powers of observation and come to the conclusion as to whether or not the person that he approached is really and truly the promoter, organiser or leader, or for that matter a participant in the true sense of the word as far as the meeting is concerned, apart from being one of the audience.

10.20 p.m.

We must appreciate the fact that if you send some giddy-headed policeman, some inexperienced type of person, and the slightest thing occurs at a meeting because of an altercation between two people, he just decides that the action he is going to take in a matter of this sort is not merely to deal with the two people, but to call on the organiser. We are saying that an inexperienced policeman -and we maintain it is not every Corporal that is an experienced policeman - but what we are saying is that undoubtedly being a Sergeant in itself is an assurance, a guarantee that one has passed through the ranks and must have gathered some sort of experience before acquiring the status of a Sergeant, and it is upon that - the discharge, the use, the display arising from having such an experience - that we are expected to rely. Let us picture us a case where an inexperienced Corporal went up to a member of the audience, someone who is not an organiser, a promoter or a leader, and begins to call on that person to call on the meeting to disperse; you know for yourself, Mr. Chairman, there are not very many people who would be willing to entertain the Corporal, well knowing that he has not got any association with the meeting apart from coming to listen. There is another fellow who would stay put, listen to what the Corporal has to say, and when the Corporal feels that this person has committed an offence and he himself has created a situation that then gets beyond the Corporal himself, then he realises that in truth and in fact he did not use his powers of observation all the time when he was attending the meeting, or should have been attending the meeting, to see who was who and who was not -and this in itself brings into question what we had been contending earlier would, have been a very good suggestion if it had been adopted, to have the Chairman as the person responsible for the giving of the names in such cases; but you will find then, Sir, that the Corporal, through his lack of experience, has created a situation which we are sure that a more mature policeman would hardly ever have found himself lapsing into, and that is why we feel that it is in the interest of the Force, it is in the interest of the public generally to have somebody of the standing of a Sergeant with his years of experience to be dealing with situations such as these.

Not only this, Mr. Chairman; you know how you feel when you are conducting your own meeting. You know you have committed no offence whatsoever, but some upstart for a Corporal perhaps approached you in a manner in which you feel he should not have accosted you, and it is a manner in which you are confident that you can rely on the poorest Sergeant never to have adopted; so you will find that there is what we can call a distinguishing feature in having a Sergeant or anybody above the rank of Sergeant handling such a situation as distinct from having anybody as far down the ladder as a Corporal. For those reasons we definitely feel that it is very necessary that this amendment be adopted by the other side. When we look at sub-Section 2, "Any person required under subsection (1) to call on any meeting to disperse, who refuses, fails or neglects immediately to call on such meeting to disperse, is guilty of an offence under this section." We feel, Sir, that the Leader of the House would be willing to modify that. After all, a public meeting is in progress, and let us assume that some thing has happened which might necessitate it being brought to a halt; what we are saying is that a Sergeant with his handling of such a case would perhaps afford time to the persons concerned - the promoters, the organisers - in which to act, and during that time order may be restored and things might not necessarily go as far as it appeared two or three minutes earlier. But you will find that when a Corporal has assumed this type of authority about people acting immediately, I am sure you will find some of these inexperienced people trying to turn and twist you around because he has read somewhere in the Act something about anyone who refuses or fails or neglects immediately to call on a meeting or march to disperse is guilty of an offence under this Act. 10.30 p.m.

We are trying to make it abundantly clear that there is no situation which can arise that can cause embarrassment to any member of the Force, that can cause embarrassment to any participant or organiser at a meeting, or anyone concerned with it. That is why we would like to see the Leader of the House pay some attention to these points that we have raised, and see where something can be done to make the Act work more smoothly than we are confident it can be expected to work if it is passed as it stands at the moment.

Hon. N. W. BOXILL:

Mr. Chairman, some time ago we were dealing with the Development Bill. I remember that the senior member for Christ Church in his reply to a speech which was made here say that it was asinine. I am sure if he were in the Chamber at the moment he would really hear what is asininity. To hear anything worse than what we have heard tonight, it would be necessary to go to an Old People's Home. Here it is that supposed-to-be hon. members of this Chamber are arguing that

Corporals in the Police Force would not know how to deal with this matter. I want hon. members on the other side to understand that Corporals of the Police Force today are Corporals by merit, and this is not the day when Corporals had to go to the home of the Chief of Police and clean out a fowl pen like the days when the junior member for St. Peter was a policeman. (Asides.). I am not saying that he used to clean out a fowl pen, but I know that it cannot happen nowadays.

Mr. HINDS:

I am proud to know that I was a policeman....

Mr. CHAIRMAN:

On what point has the hon. member risen?

Mr. HINDS:

On a point of order. Did you not hear that?

Mr. CHAIRMAN:

I did not hear that.

Mr. HINDS:
I know you well enough, Sir, and I am going to sit down.

Hon. N. W. BOXILL:
Mr. Chairman, let us get the facts straight. The hon. junior member for the City wants the officer to be not below the rank of a Sergeant. As the matter stands now, it means that from the Commissioner of Police down to a Corporal can go, if he thinks that there is going to be a disturbance, and ask the Chairman of a meeting to stop the meeting, and so on. They are approbating and reprobating at the same time. Mr. ERNEST MOTTLEY Why do you not stop using those words?) I like them.

Mr. CHAIRMAN:
I would like the hon. junior member for St. Thomas to address the Chair, and I would also ask the hon. senior member for the City to stand and address the Chair. 1 do not want two hon. members to be addressing the Chair at the same time.

Mr. ERNEST MOTTLEY:
Mr. Chairman, I bow in submission; I made asides a little too loudly, and I am very sorry about the matter, (Asides.) Mr. Chairman, I am speaking to you. Did you hear what the hon. member said?

Mr. CHAIRMAN:
Order, please!

Mr. ERNEST MOTTLEY:
Man, let them have some fun; if not they will feel bad during the night.

Hon. N. W. BOXILL:
Mr. Chairman, yesterday the junior member for the City said that this Government has alienated itself from the youths in the community, and the same hon. member has come back in here tonight, less than 24 hours, to tell us that we should not have Corporals dealing with this matter because they do not have experience. How would they get experience, if they are not put to do the job? They were not born with experience. My sister had a baby; I spoke to it and it did not answer me; I did not see any papers or anything else in its hands. If you are going to hide them from getting experience, what would be the

position? In my opinion, you will find some Corporals with far more intelligence than some of the old Sergeants. The hon. member knows this, too, because he deals with them in the Courts. The policemen who used to get promotion through going to the Commissioner of Police's house and doing the little odd job no longer exist today. Some of the Corporals were educated at Secondary Schools, and they have intelligence. I do not want to hear members on the Opposition side criticising the Police Corporals and saying that they do not have the necessary experience to handle this matter. I am sure that some of these Corporals will be able to handle a situation far better than some of the Sergeants whose only idea was to beat and arrest.

Mr. Chairman, do we or do we not want this Bill on the Statute Book? Do you want law and order? I admit that members of the Opposition have been making some good points, but do not let us waste time on trivialities such as that a Corporal cannot handle the situation. I have proven to you that some of the Corporals today will be Officers in the not too distant future. They are going to be Officers, be cause they have initiative and a lot of them have been educated at Secondary Schools. Of course, I did not go to a Secondary School, but there is nobody who can call me a real fool. They have initiative and, therefore, a man can only make a mistake when he makes a trial. If you do not make a trial, you cannot tell whether you will make a mistake. It is the people who do nothing that never fail, because they never succeed.

The junior member for the City was talking about the youths, and, now we are giving youths responsibility, he wants to suppress them.

Mr. ELLIOTT MOTTLEY:

Mr. Chairman, the junior member for St. Thomas has made an allegation about my trying to suppress the youths. I am not surprised at the cantankerous attitude of the junior member for St. Thomas.

Hon. N. W. BOXILL:

On a point of order, Mr. Chairman. The hon. member must learn to use better words than that. He used the word "cantankerous". Cantankerous means quarrelsome; I am not quarel-ing, and I am asking the hon. member to withdraw that remark. He is saying that my attitude was quarrelsome. If he does not know what is meant by "cantankerous", let me tell him.

Mr. CHAIRMAN:

I do not consider it unparliamentary.

Hon. N. W. BOXILL:
I will have to accept your Ruling, Mr. Chairman.

Mr. ELLIOTT MOTTLEY:
Mr. Chairman, as I was saying, the junior member for St. Thomas adopts the attitude that if you do not agree with him you are wrong, something is wrong with you, or you are against law and order. I am not saying that Corporals do not have any intelligence. Let us say that somebody holds a big meeting with 3,000 or 4,000 people. Let us say that the Prime Minister of this country decides to hold a meeting with permission; how many Corporals would be prepared to go and tell the Prime Minister "Mr. Prime Minister, disperse this; crowd." (Hon. J. C. TUDOR How many Sergeants would do it?) Anybody would come and tell you to do so.

Mr. Chairman, I am not criticising the intelligence of the Corporals, but it is a question of experience in handling crowds. One can easily envisage that any Police Officer who goes to call upon a meeting to disperse and adopts the wrong attitude.....

(Asides.)

Mr. CHAIRMAN:
I am perfectly sure that the Reporter is finding it very hard to report correctly. Let the hon. junior member for the City proceed.

Mr. ELLIOTT MOTTLEY:
What I am saying is that if a Police Officer adopts the wrong attitude when he is asking a crowd to disperse, he can easily inflame people. 10.40 p.m.

I am saying that a person of more experience should be given the responsibility of doing this. I do not see any reason for the Minister to get up and carry on in the manner in which he carried on, accusing somebody of something.

The question that the words proposed to be deleted stand part, was put and resolved in the affirmative,

the Committee dividing as follows:

Ayes: Hon. G. G. FERGUSSON Hon. N. W. BOXILL; Mr. LOWE; Mr. WEEKES; Mr. CORBIN; Mr. HOPPIN; Mr. SMITH and Hon. J. C. TUDOR - 8

Noes: Mr. ERNEST MOTTLEY; Mr. HINDS; Mr. J. M. G. M. ADAMS and Mr. ELLIOTT MOTTLEY - 4,

The question that Clause 19 stand part, was put and resolved in the affirmative without division.

Clause 20 was called.

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move that Clause 20 stand part.

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

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

Clause 21 was called.

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move that Clause 21 stand part.

Hon. G. G. FERGUSSON:

I beg to second that.

Mr. St. JOHN:

Mr. Chairman, if the Leader of the House would retire to the Clerk's Office, there will be something of interest to him there. It is to be noted that Clause 21 is the Clause which says that "Nothing in this Part applies to any meetings or marches held or organised in connection with any of the purposes for the time being set out in the First Schedule", that is, religious services, educational classes, cinemas, horse-racing, cricket and meetings organised for an industrial object, "or in connection with such other purposes as may from time to time be included in such Schedule as provided for by this section."

Now the effect of that is that during an election it would be possible, although the House is dissolved for the period of a month, to ban political meetings in Barbados. It is my suggestion that if such a situation develops to justify that, it would mean that chaos is in the country. Under the Representation of the People Act, already there is power that after a writ is issued for elections and a situation has developed in a constituency that a state of emergency is declared, you can postpone the polling. My suggestion is that a march can be banned, not a political meeting, and accordingly a suitable amendment which has been drawn - the Leader of the House is now having a look at it - be added to this so as to make sure that once an election is taking place, nobody has any power under this Act to ban political meetings. If the situation is such, you postpone the polling day and declare a state of emergency under the Emergency Powers Act, 1939, which the Representation of the People Act itself refers to; otherwise you are going to invite trouble at the very period of time. If the situation is so bad, the Representation of the People Act itself says that if a state of emergency is declared, you postpone the polling day. What this says is that right now without postponing the polling day, you can ban meetings and marches, although the circumstances for banning are that there is serious public disorder. I do not know whether the Leader of the House has seen it.

Hon. J. C. TUDOR:

I must say that the amendments of the hon. senior member for Christ Church always have substance and commend themselves immediately . I am afraid I cannot say so for some others. I think, Mr. Chairman, we could meet this point this way. Clause 21(1) would read as follows-

"Nothing in this Part applies to-

(a) the organising, holding, calling together or addressing a political meeting in any public place, in any constituency at any time between the day of publication of a notice of election relating to that constituency and the day preceding polling day; or

(b) any meetings or marches held or organised in connection with any of the purposes for the time being set out in the First Schedule, or in connection with such other purposes as may from time to time be included in such Schedule as provided for by this section."

I believe this will meet the case if it is acceptable to the hon. member.

I beg to move that Clause 21 as amended stand part.

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

Mr. St. JOHN:
Mr. Chairman, there may possibly be a consequential amendment in sub-clause (3) because we want to harmonise all these things. This sub-Clause says that the Order shall be subject to negative resolution.

The question that Clause 21 as amended stand part, was put and resolved in the affirmative without division.

Clause 22 was called and passed. Clause 23 was called.

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move that Clause 23 stand part.

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

Mr. SMITH:
Mr. Chairman, I cannot remember what happened with this, but I raised the point in my second reading speech. Clause 23(b) says "any public march in progress which comes within the specified distance of any scheduled premises, during the sitting of either House or during a sitting of any Court or during normal working hours as the case may be... " When you say during the sitting of either House, ' it could be my house or your house. It does not say 'House of Parliament'.

Hon. J. C. TUDOR:
The Interpretation Act covers that. 10.50 p.m.

Hon. J. C. TUDOR:
Mr. Chaiman, there will be a slight amendment 23 (1) (a), the word "if should be "of". I beg to move that Clause 23 as amended stand part.

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

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

Mr. J. M. G. M. ADAMS:
Mr. Chairman, I beg to move that Clause 22 be re-committed.

Hon. J. C. TUDOR:
I beg to second that.

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

Mr. J. M. G. M. ADAMS:
Mr. Chairman, with great respect I do not want to in any way restrict the activities of the Trade Union

even in July, 1955 when the Barbados Labour Party passed emergency legislation that might have been thought to have been directed to the formation of the Democratic; Labour Party, even then although Senator Walcott has left our camp, Trade Union activity and the restriction of Trade Union activity was exempted from the Emergency Powers Act. It is again exempted here, but I wonder if hon. members really believe that any trade dispute would justify the picketing of the House of Assembly yard by a Trade Union. How can that be in furtherance of a lawful industrial aim? I do not believe the House of Assembly yard should be picketed by anybody to the inconvenience of members. (Hon. N. W. BOXILL It cannot be.) I read here that nothing in this Part shall operate or be construed as operating to penalise or prevent any lawful picketing carried on outside any official premises. Some hon. members say that the whole yard is the precincts of the House; I know the Commissioner of Police has written to Mr. Speaker to ask Mr. Speaker to define the precincts of the House, and I am informed that Mr. Speaker has never replied. I know that in 1965 an Order was made defining the Public Buildings yard and that it was a street because it gave the Commissioner of Police power to regulate parking downstairs. I know that there is nothing saying that the yard is the precincts of the House. I know that you must not insult a member going to or from the House, but that law is more in order in the breach than the observance because during the Independence debates the hon. senior member for St. Joseph, after one of the most monumental speeches ever made in here, was persecuted, harried and harassed from the steps of the House of Assembly all out to his car, and up to yesterday I had to put up with some abuse from Mr. Eric Sealy between the steps and my car. I say there should be no picketing in here; if the Black Power, the Trade Unions, the Youth Groups want to picket and they can find some lawful reason for picketing, let them picket outside, but not inside the House. There is nothing in the Parliamentary Immunities and Privileges Bill saying you must not picket inside the House of Assembly; I am not altogether happy about giving the Trade Union a total exemption from all this. Even the Queen Elizabeth Hospital there are numerous inmates of the Hospital is it conducive to the health of patients for all that to be going on? The Magistrates' Court; must the Trade Union picket outside the Magistrates' Court? Suppose there is a Union case inside the Courts, must the Trade Union picket outside the Magistrates' Courts? You picket outside industrial establishments, you picket outside the employer who is giving you trouble but not the Courts, not the Public Buildings or Government Headquarters.

There is nothing in this Part of the Act to be construed as to operate to penalise or prevent a Trade Union from picketing the Law Courts; is it not possible to add yet another proviso providing that at least the Law Courts and the Public Buildings be not liable to interruption? I cannot conceive that the Judges are going to join the Trade Union and march up and down outside the Courts in their gowns, which would be the only circumstance in which I would see a lawful industrial dispute arising in the Courts; I cannot see that. I would suggest that the Minister just think a little, even if he only just can reassure me. My friend, the hon. and learned member for the City, is telling me that nothing in the Act gives them, the right to do it; it merely says they should not be prevented from doing it; but what is going to happen when they read this - that this is not going to tell the Union members it is all right to picket the Law Courts, but the Public Order Act says they cannot be prevented? I could see that you would not want to prevent the Trade Union from picketing the Establishments Officer in Culloden Road or wherever it is now; I can see that it might very well be that the Trade Union would want to march up and down outside the office where negotiating bodies and Government employees are situated; but not the Public Buildings, or the Law Courts

Hon. N. W. BOXILL:

I do not know if this would help the hon. member. On page 15, Part V, Clause 22(1) "For the purposes of this Part - "official premises" means any premises which -

(a) are vested in the Crown or in any statutory board; or

(b) are used or occupied by the Government or any statutory board; or

(c) are vested in any person in trust for or on behalf of the Government or a statutory board; or

(d) whether or not vestedas mentioned in paragraphs (a) and (c) of this definition, are occupied by any public officer or any employee of a statutory board for the purposes of performing his functions as such;

"scheduled premises" means any official premises specified in the Second Schedule;

"specified distance" means a radius of two hundred yards from any point within the curtilage of any scheduled premises." 11.00 pan.

Then you come to the Second Schedule, and you will see -

"The Queen Elizabeth Hospital. The Public Buildings, Bridgetown. Government Headquarters, Bay Street, St. Michael.

The Law Courts, Coleridge Street, Bridgetown. The Magistrates' Courts in the several districts specified in the First Schedule to the Magistrates Jurisdiction and Procedure Act, 1956. (1956-57). The Treasury Buildings, Bridge Street, Bridgetown.

The Head Offices of all Ministries not situated in Government Headquarters."

See whether this will not solve your problem. Look at page 11, paragraph 5, and then look at the Second Schedule.

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

Mr. Chairman, the hon. junior member for St. Thomas has given quite a thought here. Why not just add after "official premises" in subclause (2) (a), the words "other than the Public Buildings or the Law Courts"? It would then read

"any lawful picketing carried on outside any official premises other than the Public Buildings or the Law Courts."

It cannot be right for the Trade Union to come and picket us here, Sir.

Hon. N. W. BOXILL:

Mr. Chairman, if the hon. member were to look at the Second Schedule, Sections 22 to 27, he will see that they cannot do it. The places that you cannot picket are -

The Queen Elizabeth Hospital.

The Public Buildings, Bridgetown.

Government Headquarters, Bay Street, St. Michael.

The Law Courts, Coleridge Street, Bridgetown.

The Magistrates' Courts and so on.

The hon. member's point is valid, but it is already covered in the Schedule.

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

Mr. Chairman, this Part of the Act is drafted with great elegance. When you read it, your first impression is that you cannot hold a meeting near any official premises, but when you study it you will realise that it is not quite correct. There are only a limited number of places. I may confess that although I am a lawyer and the hon. senior member for Christ Church is a lawyer, we sat down and talked about this, but just looking at it it would mean that you cannot hold a public meeting at Oistin. I think I said so in a speech, but when you have examined it carefully you will see that it will be perfectly lawrul to hold a public meeting at Oistin as long as the Police Station does not contain a Court. Perhaps some day it will contain a Court; this is certainly envisaged in the programmes of both our Parties, and we are looking forward to a Magistrates' Court at Oistin. However, until that day, since the Police Station does not have a Court, it will be lawful to hold a public meeting next to it. It is merely an official premises and not a scheduled premises.

The thing is that you are saying -

"any lawful picketing carried on outside any official premises."

In other words, 'whether or not scheduled.' This, I am suggesting, is allowing the Trade Union to picket all the premises as read out by the Minister and, in addition over and above that, scheduled premises, too. It is saying that the Trade Union shall not be prevented from carrying out any lawful picketing outside any official premises. I am sure that if a Trade Union presents this to a Police Officer, it will present a Police Officer with great difficulty, because it looks on the face of it as though a Trade Union can picket any official premises. I would, at least, appeal to the Minister to exempt the House of Assembly and the Law Courts. The Hospital is all right.

Mr. Chairman, I do not think you should have any Union members assembling in a Court Yard to

overawe the Courts of Justice. It will only be if the pickets molest members on their way to and from the House that they will break the 1963 Act. The Reporters cannot ask the Union to picket for them, if you keep them here after eleven o'clock.

Hon. J. C. TUDOR:
Mr. Chairman, we started at four o'clock. (Asides.)

Mr. J. M.G.M. ADAMS:
Mr. Chairman, perhaps, at least while the present Government is in power, no problem will arise. That is all I can say, but I would ask the Minister to bear it in mind and have it considered. I am sure none of us wants to see industrial strife out in the yard.

The question that Clause 22 stand part was put and resolved in the affirmative without division.

Clauses 24 to 26 inclusive were called and passsed.

Clause 27 was called.

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move that Clause 27 stand part.

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

Mr. ELLIOTT MOTTLEY:
Mr. Chairman, we have completed Part V, and I am wondering whether we cannot stop here. It is all right to say that the Reporters started working at four o'clock, but 1 do not think it is fair to hon. members. I went to my Chambers at eight o'clock, and I came here at four o'clock. I think that working for 14 hours is long enough for anybody. (Asides.) The Government does not pay me my salary; I have to work for my living. I could not remain at home until four o'clock, and then come here. (Asides.)

Mr. CHAIRMAN:
There shall be no debate at this particular time by neither side of the House.

Mr. J. M. G. M. ADAMS:
Mr. Chairman, I move that Your Honour do now report progress. I will state very briefly the reasons why I am doing so. There is a fair amount of talk under Part VI. You must remember that Part VI contains the violence, the racial hatred and the loudspeakers. I do not believe that we can complete Part 11 and Part VI before twelve o'clock. It is a pity that we have to come back here tomorrow. I think it better to come on Tuesday when the Crown Law Officers have had a chance to consider the reconstruction of Part 11, and that is my reason for moving the motion. I want to say something about Mr. Chairman, because it concerns Mr. Chairman reporting progress. There is a celebrated joke about Mr. Chairman's predecessor in many ways, as Chairman of Committees and as a member for St. John, about being kept here too long sitting down in the Chair hour after hour. On one occasion he revolted and pointed out that he had his stocks to go home and water, and hon. members were not treating him any better than a goat that was left staked out. I refer to the late Mr. B. L. Barrow. That was A homely way of putting a very real truth, namely, the Chairman has to sit longer and exercise powers of concentration more considerably than any member of this House. We can all go out there and chat with Mr. Speaker; we can telephone; drink a glass of lemonade, or take a walk down Broad Street if we so wish, but the Chairman has to sit down there. He is not spelled like the Reporters in 10-minute writing spells; he has to sit down in the Chair for a long time.

I, for one, do not have much sympathy when he comes in ready, perhaps, to suppress us when we are doing our best, but nobody could other than admire the Chairman when he has reached this stage of a day - 7 hours - sitting there listening to talk and argument, some of it repetitious. I do not think it is right to have Committees going on for 10 or 12 hours.

Mr. HOPPIN:
Mr. Chairman, I know that you are the Chairman of Committees and I have acted on your behalf. When we were dealing with the Estimates the same Opposition kept me in that Chair for nine or ten hours without asking that I be relieved. What is happening here tonight? Is it the intention to stop the Leader of the House from carrying on?

Mr. ELLIOTT MOTTLEY:
I beg to second the motion. 11.10 p.m.

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

SUSPENSION OF SITTING

Hon. J. C. TUDOR:
Mr. Speaker, I beg to move that this sitting be now suspended until 10 o'clock tomorrow morning.

Hon. K. N. R. HUSBANDS:
I beg to second that.

Mr. J. M. G. M. ADAMS:
Mr. Speaker, it is up to you and Mr. Deputy Speaker. I know I can come at I 10 o'clock.

Mr. SPEAKER:
It would be difficult for me to give a guarantee that I personally can come before tomorrow afternoon early, but I have no doubt that arrangements have been made with Mr. Deputy Speaker as to his convenience in respect of tomorrow morning at 10 o'clock. I can only put the motion.

The question that this House be now suspended until 10 a.m. o'clock on Friday, 29th May, 1970, was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the sitting accordingly.

11.15 p.m.

On resumption

Mr. SPEAKER:
When this sitting was suspended the House was in Committee, and thereto it now reverts.

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

Clause 28 was called.

Hon J. C. TUDOR:
Mr. Chairman, I have some amendments to make to Clause 28, and I hope hon. members will be able to follow them carefully. The first is in respect to Clause 28(1). If hon. members would look at the fourth line "meeting, " I am putting in the words "for which a permit is required under this Act" and then it goes on to say "operate or cause any loudspeaker to be operated . . , "; then you go down two lines to the words "been issued by" and we are putting in"or on behalf of the Commissioner of Police in respect of that meeting or march". Take out the words "for the operation of such loudspeaker" and put in the words "in respect of that meeting or march. We are deleting subClauses (2), (3) and (4), and we are renumbering subClause (5) as subClause (2). In the new subClause (2), in the third line, there is a slight change. It should read "adapted or intended for the purposes" and not for the "purpose". In other words, in Clause 28 (1) we delete the ", " and all the words after the word "march" in the fourth line and substitute therefor the following

"for which a permit is required under this Act to operate or cause any loudspeaker to be operated in any public place unless a permit has been issured by or on behalf of the Commissioner of Police in respect of that meeting or march.";

then delete Clauses 2, 3, and 4, number subClause (5) as subClause (2) making the slight amendment therein by adding an "s" to the word "purpose". Mr. Chairman, this would mean that if you get a permit for the meeting, you automatically have a permit to operate a loudspeaker.

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

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

Mr. J. M. G. M. ADAMS:
Mr. Chairman, I had the impression that Standing Orders would have required, at least, the circulation of a document setting out these amendments. Anyway, never mind that. As far as I can understand it I will speak to it. I thought that the mischief aimed at by the original Section 28 was the stoppage of having people annoyed by having their ears lambasted morning, noon and night by loudspeaker - vans driving through Bridgetown, I was in the Chief Justice's Court the other day when a loudspeaker-van, operated by a person whose name I will not call in here again, drove past. It interrupted the proceedings, and if there was one thing in that case in which all parties were in general agreement, it was when the principle was enunciated that in a couple of weeks' time we would be free of that. I thought that the point about loudspeakers had been settled. I thought that the point was that loudspeakers were a nuisance, There is too much noise in Barbados, anyway, when people are trying to work. This is what I thought the original Act was aimed at. Now the Minister has come in with an amendment to let loudspeakers go on Just as much as previously.

Mr. Chairman, I wonder if the Minister will agree that there is nothing in the law in Barbados to prevent anyone from holding a meeting by loudspeaker. If you are refused permission to hold a meeting by the Commissioner of Police when this Act is passed, there is still nothing in the law to prevent you from getting into a loudspeaker -van and holding a meeting on a mobile basis. What Section prevents this? Of course, you will have to do it before eleven o'clock in the evening.

We have argued, I think with some force, that the Cabinet already has much more powers than are given in this Act to control loudspeakers on the highways. If this is a problem, why does not the Cabinet, do something about it? Let me just suggest to hon. members.....(Hon. N. W. BOXILL: Look at Clause 29 (2)), With great respect, that Section does not prevent the use of a loudspeaker; it prevents you from using a loudspeaker outside the terms on which a permit is issued, or using a loudspeaker after eleven o'clock in the evening.

Now, the Cabinet has powers under Section 32 (b) of the Highways Act to make Regulations for the following purposes:

"For controlling the use of amplifying equipment on motor vechicles." Why does not the Cabinet use its powers? The thing about loudspeakers is not the purpose for which they are used, but they can be a nuisance. I would support something to stop the ears of people in Barbados from being assailed day and

night by the use of loudspeakers. Suppose you say that they can only advertise a meeting between three and four. I would not object so much to that, Sir. It seems to me that you have totally emasculated the Act by taking out subsection (4). I was hoping that, under subsection (4), the Commissioner of Police would say that the meeting may be advertised within a radius of one half-mile of the intended spot between the hours of three and four in the afternoon.

Sir, I do not think it is right that when people are being tried for their lives in the Law Courts in Bridgetown, a van can drive along Baxters Road and be heard faintly, and then go through Lightfoot Lane so loudly that the witnesses, Counsel, the Judge and the Jury cannot hear what is being said in the Court.

10.10 a.m.

I do not know how well insulated the Cabinet room is, but if it is not well insulated and it has open windows, I am sure that if a loudspeaker drives up Bay Street and the speakers themselves are turned towards Government Headquarters, you would not be able to hear Cabinet deliberations while the loudspeaker is passing. We are not on this side opposing some control of the use of loudspeakers, but we argue that it should be done under Section 32 (b), and I would suggest that our arguments have even more force now where in fact Section 28 has been chopped to pieces in this way. The Highways Act defines "highway" As including any public road in this Island and any street, lane, alley, bridge, watercourse, wharf, embankment, tunnel, drain gutter and sewer. In my opinion, you can hardly operate a mobile loudspeaker away from a public road, street, passage or alley as set out there. The mischief could not be that you are going to drive a loudspeaker on to Kensington Oval and operate it. The nuisance of loudspeakers is the use of the loudspeakers on the highway; so although the power to make the Regulation is limited to the list which I have just read out to hon. members - "public road, street, lane or alley, bridge or wharf" - yet they do not in fact mean to have loudspeakers regulated outside those places. You do not need the power to regulate loudspeakers in gardens, beaches and open or enclosed spaces, because that is where mobile loudspeakers are operated. Nobody carries a loudspeaker down on the beach. You carry loudspeakers in roads; so I suggest that the powers in Section 28 are adequate. What should be done is to delete Section 28 altogether and let the Cabinet make Regu -lations. You can delete Sections 28 and 29 and let the Cabinet make Regulations.

I am going to move an amendment, anyhow, under Section 29 to allow loudspeakers to be used until 11.30 p.m. It is an amendment which we can argue about in here. I may just point out to members of the Cabinet that suppose we were to carry it, they could then go off and notwithstanding it has been carried, make a Regulation saying it cannot be done. If power to control loudspeakers is needed, exercise it under this Act. I cannot see that the advertising of a public meeting is an act which itself needs to be controlled. Obviously, if anybody goes and advertises a public meeting and the Police do not give him permission to hold it, all he has done is annoy the people who turn up, having heard it advertised. You do not control advertising in newspapers. It will still be possible to put in the newspaper that, as we have

suggested, Mr. Stokeley Carmichael, Mr. Rap Brown, Mr. Geddes Granger and His Lordship the Bishop of Barbados and the Prime Minister will address a political meeting. You can put them all together in a newspaper and not be liable to anything at all as long as the newspaper is foolish enough to publish it. You can have it as a paid advertisement on C.B.C. or Rediffusion, and there will be no restriction on that. So why restrict the relatively small means of using a loudspeaker to advertise the meeting? Deal with it under Section 32 (b). I would be voting against Section 28 standing part at all, whether as amended or as not amended.

Sir, there is one technical point which I would urge on the Crown Law Officers. Although the Glamorgan County Council Regulations may state that a loudspeaker is an apparatus designed for the purpose of reproducing sound and includes an amplifier or microphone, I hope that they will accept my very limited technical expertise if I assure them that a loudspeaker does not reproduce sound nor does the loudspeaker include 'amplifier' or 'microphone.' We can say it does in the some way we can say that a man is a woman, but a loudspeaker broadcasts sound; it does not reproduce it. Reproduction means something quite different, and if the Crown Law Officers were to study the terms of the broadcasting licence of the B.B.C. since 1952, the year in fact when quite an important advance was made in the definition of loudepeaking and broadcasting, they will see that as a result of that year's Grand National when a question of copyright arose, the B.B.C, discovered that it would not be in breach of the copyright of the owner of Aintree Course If it recorded a commentary and broadcast it three-fifths of a second later - that is, the time the tape took to travel from the recording head to the broadcasting head - because if you do that you are actually reproducing the recording. If you broadcast directly, you are broadcasting it. The microphone and the amplifier are the means of amplifying sound; it has nothing at all to do with loud-speaking. You can have a microphone and amplifier without broadcasting any sound in any particular district. You can have it for the purpose of recording sound. As a matter of straightforward fact, 'loudspeaker' does not include 'amplifier.' A loudspeaker and an amplifier are as different things as a car and a ship, or perhaps as different things, if you put it this way, as a differential and a crank shaft. The hon. senior member for St. Joseph, I am sure, would be the first to argue if you put in an Act that 'crankshaft' includes 'differential', they are two separate things. 'Loudspeakers' and 'amplifiers' are two separate things, and a better definition than is found in Section 5 should be searched for.

I would suggest, while we are about it, to let the Crown Law Officers think of using the word 'broadcasting' instead of 'reproducing'. Broadcast-ting' does not only mean by electro-magnetic radiation. Probably 'broadcasting' would catch the loud hailer, but under this Act I am quite convinced that a loud hailer which does not include an amplifier in which you just stand up and show and your voice is carried over a wide area would not be held by the Courts to be reproducing sound. It could not be because you are not reproducing anything no more than I am reproducing my voice by speaking now to hon. members. Would I be reproducing my voice if I cupped my hands and spoke like that? Nobody could say I was reproducing my voice or reproducing sound; I would be making it loud or directing it in a particular direction.

Hon. N.W.BOXILL:

If the hon. member would give way, I do not think these technicalities are getting us anywhere. This is like somebody arguing with me about steam and vapour, two different things altogether. If you are boiling a cow's heel and you take off the pot cover, you will say "look at the steam", but steam is an invisible thing. You cannot see steam; it is like air.

I have here before me Chambers Twentieth Century dictionary - not that this is the best as far as I am concerned. I am no lexicographer; so the hon. member would have to accept this. I am Just trying to get the record straight because the hon. member was saying that the difference between loudspeaker and an amplifier is somewhat like the difference between a crank shaft and a differential. This is what the dictionary says:

"Amplifier - one who amplifies; a lens that enlarges the field of vision; a device for giving greater loudness." Then "Loudspeaker: an instrument for making wireless messages or other sounds audible to many at once."

A loudspeaker is for amplification. It is true they are two different pieces of instruments, but one does not work without the other. You cannot see a loudspeaker without an amplifier, because an amplifier without a speaker is no amplifier, since you cannot hear any sound coming out. The two go together like ham and eggs. The hon. member therefore should not try to get too technical in this, because we do not need these technicalities when we are dealing with this.

10.20 a.m.

As the hon. member has pointed out, we can control this; I can control this from the Highways Act, but you do not want the time of the Cabinet to be taken up with this; this is too trivial for the Cabinet.

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

I really thought that the hon. member was going to produce a definition that said a loudspeaker is an amplifier. If he wants to leave the definition in, leave it in, "Loudspeaking equipment", perhaps is a better phrase than "loudspeaker", and we already have the expression "controlling the use of amplifying equipment on motor vehicles". "Amplifying equipment" is a better phrase than "loudspeaker"; I am not going to argue as to whether a telephone earpiece is a loudspeaker and it operates on a magnetic tape principle, but in common parlance we do not say that the telephone earpiece is a loudspeaker; it operates on a different principle than public address loudspeakers. The Rediffusion loudspeakers carry a sound that comes along a wire; they are in fact really amplifiers. It is not a question of passing a sound through

an amplifier and then circulating it through a series of loudspeakers; each Rediffusion loudspeaker is in fact an amplifier. But if it is thought this is all right, even though the Highway Act specifically says "amplifying equipment", and one principle of drafting is that wherever possible you use words that exist in already extant legislation, nevertheless, if it is felt by saying that a loudspeaker can include a microplione, let it continue to include a microphone. I will not be voting for this section as a whole whether it is amended or not.

Hon. J. C. TUDOR:

Mr. Chairman, I have listened to the hon. member's point, and I have had my consultations, but it is felt it would be better to leave it as it is in 28 (2) because the word "broadcasting" has certain technical and technological significance; therefore it is felt that as we have it it here it is probably safer.

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

How does the Minister feel about broadcasting amplifying sounds?

Hon. J. C. TUDOR; Would not this then be the same thing?

Mr. J. M. G. M. ADMAS:

Broadcasting is a wide expression; you have broadcasting by electromagnetic radiation, and you have wire broadcasting both expressions are recognised in the laws of Barbados. Rediffusion carries on wire broadcasting and C, B. C. carries on electro-magnetic radio broadcasting. The expression to a layman may have a certain connotation, but you have broadcasting by Rediffusion through amplifying equipment just as much as you have broadcasting on C. B. C., but nevertheless it may be considered that the point will never come up to be decided by the Courts. But what I am complaining of is not that the section cannot make sense to a Court, but that it does not really make sense to an expert, and he is defining 'loudspeaker' right out of the sense by which any expert would understand 'loudspeaker'. That is only by the way; I am voting against it in any case.

Mr. HINDS. Mr. Chairman, just on this point where the amendment as proposed by the Leader of the House states that a permit can be issued by or on behalf of the Commissioner of Police, what I am particularly interested in knowing is if a permit as the one under reference would be issued by, let us say, an Officer at the Ministry of Home Affairs on behalf of the Commissioner of Police (Hon. J. C. TUDOR: Oh, no, that could not be.) Mr. Chairman, it is all right for the Minister to be sitting in his seat and saying "No, No."

Hon. J. C. TUDOR:

For the simple reason that if you say "on behalf of the Commissioner of Police" it would have to be somebody subordinate to the Commissioner of Police; the person in the Minister of Home Affairs would not be subordinate to the Commissioner of Police. The Civil Servant above the Commissioner of Police is the Permanent Secretary, Ministry of Home Affairs. The Police should only act, perhaps in certain circumstances, on behalf of the Ministry, but nobody in the Ministry could act on behalf of the Commissioner of Police, and it would have to be somebody to whom the Commissioner of Police delegated the authority which is properly vested in him.

Mr. HINDS:

I sincerely hope, Mr. Chairman, that it will be seen to operate exactly as the Leader of the House has in mind, because there are matters which I am sure I could very well draw to the attention of this Hon. House which should be dealt with exactly as the Leader of the House has just set out, but there are definitely not being dealt with in that manner. That is why I was minded to ask if an Officer, a Clerk, whatever he might be in the Ministry of Homo Affairs can be seen to be acting in the issuing of these permits as if for or on behalf of the Commissioner of Police; but I understand what the Leader of the House has said, that it should be by somebody to whom the authority of the Commissioner has been delegated, and we understand and appreciate that.

Mr. Chairman, one other point. The other amendment, "for which a permit is required under this Act, " I wonder what has been operating in the mind of the Leader of the House to make it appear to him as if that amendment is necessary at this stage.

Hon. J. C. TUDOR:

If we do not amend it, you would have a situation in which you apply to the Commissioner for a permit to hold a meeting and you would still have to apply for permission to operate a loudspeaker to advertise the meeting. We are convinced that this is nonsense, that if you get permission to hold a meeting or a march or whatever it is, automatically the applicant should be saved the time, trouble and inconvenience of applying for something which he could not use in any case unless he was given permission to hold the meeting; so when you get permission to hold the meeting, automatically you have permission to operate the loudspeaker to advertise.

Mr. HINDS:

My reason for asking that question was just to get from the Leader of the House exactly what he has just said to go down in Hansard because those things will be of some importance as time goes on.

The question that Clause 28 as a mended stand part was put and resolved in the affirmative 10.30 a.m.

Mr. J. M. G. M. ADAMS:
Divide. The Committee divided and voted as follows

AYES:
Hon. J.C. TUDOR; Hon. G.G.FERGUSSON; Hon. K. N. R. HUSBANDS; Hon. N. W. BOXILL; Mr. LOWE; Mr. CORBIN; Mr. WEEKES; and Mr. SMITH - 8.

NOES:
Mr. HINDS and Mr. J. M. G. M. ADAMS - 2.

Mr. CHAIRMAN:
I am advertised that 8 hon. members voted "Aye", and 2 hon. members voted "No." I, therefore, declare the "Ayes" have it.

Clause 29 was called.

Hon. J. C. TUDOR:
Mr. Chairman, I have to put in an amendment to Clause 29 (2). I wish to delete the words "or of any terms in which a permit is issued under that section" appearing in lines 4 and 5. In other words, the purpose of this amendment is that we have made changes in Section 28, and this would be consequential to those changes.

Mr. ELLIOTT MOTTLEY:
Let us hear the amendment again.

Hon. J. C. TUDOR:
Delete all the words after the word and figures "section 28" in the fourth line thereof from "or" to

"section", so that it will read

"Any person who operates or causes to be operated any loudspeaker at a public meeting or in a public place in contravention of subsection (1) or of any of the provisions of section 28 is guilty of an offence under this section, "

Mr. ELLIOTT MOTTLEY:
Do you not see that it does not make sense?

Hon. J. C. TUDOR; I will look at it. It appears all right to me.

1 beg to move that Clause 29, as amended, stand part.

Hon. K. N. R. HUSBANDS:
I beg to second that.

Mr. J. M. G. M. ADAMS:
Mr. Chairman, eleven o'clock, I would suggest to hon. members, is a little early under Barbadian conditions for the closing of a political meeting. It is all very well for the Democratic Labour Party. No doubt meetings held in Bridgetown will be over by eleven o'clock, because nobody is going to rely on his own voice to fill the Independence Square or the Market Square when the loudspeakers are closed off. (Hon. N. W. BOXILL This has nothing to do with the Elections.) Did I say anything about the Elections? I said nobody is going to rely on his own voice to fill Independence Square or the Market Square. I also said that it is all very well for the Democratic Labour Party who is afforded the facility of late buses of the Transport Board - a facility which only once in my experience of 5 years of organising meetings in Barbados, was afforded the Barbados Labour Party. I suppose the late buses do not like to stay after eleven o'clock. We have to rely on a local crowd; we do not bring our crowd from abroad. 1 suppose that is one of the reasons for hoping that the meetings will be over earlier.

Mr. Chairman, are hon. members so far divorced from the people that they think that the sort of person who is awake at eleven o'clock at night wants to go to sleep by 11.30? The people who want to go to sleep, go to sleep early. The early birds in Barbados go to sleep at nine or ten o'clock at night. In the

country an election meeting is a great draw, and a non-election meeting is always a greater draw because you get it very seldom. Outside of crop season in a country district, a meeting held near to a village will interest the people in the village. That is why you will always get, at least, the people in the village coming out to meetings. They want to hear something. The boys come to the meeting with their girls. It is like going to pictures in Bridgetown to see the performance of the hon. senior member for St. John or the hon. junior member for St. Peter. The people want to hear who will get licks tonight. They come to hear a man break for himself. They come to mind the people's business, and to have the people's business minded for them, If you cannot have a loudspeaker after eleven o'clock, then during the windfall campaign we would never have heard the Prime Minister say that the Secretary of the Sugar Producers Association invited him to go to communion with him, and there he had to tell him that every man had to break for himself; you, Frank Walcott and all. As far as I can recall, the whole of that speech was given after eleven o'clock. Surely, nobody expects a meeting to be over by eleven o'clock.

I believe the Democratic Labour Party, lacking the powerful platform speakers of the Barbados Labour Party, wants to limit the number of speakers to be heard. In our Party, we do not have people like the Minister of Communications and Works whom they do not allow to speak in Bridgetown at all. I ask the Minister of Communications and Works when last the Democratic Labour Party allowed him to speak at Independence Square.

Mr. CHAIRMAN:
That has nothing to do with Clause 29!

Mr. J. M. G. M. ADAMS:
It has something to do with 'meeting' Sir.

Hon. N. W. BOXILL:
Mr. Chairman, on a point of order. The hon. member made reference to me about.....

Mr. CHAIRMAN:
I told the hon. member that it has nothing to do with Clause 29, and that is my ruling. (Asides.) The hon. senior member for St. Thomas must not remain in his seat and shout.

Mr. J. M. G. M. ADAMS:
Mr. Chairman, the Democratic Labour Party, perhaps, has a motive for introducing Section 29. It has

a number of speakers which it cannot expose to the electorate in town and, therefore, it wants to have an excuse for not allowing the junior member for St. Thomas to speak in Independence Square. That being so, I am going to give him a chance to speak in Independence Square, and my amendment is directed to giving him a chance to speak in Independence Square where he has never been heard.

Mr. CHAIRMAN:

I am going to advise the hon. senior member for St. Thomas to be relevant where Clause 29 is concerned. I understand that he is now seeking to have an extension from eleven to 11.30, and I expect him to confine his arguments to that extension.

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

Sir, I am saying that I want an extension. I want an extension to have the opportunity of hearing you, Sir, on the Democratic Labour Party's platform in Independence Square.

Mr. CHAIRMAN:

That is not relevant (Mr. ELLIOTT MOTTLEY He does not understand the meaning of the word 'relevant'). If the hon. junior member for the City sits in his chair and makes audible asides, I will ask Mm to leave the Chamber.

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

Mr. Chairman, I am sorry I asked the House to give you a chance last night. It looks like after a good night's sleep you have come back to wave the lash over us. At eleven o'clock last night Your Honour was too tired to pronounce the word "relevant", but this morning you are punishing us.

Mr. CHAIRMAN; I was prepared to do the people's business. Let the hon. member proceed to deal with section 29.

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

Sir, in Clause 29 (1), I beg to move the substitution of "11.30" for the words "eleven o'clock." I understand that I will have some difficulty in getting a seconder for this motion; so I will withdraw it. I will move that the words "twelve o'clock midnight" be substituted for the words "eleven o'clock in the evening, " That is my amendment. 10.40 a.m.

Mr. HINDS:

I beg to second that. It might well be that the Democratic Labour Parly in deciding to make use of school buildings for the holding of its meetings has seen the necessity for bringing these meetings to a close at 11 o'clock so as to give ample time for the tidying up and resetting of the class rooms for the beginning of the next day's work, depending on the evening on which a meeting might have been held. Sir, had your own experience been drawn upon in a matter of this sort, I am sure it would have been made available to the Government in advising that if we can keep a meeting going as late as possible, we think we are justified in saying that it even helps Family Planning. When people have been kept out and are really given food for thought, they go home tired and have no time for love; so I am asking the Leader of the House of the consider the motion for twelve o'clock midnight. We do not see for a single moment that any harm an be done by allowing a meeting to go on until 12 o' clock. One has got to bear in mind that if it is known that your loudspeakers have to come down by midnight, preparation is going to be made to take them down a few seconds before the hour, and the people who leave home to attend meetings will be forever grateful for being given the extra hour. If they are given this extra hour to listen to speeches such as the Barbados Labour Party platform sepakers deliver from time to time..... (Asides.) I did not hear what the Leader of the House had to say. (Hon. J. C. TUDOR If that is what you want them to listen to, they can go home at 9 o'clock.)

Mr. Chairman, that only goes to show how far divorced from the people is the Leader of the House and his Party. That is exactly why they tried here to set the time as near as possible to 9 o'clock but apparently their own conscience caused them to extend it to 11 o'clock. But that is not the feeling of the people. We are satisfied, Mr. Chairman, that to allow a meeting to continue until midnight would be fair and reasonable, whether it is at Independence Square, the Market Square or in the country districts. In the case of the country districts, when at one o'clock or nearly 2 o'clock in the morning you indicate that it would be a good thing to close the meeting, the group asks you to go on. When we are forced to bring a meeting to a close at 11 o'clock, you are really starving the people.

Hon. N. W. BOXILL:

On a point of order, the hon. member is under a misapprehension or doss not understand what is before the Committee. The stopping of the loudspeaker does not necessarily mean the stopping of the meeting. We just want you to stop annoying people when they want to get a rest. You get a lot of vituperations and abuse, because what they call political meetings are really harangues.

Mr. CHAIRMAN:

Point made,

Mr. HINDS:

Is that a point of order?

Mr. CHAIRMAN:

It is for the Chair to determine whether it is a point of order made or not. I said the point was made. 10.50 p.m.

Mr. HINDS:

Mr. Chairman, we have to hear whatever is said from that side; we listen to it, and analyse it. Bat what we are saying is this; it is the absence of knowledge of conditions in Barbados, the absence of the knowledge of the requirements of the people of Barbados that has us here debating this today, and not only with particular reference to this Clause but to the whole Bill. Being so far removed from the people, that is the reason for this debate; but we maintain that midnight is a decent and reasonable hour to bring a meeting to a close.

Hon. J. C. TUDOR:

First of all, let me dispose of the point made by the hon. junior member for St. Peter. I think I can safely tell the Committee that he speaks of this matter with great sincerity because many years ago, going back to 1954 when I was rather green in this thing, he told me not to finish my meetings in St. Lucy before the Labour Party because whoever kept out the people longest would win them, and I did keep them out the longest and I won.

Mr. HINDS:

That is true, Mr. Chairman; I think it is about the first time I have heard the hon. member speak the truth.

Mr. CHAIRMAN:

Two hon. members are on their feet.

Hon. J. C. TUDOR:

The point is this. We mean no subterfuge or no deceit here when we say that complaints have come in from a wide circle of people all over this country-nothing to do with political affiliation-that public meetings, when they go on after a certain time at night, tend to disturb the rest of the people, and particularly children who have to get up early to get to school next morning. This is particularly true in heavily populated areas in St. Michael, Christ Church and so on. So what we said we would do is this;

we would not dream of putting any restriction on the length of time within which a meeting may be kept, apart, of course, from election time when the law itself says that there is no question of putting any restriction on the length of time, but we say surely it is possible for any and all political Parties to start a meeting at any time - 8 o'clock, half past seven, half past six or whatever it is - and finish with the loudspeaker at 11 o'clock. Finishing with the loudspeaker does not at all curtail a meeting; it is true..... (Asides.) Do not tell

me not to come with this foolishness.

Mr. CHAIRMAN:

Hon. members not addressing the Chair; the hon. member who is addressing the Chair must pay no attention to hon. members making asides.

Hon. J. C. TUDOR:

Do you mean to tell me it is really impossible either for a political Party or a group of people to say all that they need say on a single occasion in three hours, or is it impossible, when they have not said what they have to say, to continue a meeting with perhaps a dwindling crowd or perhaps with the some crowd coming closer to the platform and speaking to them for another half hour or whatever it is? After all, people who listen to us have as much right to comfort and convenience as we ourselves who are addressing them, and I do not think there is any hardship imposed on people if you stop your loudspeakers at 11 o'clock. This is reasonable; there is nothing wrong with it; but this is something that perhaps we will have to agree to differ on because I do not think we are going to give way on this point.

There are two other amendments; in 29(1), we must amend the marginal note. Go across to the right and you see the marginal note where it says "offence to use loudspeakers, etc"., take out the words "without a permit" and put in the words "contrary to section 28"; so it will read "offence to use loudspeaker contrary to section 28 or after 11 p.m. except during election campaign". That is one, and the other is in 29(2) in lines 3 and 4 substitute the words and figures "or of section 28(1) for the words and figures "or of any of the provisions of section 28".

Mr. HINDS:

Mr. Chairman, I heard the Leader of the House say that complaints have been received from all over the Island, and that is one of the reasons why the decision has been taken to stop the use of the loudspeaker at 11 o'clock. I wonder if the Leader of the House could tell me if any such complaints have come in from the parish of St. Lucy, any from St. Peter, St. Andrew, St. Joseph, St. George, St. Thomas.....(Hon. J. C. TUDOR All over the Island.) I have a very good reason for asking that question.

He goes on further to say that these late meetings interfere with children who have to get up the following morning to ready themselves for school. I wonder if the Leader of the House or the Government in assessing the validity of these complaints attempted to take into consideration how many meetings in any twelve months, except during election time - and I would even say since the last election - in any twelve months how many of these meetings have been held throughout this whole Island.

11.00 a.m.

I would even say, since the last election, in any twelve months, how many of these meetings have been hold throughout the whole Island? How many meetings have been held in one year or at one spot that went on after eleven o'clock to be a source of annoyance to people? I would like to see the Minister present those letters to this House. There could be no secret about the matter. Some of these same people, if they did complain, would allow their children to remain watching television until it goes off at night in order to see all sorts of stupid gangster pictures. Some of the same children who watch television at night have to wake up next, morning to go to school, but their parents do not consider that that type of picture on television is any source of annoyance.

Sir, if it is true that the use of loudspeakers at meetings after eleven o'clock at night is a source of annoyance to people in some areas, we are saying that it happens so seldom in a period of twelve months that it is something that could be dismissed, and it is nothing for which the Government has any right coming here to legislate to the extent that you cannot now, in any part of the Island, carry on a meeting using a loudspeaker after eleven o'clock at night. Who, at Cove Bay, St. Lucy, or somewhere past Pie Corner, will be annoyed if a public meeting is kept there when meetings are held there so seldom? Who is going to complain if the meeting goes on to twelve o'clock or one o'clock, irrespective of whether it is held by the Democratic Labour Party, or the Barbados Labour Party, or any other Party for that matter?

Mr. Chairman, perhaps, the most common meeting spot is at the Market Square for us, and for the Democratic Labour Party Independence Square. How often could people claim to have been annoyed to any considerable extent? We agree that much of what is said, or what has been said from the Independence Square platform would have been an annoyance to people if it had been said at twelve o' clock in the day. Let us cast that aside; that does not matter. We are not concerned with which platform it comes from, but what we are saying is that meetings are held with such irregularity that the complaints could not have been sustained. There is nothing of value in those complaints and, particularly, if it is claimed that these meetings kept children up at night. They would only be undisciplined children, because in any regulated home, if 9.30 is the hour for the children to go to bed, whatever is on at 9.30 the children are going to bed. The Leader of the House is saying that he cannot entertain our amendment, and we will have to vote against it.

Mr. CHAIRMAN:
The question is, "That the words proposed to be deleted stand part." Hon. members who are in favour will say "Aye", and hon. members who are against will please say "No. I think the Noes have it.

Hon. N. W. BOXILL:
Divide. The Committee divided and voted as follows

AYES:
Hon. J.C. TUDOR; Hon. G.G. FERGUSSON; Hon. N. W. BOXILL; Mr. LOWE; Mr. CORBIN; Mr. WEEKES and Mr. SMITH - 7.

NOES; Mr. HINDS; Mr. J. M. G. M. ADAMS, and Mr. ELLIOTT MOTTLEY - 3.

Mr. CHAIRMAN; I am advised that 7 hon. members voted "Aye", and 3 hon. members voted "No."

The question is, "That Clause 29, as amended, stand part. Hon. members in favour will please say "Aye" and those against will please say "No." I think the "Ayes" have it.

Mr. ELLIOTT MOTTLEY:
Divide.

Hon. J. C. TUDOR:
What are you doing?

Mr. CHAIRMAN:
May I understand what is going on?

Mr. ELLIOTT MOTTLEY:
Mr. Chairman, I have asked the House to divide.

Mr. CHAIRMAN:
I did not hear that. If a division has been called for, then I will ask the Clerk to take the division.

AYES:
Hon. J.C.TUDOR; Hon. G.G, FERGUSSON; Hon. N. W. BOXILL; Mr. LOWE; Mr. CORBIN; Mr. WEEKES and Mr. SMITH - 7.

NOES; Mr. HINDS; Mr. ELLIOTT MOTTLEY and Mr. J. M. G. M. ADAMS - 3.

Mr. CHAIRMAN:
I am advised that 7 hon. members voted "Aye" and 3 hon. members voted "No". I declare the "Ayes" have it.

Clause 30 was called.

Hon. J. C. TUDOR:
Mr. Chairman, in Clause 30(2), I have an amendment. Delete the word "suspects" in the first line, and substitute therefor the following words

"has reasonable cause to suspect"; so that the Clause will read:

"If any member of the Police Force has reasonable cause to suspect any person of committing an offence against subsection (1)..."

I beg to move that Clause 30, as amended, stand part.

Hon. G. G. FERGUSSON:
I beg to second that. 11.10 a.m.

Mr. ELLIOTT MOTTLEY:
Mr. Chairman, as was pointed out by the hon. senior member for Christ Church in the Second Reading of this Bill, this section is one of the sections that we welcome. For a long time in this country there was need for legislation to prevent certain people from attempting to break up public meetings. Those of us who formed the group known as the Under - Forties will appreciate the need for this legislation. We were subjected to conduct by certain members of the public - people who were hirelings of the Democratic Labour Party whose sole object in attending the meetings of the Under Forties was to break them up, because they were being paid by members of the D. L, P.

I well remember the night when we had a meeting in the Lower Green, the car M-17 turned up and a man got from it and proceeded to interfere with the speaker who was then the hon. senior member for Christ Church. We welcome it because as recently as two months ago, the Barbados Labour Party held a meeting at Orange Hill and we had the spectacle of seeing a Government Minister appearing at that meeting and trying his best to break it up. It was the most disgraceful conduct on the part of a Government Minister. If you want to attend your opponent's meetings, by all means attend them; but do not incite people to break them up. Sir, I am referring to the Minister of Housing who attended a meeting of the Barbados Labour Party.

Hon. A. DaC. EDWARDS:
On a point of order, the hon. junior member for Bridgetown is a stranger to the truth if he says that the Minister of Housing attended a meeting of the Barbados Labour Party and encouraged people to break it up. If he says this, he is the biggest stranger to the truth that this world has ever produced.

Mr. ELLIOTT MOTTLEY:
Sir, he can call me whatever he likes; but I say that the Minister of Housing attended a meeting of the Barbados Labour Party at Orange Hill, came right up under the platform, got into an argument with other people and deliberately and maliciously attempted to break up the meeting.

Hon. A. DaC. EDWARDS:
That is a deliberate, unadulterated lie.

Mr. ELLIOTT MOTTLEY:

I would not even object to him calling me a liar, because his calling me a liar does not make me one. His reputation for veracity is extremely limited.

Mr. CHAIRMAN:

I would like to warn both hon. members that I am not going to put up with anything that in my opinion is unparliamentary. I want to direct the attention of all hon. members in this Chamber that when we are discussing something for the benefit of the inhabitants, it should be discussed on merit, and therefore the dignity of this House must be preserved.

Mr. ELLIOTT MOTTLEY:

I am very much in agreement with what you have said, Mr. Chairman, but it is...(Asides.)

Mr. CHAIRMAN:

And all hon. members must observe Standing Order No. 29 (6). When they are sitting in their seats, they must be silent.

Mr. ELLIOTT MOTTLEY:

It is when you get behaviour like that of the Minister for Housing that the dignity of this House cannot be upheld. We agree that you need legislation to prevent the Minister for Housing from repeating what he did at Orange Hill,

Hon. A. DaC. EDWARDS; On A point of order, you get that sort of lying because people cannot break through on area which they thought was in their hands.

Mr. CHAIRMAN:

On what has the hon. senior member for St. Andrew risen?

Hon. A. DaC. EDWARDS:

Mr. Chairman, if you are deaf, I am not. I said I had risen on a point of order.

Mr. CHAIRMAN:
I am not deaf, and I am asking the hon. senior member for St. Andrew not to jump up like this.

Hon. A, DaC. EDWARDS:
Who can stop me from jumping up if a man is lying on me?

Mr. CHAIRMAN:
I want the hon. senior member for St. Andrew to understand that I am making sure that the dignity of this Chamber is preserved, and I am not to tolerate this jumping up like this and not saying what you are rising on,

Hon. A, DaC. EDWARDS:
Don't tell me to sit down. I was not brought in here on a donkey cart, and if a man comes in here and lies on me, I will say he is a liar.

Mr. CHAIRMAN:
This type of behaviour must not continue, and if the hon. senior member for St. Andrew continues, I will have no hesitation in asking the hon. member to leave the Chamber. On what has the hon. senior member for St. Andrew risen?

Hon. A. DaC. EDWARDS:
On a point of order. Mr. CHAIRMAN I will hear the point of order.

Hon. A. DaC. EDWARDS:
I said the hon. member came in here speaking words which were far from being the truth, and I said that this has only been done because of the fact.....

Mr. CHAIRMAN:

I consider that not to be a point of order. Will the hon. junior member for Bridgetown continue on Clause 39? What happened at Orange Hill is not now the subject matter under discussion, and I will ask the hon. member to discontinue that type of speech and let us get on with the business of the people.

Mr. ELLIOTT MOTTLEY:

Mr. Chairman, I do not intend to enter into any argument with you. What I am saying is that we in the Barbados Labour Party welcome legislation like this, and I was stipulating the reasons why we say we welcome it. I was pointing out to you various instances of conduct not on the part of members of the public, but on the part of the Minister of Housing that offended the very purpose . . .

Mr. CHAIRMAN; I would say that this will be a repetition if the hon. Junior member for Bridgetown continues to say this. I have heard it twice or three time already, and I am not hearing that type of speech any longer.

Mr. ELLIOTT MOTTLEY:

Now, Sir, this is not the only example of conduct that this section is intended to guard against. I had the experience also of holding a political meeting in Chapman Lane where people drove their motor cars back and forth. I also have had the experience of having a meeting and found that a well-known member of the Democratic Labour Party kept driving through the meeting with his truck and blowing the horn in a deliberate attempt to break up the meeting. 11.20 a.m.

I also had the experience of having at one time meetings in the bye-election. (Asides.)

Mr. CHAIRMAN:

I can hear other hon. members who happen not to be standing. I am now hearing the junior member for the City; all other hon. members must be silent according to Standing Order 29 (6), Let the hon. junior member for the City proceed.

Mr. ELLIOTT MOTTLEY:

I shall attempt to proceed in view of the great noise coming from the other side. There is only one other thing which I would like the Leader of the House to check with the draftsmen, and that is under Clause 30 (3) "Any person who, having been required to leave any meeting of the Police Force pursuant to subsection (2), refuses or fails immediately to leave such meeting is guilty of an offence under this section." I would like to know whether the Act intends to make this an offence for which he could be

arrested there and then, because it is no sense saying that a person is guilty of an offence if you do not provide under this section that the Police have power to arrest an individual when he commits a breach of the peace at a meeting. As a classic example of what I mean, if a man is keeping noise and you ask Mm to leave; he leaves and he comes back and continues his behaviour; you ask him to leave again and goes away and he comes back, and when he comes back he is still in a position to continue his behaviour; even though he may be guilty the Act does not provide any power for the Police to arrest him, and on the face of it, it is not an offence for which he can be arrested at common law - it is not a common law-offence; it is an offence created by statute - and I think the statute should provide in this section powers of arrest, because it is simple. If you had power to arrest people like that it would mean that the night in Orange Hill when the Minister behaved so badly the Police could have arrested him.

Hon. A. DaC. EDWARDS:

Mr. Chairman, again for the sake of the record, I deny having misbehaved at any meeting; what did happen at Orange Hill was that I was walking the street like any other citizen...

Mr. HINDS:

On a point of order, Mr. Chairman, ...

Hon. A. DaC, EDWARDS; I am on A point of order; how can you get up on a point of order?

Mr. HINDS:

On a point of order, Mr. Chairman, I have already heard you say to the hon. junior member for Bridgetown that you did not wish to hear anything of this Orange Hill affair.

Mr. CHAIRMAN:

That is not a point of order.

Hon. A. DaC. EDWARDS:

This must go straight on the record; the point is that I walked the street of Orange Hill like any other person that has a democratic right to walk the street of Orange Hill, listened to a meeting and people came and said one or two things to me. I was not close to any platform belonging to the Barbados Labour Party or any person. I am a free citizen; I pay taxes in Barbados like anybody else.

Mr. CHAIRMAN:
Point made.

Mr. ELLIOTT MOTTLEY:
As I said earlier, the hon. member's reputation for veracity and truth is non-existent.

Mr. CHAIRMAN:
This behaviour must not continue.

Mr. ELLIOTT MOTTLEY:
His general reputa-tion is of little significance. But what I would say is this, that I am glad to see that they are bringing in legislation to stop people from going to other people's meetings, giving somebody else rum and threatening to break up the meetings. Not only this; it was quite clear that the hon. member not only tried to break up the meeting, but he encouraged other people. He went into the lady's house next to it after he went by the platform.....

Mr. CHAIRMAN:
This I have said must stop, and if the hon. member persists - - he has said this about 18 times already and I do not intend to hear it from him again.

Mr. ELLIOTT MOTTLEY:
With all due respect to you, Sir, what is good for one member is good for all.

Mr. CHAIRMAN:
I stopped the hon. junior member for the City because he was repetitious and you are continuing to go on with your repetition; I now will ask you to discontinue your speech.

Mr. ELLIOTT MOTTLEY:
I will get back up again, Sir.

Mr. HINDS:

Mr. Chairman, this Clause deals with bad behaviour at meetings. It gives a member of the Police Force the power, if he has reasonable cause for suspecting a person will commit an offence, or if he is called by the Chairman of a meeting, he can require the person who has committed the offence to leave the meeting immediately. Mr. Chairman, this section throws a responsibility on two persons - the Chairman at the meeting and the policeman at the meeting. Let us assume that the policeman must know his duty- I am not prepared to say that every Chairman can be taken in the same light as knowing his duty to the same degree as the policeman would know his, because a policeman has got to be trained, whereas a Chairman can be brought into service under this Act within, say, roughly 72 hours' notice or something of the sort, What happens when the Chairman of a meeting feels that a person at the meeting has committed an offence and calls on the policeman present to remove the person and the policeman does not act? What is going to be the position under this Act? What is going to happen?

11.30 a.m.

Sir, we welcome legislation that will prohibit any attempt at breaking up meetings, but I personally, feel that persons attending meetings have a perfect and legitimate right to ask questions of any person who is addressing them at that meeting. That is my view. If you stand on a platform to address people, then any person in the crowd, to my mind, has a legitimate right to direct questions to the person who is addressing the meeting as long as those questions are of a political nature, or something bearing on the type of meeting held. I would not welcome legislation to place people who are attending political or public meetings in a position where they have to stand up and adopt the role of children at Sunday School. It is not right.

Mr. Chairman, we feel that persons should be allowed to ask questions of any person addressing them, not for those persons to be hurling questions of character assassination or anything of the kind, or to attempt to carry somebody past his birth place or anything like that, I will not agree with that. I feel, however, that questions of a political nature, or questions of the moment, should be allowed.

Mr. Chairman, I attended a meeting of the Barbados Labour Party at Orange Hill some time ago. I was told of things that went on there, but I did not witness what took place. I was told that the hon. senior member for St. Andrew.....

Mr. CHAIRMAN:

I have already ruled that the Orange Hill meeting is not part of this Clause.

Mr. HINDS:

I shall abide by your ruling, Sir. Even if the ruling is one way for me and another way for another member, I will abide with it. You are not supposed to rule the same way for everybody. We have situations where people attend meetings under the influence of drink, and they do all sorts of silly things. I am not now referring to Orange Hill. The Democratic Labour Party held a meeting at Black Bess, St. Peter ..... (Asides.) You must give of your experience.

Mr. CHAIRMAN:

In my opinion, the speech now being made by the hon. junior member for St. Peter could have been better done on the Second Reading of the Bill.

Mr. HINDS:

All right, Mr. Chairman. I have no grievance where you are concerned, and you have no grievance where I am concerned. I am saying that I am entitled to give the benefit of my own experience, as well as any other member is entitled to give the benefit of his experience, when we are dealing with Section 30. Now, Section 30 deals with attempts to break up meetings, and I feel that any hon. member is well within his bounds to say what has happened at a particular meeting, if an attempt was made either to break it up, or to accuse somebody of attempting to break it up.

Now, my experience is that an elector sets out to ask questions. I am not in a position to say that every elector is able to couch his question in the type of language that the person addressing the meeting would be able to appreciate or would like to have to contend with; nevertheless, you might find a situation where a Chairman and a policeman on duty can run into conflict over a situation such as the one to which I am now referring. The Chairman, at the meeting which I have in mind and about which I can say nothing, was of the opinion that an offence has been committed. That has been thrown out, but it was not the opinion of every person who was present and who heard what went on.

This Clause sets out a situation which in itself may not be good for either the Chairman or the Police Officer who is attending the meeting. It would be well to learn from the Leader of the House how we can get around such a situation. I do not feel that anyone in this House would like to know that a Bill is passed in this House which creates any sort of hardship on persons who are attending meetings, and which takes away from them that which they now enjoy. There should be nothing to prevent people from attending meetings and taking part in the proceedings of those meetings in an orderly manner.

Mr. CHAIRMAN:

This, in my opinion, has been said by the hon. member many times and, in my view, it is repetitious.

Mr. HINDS:
By me, Sir?

Hon. N. W. BOXILL:
On a point of order, Mr. Chairman. I have risen to draw your attention to what you have just said. I was going to tell you to turn to page 31.....

Mr. CHAIRMAN:
I have observed that.

Mr. J. M. G. M. ADAMS:
On a point of order, Sir. Is it not the duty of the Chairman to draw it to the attention of the House, and not for any member of the House to draw it to the attention of the Chair?

Hon. N. W. BOXILL:
No, Tom.

Mr. CHAIRMAN:
I have already decided this issue. (Asides.) There will be no cross-talk in this Chamber between the two members.

Mr. J. M. G. M. ADAMS:
Mr. Chairman, I have some points which may reduce the temperature and which, perhaps, can bring the hon. Junior member for St. Peter and the Chairman back into the firing line. It is well known that you get bad behaviour at political meetings in every country in the world. We should be glad that in Barbados the Prime Minister and the Leader of the Opposition do not have to put up with the bottle-throwing, the stone-throwing, the tomato-throwing, the charging of the platforms and the snatching away of microphones, and so on, that they have to put up with in peaceful old England or that great bastion of liberty, the United States. 11.40 a.m.

The Secret Service have not so far had to put bullet-proof glass in front of either the Prime Minister or the Leader of the Opposition.

Mr. CHAIRMAN:

That has absolutely nothing to do with this. I expect the hon. member just to get down to Clause 30,

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

Sir, can't you make a speech in here?

Mr. CHAIRMAN:

This Bill has been read a second time, and I do not really intend to hear Second Reading speeches on Clauses.

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

Sir, I use an example to suggest that the mischief aimed at by Clause 30 is not perhaps quite so grave in Barbados as it is countries from which we have drawn the precedent, and Your Honour tells me that it is a Second Reading speech. Sir, behaviour at meetings is not so bad in Barbados as it is in some other countries; therefore we do not have to be quite so severe as some other countries. At the same time it is my contention-and I would urge on hon. members-that we do not want to use language which does not properly express our purpose. In countries where tomatoes, bottles and so on are thrown at speakers, the language used by their legislators may well be better expressed by the use of the word "disorder". In Barbados we have a higher standard at public meetings, and it is not only disorderly conduct that offends against the Barbadian spirit when we attend a public meeting. We attend public meetings in this Island genuinely to hear the business of the meeting transacted. We go to hear what the politicians have to say. Except for sporadic experiences, none of which I must say has been directed at me, I have not come across in Barbados any organised attempts to break up a platform. I have seen it once in St. Peter and I remember it once in the Lower Green. They are almost the only two that come to mind offhand. I think we want a narrower word than "disorderly". I wonder if "disorderly" would cover such things as trucks being driven through a meeting. I do not believe it is disorderly to drive a truck down the highway, but it is something that we as politicians in this House know we would like to see stopped. I would almost prefer to see "disorderly" left out altogether and just say "who acts or incites any other person to act in any manner likely to prevent or obstruct or for the purpose of preventing or obstructing the transaction of the business of the meeting."

Sir, the Representation of the People Act of Barbados appears not to have been used for assistance in the drafting of this particular Section which incidently might mean that if somebody tries to break up an election meeting, you can prosecute him either under the Public Order Act or under the Representation of the People Act. That is by the way, but it is not always a good thing to have two penal sections dealing with one activity. The Representation of the People Act also refers to disorderly manner; so I suppose that at least there is some consistency and it adds the penalty that you are guilty of a corrupt practice. However I still think that hon. members have never had the experience of seeing 'undisorderly' acts, ostensibly lawful acts used to interrupt public meetings for us to think again whether we should not add to the expression here used in order to give a meeting a slightly greater protection from disturbance.

Subsection (2) is, in my view, a very difficult subsection. It is one on which the Leader of the House is now having consultation with the Crown Law Officers. I understand it was originally the intention of the drafters of this Section to give the Police Officer the right on his own discretion, if he sees somebody attempting to break up a meeting, to ask that person to leave the meeting, and also the Chairman, if he sees somebody trying to break up a meeting, can call on a Police Officer to ask him to leave. The Section as at present drafted does not say that. If you read it carefully, it is clear that it gives a power to a Chairman only to ask a Police Officer to remove somebody whom the Police Officer reasonably suspects to be disorderly, because we have the word "or" qualifying "may" in the middle of the section, and at the end of the section it says "shall require that person. "That person" can only refer back to a person whom a member of the Police Force suspects of committing an offence. So if you get, as you can get, instances where the organisers of a meeting and the Police have a disagreement about the conduct of someone at a meeting, the organisers can get nothing done. Sir, this is something that has happened to both political Parties in my own experience. I have heard of a meeting at Checker Hall, St. Lucy at which the Prime Minister considered that the standard of order of the meeting was not.....

Mr. HINDS:

On a point of order, Mr. Chairman, are you going to allow the hon. senior member for St. Thomas to speak about a meeting at Checker Hall and would not allow me to speak of one at Black Bess?

Mr. CHAIRMAN:

I am only listening to hear what the hon. member is saying about that meeting.

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

I do not know what happened about the meeting at Black Bess, but I cannot coneieve that in discussing disturbances at meetings hon. members are not allowed to draw examples from their experience. I do not know what transpired at Black Bess; I only know that I am told by Mr. Speaker that at a meeting at Checker Hall the Prime Minister and the Police did not see eye to eye over the legal culpability of persons at the meeting, and the Police declined to take certain steps which were wanted by

the organisers of the meeting. I can only say that Mr. Speaker told me that, I know within my own experience something which I am not now going to repeat, because., .., .

Mr. CHAIRMAN; If I can have the attention of hon. members I would be happy to let the hon. senior member for St. Thomas proceed.

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

I will not go over a full account of the meeting a Ashton Hall which I attended and called on the Police to take away somebody who was shouting "Hinds, go home, " and they did not do it. I have already mentioned this in the Second Reading, and I am not going to be repetitive, but I can assure hon. members that it happened. 11.50 a.m.

First the young Constable refused when the man was threatening me and was saying: "You and Hinds go home" and pushing his fist in my face, an angry crowd surrounding us, the Constable found himself unable to do anything, and after the hon. senior member for St. Peter had been shouted at so loudly, I did not even know when he got down. That would give you an idea of the interruption that was being caused; the tape recorder could not hear enough of his speech to record it, and I invited the policeman again to remove certain people and he found himself unable to do it.

Mr. CHAIRMAN:

That is again becoming repetitious.

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

Sir, can I say that I have drawn an example from both sides and go on? I have drawn an example from both sides to indicate to hon. members that this is a real and living problem; there are numerous well known political meetings in Barbados' history..... (Asides.)

Mr. CHAIRMAN:

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

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

I am listening to the hon. junior member for St. Lucy.

Mr. CHAIRMAN:
And I am listening to the hon. senior member for St. Thomas.

Mr. J. M. G. M. ADAMS:
Obviously something very amusing much have been said that I did not hear.

Mr. CHAIRMAN:
I would not hesitate to put the question if the hon. member has concluded his speech.

Mr. J. M. G. M. ADAMS:
Do not put the question yet because the Crown Law Officers are outside working on this Section. If Your Honour puts the question now, Your Honour might find that we have to recommit it later on when a form of words more in keeping with the spirit of the Act has been worked out. Conflict between the organisers of the meeting as embodied in the Chairman and the Police is something which has caused something in the past, and we should try to find a form of words that will stop it from causing trouble in the future. If the Chairman wants to take upon himself the responsibility for having a man put out of a meeting and take any liability off the shoulders of the Police Force, the Chairman should act reasonably and so, if the Chairman has reasonable cause him self of suspecting that somebody is committing an offence he can require the Police to remove that person, so that if the person has a genuine ground for complaint he can put the Chairman in Court and not trouble the Police; he will not have to prosecute a policeman for assault or sue him for false imprisonment or whatever offence the law would ostensibly support.

We have spent some time in there trying to find an adequate form of words; at first it was suggested that we change the word "of to "and" but you would still run up against the fact that "that person" could only refer to a person the Police suspect, and you will get a situation where a Chairman will say: "Move that man", and the policeman will say "I did not see him doing anything; I will not move him", and that is all, I would suggest that we insert some words to the effect that if any member of the Police Force or the Chairman of the meeting suspects any person of committing an offence against subsection (1), the member of the Police Force may, or if required so to do by the Chairman of the meeting, require that person to leave the meeting immediately"; so it will go this way. The Chairman sees somebody behaving badly; he asks the policeman to move the man; the policeman says that he did not see him doing anything, and then the Chairman says that he has reasonable grounds for suspecting that he did do something; the policeman says that in that case he will move him on the Chairman's authority and the Chairman agrees. I would advise the Police in their own interest to say to the man "The Chairman of this

meeting has informed me that he has reasonable grounds for suspecting you of committing an offence and I will therefore ask you to leave the meeting". If he does not say it, my opinion is that the man can only sue the policeman; if he does say it, the man can sue the Chairman, and that would deal with situations such as that complained of so repetitiously by the hon. junior member for Bridgetown.

If the Chairman, of a meeting at Orange Hill sees the Minister of Housing and he thinks he is behaving badly, let the blood be on his head; let him call on a policeman to remove him and we would not have any repetition in here about it. It would be entirely in the hands of those politicians who feel that their fellow politician is doing something; all right, you take on your shoulders the job of facing a law suit if you are wrong or of quieting the meeting if you are right. I do not think that is unreasonable; at least it would keep the politicians out of each other's meetings if they do not want to face certain consequences. I believe it is very undignified for any politician to be finding himself at somebody else's meeting listening to all the things they are saying about him. The Leader of the Opposition has informed me that it is over 20 years now since he has heard an opponent's political meeting, and that was by accident then.

Hon. C. E. TALMA:

Mr. Chairman, before the hon. member moves on to the next point, I rise on a point of order. The hon. member is really trying to revamp sub-Clause (2), and what I want to draw to his attention is that in revamping it he is merely reinstating what already exists. If the hon. member would go through it he would see that his proposed amendments do not get you any further; they are identical with the way the Section is worded. "If any member of the Police Force suspects any person of committing an offence against subsection (1), he may, or if required to do so by the Chairman of the meeting ....." He is doing the same thing.

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

Mr. Chairman, nowithstanding the very braised interpolation by the hon. junior member for Christ Church, the Minister of Health, I would with respect like to say that I disagree with him, the Leader of the House disagrees with him, the Crown Law Officers disagree with him, and I believe the Leader of the House is going to move an amendment to meet the point which I have raised. I asked to move it, Sir, but as the Leader quite properly pointed out, that will be his amendment; so I am not going to pursue that point.

12.00 noon.

I am not going to pursue that point; it is being met; it is being attended to, and the Chairmen of meetings can now take upon their own heads certain responsibilities which were invidious before to put on the heads of the Police. I am sure that many policemen will be glad of being saved the trouble.

Now, the question of leaving the meeting is a difficult power. The question of leaving the meeting is all right for an indoor meeting. In an indoor meeting the Chairman can quite arbitrarily decide that anybody in the hall he does not like must be put out, even if the public is admitted, but at an outdoor meeting difficulties arise. To draw an example, Sir, I remember going to a meeting in Reading Town Hall in October, 1951, at which a very tight election was being fought. The majority at Reading never exceeded 100 for three elections, I believe, and many people got in and lost their seats. It was thought that Mr. Randolph Churchill was going to come and make a disturbance at a meeting being held by the Labour Party. I was then canvassing for the Labour Party.

Mr. HINDS:

Mr. Chairman, on a point of order. Do you mean to say that you will not allow me to talk about meetings in Barbados, but you are allowing the hon. member to talk about what has happened In England? How can I feel, Mr. Chairman? What can I tell the people in St. Peter?

Mr. CHAIRMAN:

At this point, I will ask the hon. senior member for St. Thomas to desist from discussing the meeting in Reading. Let us deal with Clause 29.

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

Mr. Chairman, are you going to give the same treatment to all? Never mind that. I must have caught the habit of furnishing examples from the Prime Minister. The point is this A man was put out of an indoor meeting.....

Mr. CHAIRMAN:

Again I am asking the hon. member to desist.

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

Sir, I am trying to explain what leaving the meeting means.

Mr. CHAIRMAN:

That does not help this Clause at the moment.

Mr. J. M. G. M. ADAMS:
Mr. Chairman, I am talking about leaving the meeting, and this is referred to in Clause 30 (2).

Mr. CHAIRMAN:
And that applies to Barbados.

Mr. J. M. G. M. ADM AS:
Sir, the common law of England is the same as the common law of Barbados. This comes from the English Acts; it comes from the United Kingdom Public Order Act, 1936, Section 6, and the United Kingdom Meetings Act, Section 1, both of which I am trying to tell the House I have seen in operation. Sir, if you refer to the Notes at the back of this Act under Section 30, you will see that Section 30 is partly adapted for the English Public Meeting Act of 1908, which reads as follows

"Penalty on endeavour to break up public meeting. - (1) Any person who at a lawful public meeting acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an offence, and, if the offence is committed at a political meeting held in any parliamentary constituency between the date of the issue of a writ for the return of a member of Parliament for such constituency and the date at which a return writ is made, he shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883, and in any other case shall, on summary conviction, be liable to a fine not exceeding five pounds, or to imprisonment not exceeding one month,

(2) Any person who incites others to commit an offence under the section shall be guilty of a like offence." Subsection (3) which I believe, Sir, was added by the Public Order Act of 1936 of England - I do not think it was originally passed in 1908 - reads:

"(3) If any constable reasonably suspects any person of committing an offence under the foregoing provisions of this section, he may if requested so to do by the chairman of the meeting require that person to declare to him immediately his name and address and, if that person refuses or falls so to declare his name and address or gives a false name and address he shall be guilty of an offence under this subsection and liable on summary conviction thereof to a fine not exceeding forty shillings, and if he refuses or fails so to declare his name and address or if the constable reasonably suspects him of giving a false name and address, the constable may without warrant arrest him."

The Reporters can find that in The Public Meeting Act, 1980, (8 Edw. 7, c.66) of the United Kingdom.

Sir, it will be noticed that there is nothing in that Act about requiring anybody to leave a public meeting, and it is to this that I am trying to direct my relevance. I am sorry that I find example easier than pontification. 1 was always told that an ounce of example, Sir, may be worth more than an hour of theory, and I would have been glad to give an ounce of example if the hon. junior member for St. Peter had not interrupted me. The point is that the question of putting out people from a meeting is more applicable to an indoor meeting. A man comes indoors of premises which are hired, borrowed or rented, on behalf of a political Party. They do not like him and they put him out. They can do it under any circumstances, but when he gets out on the steps outside the premises they can no longer do him anything. That particular aspect of it which amended the Public Order Act of England and which amended the Public Meeting Act does not allow any leaving of the meeting.

Mr. Chairman, I remember when Mr. Randolph Churchill was put out; when he reached the steps he told the stewards who were putting him out. "Keep your distance." The stewards released him, because at that time he was out of the premises. Once he was outside on the steps, neither the stewards nor the policemen could do him anything. They had no authority to stop him from hovering on the fringes of the meeting. Suppose you told a man to leave the Market Square, and he goes by the Bus Stand and says he is waiting for the bus. He might still be interrupting the meeting. Suppose he goes over the road and stands up in front of the Barbados Workers Union and behaves badly there while a crowd of people are listening to the meeting and trying to hear what is going on. Has he or has he not left the meeting?

Now, when the Democratic Labour Party hold meetings in Independence Square, they often get a lot of people near the Careenage and a lot of cars parked by the Careenage quite near to this side of our Building and people stand up there. Is somebody put out of Independence Square to be allowed to cross the Careenage and stop the people on this side from hearing what is said at the meeting? Suppose he says: "Do not listen to those vagabonds; they are all liars; do not mind them, " Is that good, Sir? Of course, he will say that he has left the meeting. He was told to leave Independence Square and he has left Independence Square. This is why the power of his leaving the meeting is going to give trouble. I would prefer to see a power to make him leave the meeting and tell him not to return as well, Sir. He can leave the meeting and then return and say he is behaving all right now. All of that will go on, and it willl cause confusion.

Mr. Chairman, I would suggest to hon. members that already conflict exists or can exist between the Police and the organisers of the meeting, and this may make more conflict. The Police may have one view as to whethar a man has left the meeting or not, and the Chairman may have another view. The

man may leave the meeting; if he is a vagabond the Police may search him to see whether he has a gun or any weapon, but when nothing is found on hin he may say: "All right, I have left the meeting, and do not have any offensive weapon; I am standing up here on the other side of the road." 12.10 p.m.

I would hope that the Government would try to find something to deal with this, even if it is a power to go outside earshot of the meeting. We have provision later on saying that a man shall be deemed to have an offensive weapon at a meeting if he is within earshot of it. Does Your Honour recall the Section ? I would prefer to see some Section such as Sub-Section (2) of Section 32 also included in this Section which says "any person who at any time when a public meeting is in progress.... shall be deemed to be present at such meeting if he is within earshot of any speaker addressing such meeting." You must define what is meant by "at a meeting" because the Courts may not say that for the purpose of Section 30 a man is at a meeting under the same conditions as for the purpose of Section 32. A man is at a meeting with a gun if he can hear a speaker. There should be some power saying that as long as he can hear the speaker, he is at the meeting, and he has not left as long as he remains where he can hear a speaker.

Sir, I believe at this stage the Minister is in possession of the new subsection (3) which he desires to move in, and 1 would gladly give way to him if he is prepared now to move in the new subsection (3) and replace subsection (2) as well.

Hon. J. C. TUDOR:

Mr. Chairman, what I would suggest is that we substitute the following sub-Clauses. The new sub-Clause (2) will read as follows-

"If any member of the Police Force has reasonable cause to suspect any person of committing on offence against sub-section (1), he may require that person to leave the meeting immediately, "

The new sub-Clause (3) will read as follows:-

"If the Chairman of the meeting has reasonable cause to suspect any person of committing an offence against sub-section (1), he may call on any member of the Police Force to require that person to leave the meeting and thereupon that member of the Force shall require that person to leave the meeting immediately."

We would then renumber sub-Clause (3) as sub-Clause (4). There is a further amendment under sub-Clause (4) as renumbered. In the third line immediately after the words subSection (2), insert "or (3)".

I beg to move that Clause 30 as amended stand part.

Hon. C. E. TALMA:
I beg to second that. The question was put and resolved in the affirmative without division.

Clause 31 was called and passed. Clause 32 was called.

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move that Clause 32 stand part.

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

Mr. St. JOHN:
Mr. Chairman, this is the 'earshot' Clause. This Section says "Any person who at any time when a public meeting is in progress has with him any gun in any public place within earshot of any speaker addressing such meeting shall be deemed to have had such gun while present at such meeting until he proves that his presence in such public place at such time was neither directly or indirectly consequent on the fact that such meeting was in progress at the time, "

If we look at the printed copy, our experience in relation to this is that in Barbados the amplifier and the speakers can be heard a considerable distance away from a public meeting. I remember once speaking at a meeting in Bush Hall, and somebody in Brighton could repeat almost word for word part of the speech that was made. That is within earshot; so we would like to have a modification of this wide word "earshot" because it seems to us that this could be used as an excuse by the Police to interfere with people who are some considerable distance away from a public meeting, and it is note-worthy that in this case the onus of proof is shifted on to the other person. In other words, if I am some considerable distance away from a meeting, a policeman can hold me and tell me to prove, and I must prove. A

person who is doing innocent business can be called upon by the Police to prove something. There should be nothing calculated to exacerbate trouble between the Police and the citizen like that, This word "earshot" is far too wide. I see what the draftsmen are trying to get at, but it

is so wide that it is going to cause trouble, and I think there must be something else which could be substituted with less potential trouble. I have no objection to section 32(1), but I would like to hear the views of the Government on section 32 (2).

Mr. CHAIRMAN:
If hon. members are not contributing, I would ask that somebody move to report progress.

12.20 p.m.

Hon. J. C. TUDOR:
Mr. Chairman, I would suggest we postpone further consideration of this one and do another; we are working out some kind of formula that would satisfy both sides. I beg to move that further consideration of Clause 32 be now postponed.

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

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

Clause 33 was called.

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move that Clause 33 stand part.

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

Mr. ELLIOTT MOTTLEY:

Mr. Chairman, this is also one of the Sections of the Bill that we in the Labour Party are not against. We have no part of anybody who goes around preaching racial hatred etc., but in passing I would like to say this; while we welcome it we should hope that in future the Attorney General of this country, when he is addressing public meetings, would desist from making the sort of statement which he made at Eagle Hall on Sunday night, because nothing could be more insulting to the black people of this community than to have the Attorney General get on a political platform and say that if you put the Barbados Shipping and Trading Company in the hands of black people, it would go broke in three weeks. If this law was in existence last Sunday night, I have no doubt the Director of Public Prosecutions would institute a prosecution against the Attorney General, because it must be insulting for a black Attorney General to get up and look at black people and tell them they are not fit to run Barbados Shipping and Trading and that it would go broke. Do you mean that black people could run the political affairs of this country, the legal affairs of this country, but in this day and age somebody, a member of the Democratic Labour Party, can get up and tell people at a public meeting that black people are not fit to run the commercial section of this community? This is why people would continue to react against stupid statements such as this.

One other point which I would like to find out from the Government. Why is it that they have not seen fit to define the words "publish and distribute" under this Section? This Section, I believe, is taken from the Race Relations Act of 1965, section 6, and under that Act the definition of "publish and distribute" means publish or distribute to the public at large or any section of the public exclusive of a member of an association of which the person publishing or distributing is a member. One can easily see if you do not have this definition that any person who writes his M.P. complaining of the fact that he was perhaps not given a Job because of the colour of his skin, or if he writes stating that he objects to the fact that a man who was manager at the Holiday Inn and who was fired from the Holiday Inn would be allowed to be given a work permit by the Government to open a Boutique - a thing that black people can do - if he wrote such a letter, it may very well mean that if that letter came into the hands of the Police it would be said that he was publishing something which was abusive, threatening or insulting to a section of the public in Barbados, I would like to find out from the Leader of the House if he would consider an amendment which I intend to move at a later stage on this. If he accepts it, he can move the amendment.

Mr. HINDS:

This question, Mr. Chairman, of publishing or distributing written matter can be stretched very far and wide. It does not say here where a person knowingly publishes or distributes written matter which is threatening. 12.30 p.m.

Sir, suppose an M.P. or any person felt that he had a grouse against another person and decided to

write something and have a second person convey it to him in ignorance. Now, the person publishes it to the person to whom he delivers it and, according to this Clause, he has committed an offence. It will be a case of his publishing it without knowing that the contents were abusive or insulting. I feel that the draftsmen ought to try to find some means of protecting people, even if the onus is thrown on the person publishing or distributing to show that he did not know that it was matter of a threatening nature.

I remember, Mr. Chairman, attending a meeting in this Island at which working-class people were reminded of the days when white people took some of the young girls from the third-class gangs on the estates; carried them into the cane fields; leaned them up besides a horse, putting one foot in the stirrup, for sexual purposes. That was an address delivered to black people about the actions of white people. Now, if such an address is delivered today, is it going to be considered as being abusive or insulting? If it is considered to be abusive, to whom will it be abusive? If it is considered to be insulting, to whom will it be insulting? However one may look at it, there is no denying the fact that in delivering such an address it is tracing what is really true, even if it does not find a place in our social history. Certainly, the Leader of the House of all persons would be in a position to advise us as to what would develop, should a situation such as the one I have just mentioned arise.

Now, with regard to this question of stirring up hatred against any section of the public in Barbados distinguished by colour, or race, or creed, what would we say if lectures were given along those lines at the Multi-racial Society? Would it be stirring up race against race, or section of the society, or hatred in any respect? I would certainly like to hear what the Leader of the House has to say on this. Would an offence be committed or not?

Mr. St. JOHN:

Mr. Chairman, what concerns us on this side is the width of this offence. It is to be noted that the Clause says "threatening, abusive or insulting language, intended or likely to stir up or capable of stirring up hatred against any section of the public in Barbados distinguished by colour, race, creed, or ethnic or national origins." We feel that, as it is, this Section is sufficiently wide to prevent strong language being used by any nationalist organisation in the country where the organisation seeks to point out to Barbadians the importance of a campaign for keeping the resources of the country amongst nationals of Barbados. Very often, in order to point this out, it may be necessary to pinpoint instances of non-nationals operating in our economy and to point out the financial rewards that are possible within the area in which they are operating. For anybody to say that, as a result of the speech or campaign, a non-national is being jibed or insulted by Barbadians is something I cannot understand. I do not see why we should have a law to protect nationals from other countries in our country. Why should we have a law to protect nationals of another country in our country? I can understand if you say that the distinguishing feature is colour, race or creed, but I do not see why national origins should be given this superabundance of protection. If you do not want people to stir up hatred on account of race, I can understand that; on account of colour, I can understand that; on account of creed, I can understand that; but I cannot understand on account of national origins. That is one objection.

Secondly, it is to be noted that, in this case, even though a speaker or a publisher does not intend to stir up hatred, if the words are likely to stir up hatred, or are capable of stirring up hatred, he is guilty of an offence. In my opinion "reasonably" before "likely" should be included. It should read "reasonably likely" or "reasonably capable of stirring up hatred, " and then I would delete the words "national origins." Those are the amendments that I would propose to this, Sir. We will have 'threatening, insulting and abusive, ' but any person could not just go and say that, as a result of these words, my friends have thought less of me and, therefore, the words are insulting. 12.40 p.m.

I want the word "reasonably" introduced so that unless the witness's reaction to the words is what a reasonable person would react to, then it would not be an offence. I understand that the hon. senior member for St. Thomas will second that.

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

Sir, I have heard the hon. junior member for St. Thomas say he is hungry. If I ask that further consideration be now postponed, would he second it? Sir, I am quite anxious to get home to have something to eat, but there is a lot really in this Section. The Constitution says that you must have freedom to communicate ideas and you have the right to hold any ideas you feel like. I take it to include the right to hold that St. Lucians are parasites swimming about the gutters of Bridgetown, as I have once heard said on a platform, not by a member of our Party. I have heard attacks made on the white people time without number. I heard that at Eagle Hall there was even an attack made by the Attorney General on black people when he said that if you put black people in charge of Barbados Shipping and Trading, they would bankrupt it in three weeks. That is calculated to stir up hatred against black people and against the Attorney General himself, but indeed that is another matter. The Great White Hope of the Democratic Labour Party! It reminds me in inverse of the very fair-skinned Indian gentleman who ran in the Zanzibar election before the last, and his election posters had up a picture with "My face is white, but my heart is as black as yours' .

Mr. Chairman, we have Section 20 of the Constitution. I know that certain hon. members do not pay much attention to the spirit or the letter of the Constitution. Section 23 of the Constitution, for example, says that "no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority." And Subsection (2) of Section 23 of the Constitution says:

"In this section the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political

opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not subject or are accorded privileges or advantages which are not afforded to persons of "another such description."

I do not much believe in the sincerity of certain members of the Cabinet when I read that Section which in fact says that nobody in the performance of the functions of a public office is allowed to accord a privilege to anybody by reason of his political opinions. I do not have much faith in the sincerity of certain members of the Cabinet when the Minister of Housing gets up in the House and says he gives people jobs according to their political passport, an unconstitutional act for which he can be prosecuted in the Constitutional Court. So I have to look on that in the same light....(Hon. A. DaC. EDWARDS: Why don't you prosecute me?) We are working on it now. We are collecting the evidence from the Housing Authority now.

Mr. CHAIRMAN:
That does not form part of Clause 33.

Mr. J. M. G. M. ADAMS:
The Bar Association has passed a Resolution calling on the Court to make Rules.

Mr. CHAIRMAN:
I do not consider that to be included in Clause 33.

Mr. J. M. G. M. ADAMS:
I am sorry, Sir. I was challenged about why we do not prosecute him.

Mr. CHAIRMAN:
That type of behaviour must not continue.

Mr. J. M. G. M. ADAMS:
Sir, I am on my feet making a speech. Standing Order No. 29(6), I believe, is still in force. I should not think Your Honour is referring to me.

Mr. CHAIRMAN:
Let the hon. member proceed.

Mr. J. M. G. M. ADAMS:
Section 20 of the Constitution, however unfortunate it may be, however desirable it is not to permit racial hatred to be stirred up, still says and I repeat "freedom of expression includes the freedom to hold opinions without interference, freedom to receive ideas and information with interference, and freedom to communicate ideas and information without interference"; and those freedoms may only be restricted in the interest of public safety, defence, public order public morality or public health, or to the extent that they are reasonably required for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings and so on. Reputations, rights and freedoms, as I am informed, have been construed to deal with libel laws, that you cannot communicate any opinion that is libellous of a person - obviously; otherwise the libel laws would be unconstitutional. You cannot say what you like about people unless you are prepared to prove it. In certain circumstances even if you can prove it, you still should not say it because there is a foolish old doctrine of law saying that the greater the truth the greater the libel if it tends to a breach of the peace. I believe it is still the law of Barbados.

Mr. Chairman, 1 do not think that this section of the Act is protecting the reputations, rights and freedoms of persons in Barbados if you say that people cannot be insulted. It: has to go further than that. Mere insult is always distinguished in the Courts of Law from libel. The mere question of insulting is not necessarily for the purpose of protecting the reputations, rights and freedoms. There is no requirement here that these words must tend to a breach of the peace; so clearly all that Section 33 has included in the Public Order Act has nothing to do with public order. If you read Section 33 carefully, there is nothing saying that the words must tend to a breach of the peace or to public , disorder. It is sufficient, apparently for the framers of this Section, that the words must be threatening, abusive or insulting. 'Threatening' is different of course. 'Threatening' may refer to rights and freedoms, but abusive and insulting' are really a different matter from 'threatening'. If you threaten to kill all the white people, apart from being an incitement to violence, clearly you are threatening their right to life. If you threaten to take away their property or businesses, that is obviously threatening their rights because the Constitution recognises a right of property. To deal with 'abusive and insulting', it would be unfortunate if a law which we are all in our hearts prepared to believe is necessary, turns out to have been approached by the Government in the wrong way; and do not think that in this society there are not lacking people who will go on a political platform and deliberately insult persons distinguished by colour, race, creed or ethnic origins and then challenge the constitutionality of this Section in Court.

12.50 p.m.

Do not think that this is something that cannot happen; among the purveyors of hate, the publishers of spite, are many persons who have so little regard for their own reputations or personal liberty when it really comes down to it, that they might very well decide to mount a challenge against themselves on the grounds of constitutionality. There is nothing in Section 33 that deals with defence, public safety or public order; I myself think it is against public morality to attack anybody from colour, race or creed, but this is not so said in the Section. I think it is as immoral to hold feelings based upon colour as anything else; Hitler held them and he was immoral; Stokeley Carmichael holds them and he is immoral, more immoral than if he smokes marijuana or the other things we jump down on and punish so severely. Clearly there is nothing about public health in Section 33; so we are thrown back on the possibility of public morality or reasonable requirement for the purpose of protecting the reputations, rights and freedoms. It is my considered view that a firm legal opinion cannot be given with any confidence, that any of the circumstances which would stand up you will find in this Act; I am sure 'national origins' could never have stood up. I do not think anybody can conceive that two Russians who happen to be here could prosecute the Advocate newspaper, as I have said already, for an expose of Communist tyranny in Siberia; 1 do not believe that any Court would accept that, because the article was capable of stirring up the Russians, any Russians living in Barbados could prosecute it.

I notice there is nothing here about religion; I have not noticed that before you can attack a man for being a Roman Catholic as much as you like-something which is causing the gravest public disorder that perhaps existed in any English speaking country at the present time, namely, the disorders in Northern Ireland. You can attack the Roman Catholics, Protestants, Church of God, Methodists, whoever you like as much as you like under this particular Section; you can attack the Jews as much as you like under this Section; but that is up to the Government, for they have framed a Section without proper thought. It is not the Opposition who make the laws; we try our best not to make them oppressive. Sir, the Section may have excellent purpose, but the best purpose of this Section is not going to be served by what it is genuinely capable of stopping in law; it is going to be served by the example which it will set to speakers by the fact that it will cause speakers to take care lest they be caught by it. A really determined man is not going to be deterred by these words set out here and by considerations of constitutionality from continuing with much of the vile and disgraceful material which recently has been published in Barbados. What I say is this. There is a class of person whose political allegiance the Government is seeking; they are attempting at the present time to recruit the ten or twelve percent. of the population of this island that is ethnically or socially white, by passing this Section into law. I say to that ten or twelve percent, that they have not got the protection from this Section which they believe, and they should beware of the sincerity of these particular Greeks who are now bringing gifts.

I have not necessarily ended my contribution to this matter, but in the absence of the Leader of the House I am moving that Your Honour do now report progess and ask for leave to sit again. I will give way to the Leader of the House.

Hon. J. C. TUDOR:

I only came to say that I told the House on Tuesday morning that when we sit at 10 o'clock we will break at a quarter past one and I intend to stick to that.

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

All those with ulcers can withdraw, as is suggested, Mr. Chairman. I do not believe that this Section is a safe one, or that it achieves the legislative purpose at which the Government is aiming. I would be glad if the Minister would address his mind to certain points which I have raised; is he satisfied with the constitutionality of it? I think the House deserves a statement as to whether it really believes that this particular Section is within the proviso to Section 20 of the Constitution.

I do not know what the attitude of my colleagues will be, but I believe that, as it might possible, if it was thought that the provision of incitement to violence or incitement to racial hatred might offend the Constitution, it is possible that an all-Party talk might have worked out some formula by which this matter could have been placed beyond doubt, and it is something which I would recommend to the Government. It is the Government's duty to govern but despite even with the assistance we can see of he hon. senior member for St. Joseph, there are certain things the Government cannot do without the assistance of the genuine Opposition, and to affect the entrenched Clauses of the Constitution is one of them. It would be tragic if the Government attempted to show that it is strong and attempted to exclude the Opposition from a function which the Constitution has given to it, decide to go ahead and do something on its own and then find that the Constitution stood between it and its fulfilment, no matter how the Opposition voted on a particular measure, because the Constitution cannot be amended by necessary implication. If you wish to pass any law in conflict with the Constitution the law must state "notwithstanding the provisions of the Constitution" and must be introduced under the special procedure necessary, and even if we do not vote against this Section, it would not help the Section in the Court, and Bobby Clarke or one of the other vagabonds outside could take a chance on it.

Hon. J. C. TUDOR:

On that particular point, I am advised that there is a difference of opinion between the hon. senior member for St. Thomas and those whose business it is to look at these things day by day; so we will just have to leave that point for determination by a body out side this House. May I just suggest that we might put in these amendments to Clause 33; in Clause 33(1), after the words "intended or" in the ninth line we delete the words "likely to stir up or capable" and we substitute therefor the words "which may reasonably be interpreted as likely to stir up or to be capable", and we delete the comma after the word "race" in the penultimate line of Clause 33(1) and substitute the words "or creed." for the words appearing in the last line.

1.00 p.m.

I beg to move that Clause 33, as amended, stand part.

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

Mr. HINDS:
Mr. Chairman, I want to draw something, formally, to the attention of the Leader of the House and, if possible, make an amendment to Clause 33 (1) (a). I feel that there is a necessity for persons who distribute newspapers and book shops to be protected, and that is my reason for suggesting that at subclause (a), after the word "he", there should be inserted a "comma" and the word "knowingly, " inserted. It should read "he, knowingly, publishes or distributes written matter....."

As the law stands at the moment, there is nothing to prevent a proprietor of a book store, or a magazine vendor, from being taken to Court charged with an offence under this Act.

Hon. J. C. TUDOR:
This is not any information of my own. I am advised that the offence itself is in the publication. (Mr. St. JOHN It has "distributes" here.)

Mr. HINDS:
Mr. Chairman, it just shows that the Leader of the House does not know what publication means. I believe the Leader of the House is confusing "distribution" with "publication". Somebody can publish something by handing it to you. You can distribute something by mail, or by putting books on a stand. It is a matter which I feel should be looked into for the protection of those people who may commit an offence under this Clause without knowing that they are commiting an offence. The insertion of the word "knowingly" is all the protection necessary. I am sure the Crown Law Officers will see the point.

Hon. J. C. TUDOR:
Mr. Chairman, I wonder whether the hon. senior member for Christ Church would assist the Committee on this point; I am afraid I cannot grasp it, quite frankly.

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

Mr. Chairman, I would like to second the amendment by the hon. junior member for St. Peter, except that, perhaps, I should not have suggested to him to remove the "comma", because it seems, from the advice of the Crown Law Officers, that the "comma" will cover both "publishes" and "distributes", whereas if you do not put the "comma" it will only cover "publishes". This is a problem of which no other member except the hon. junior member for St. Peter and myself are aware of, because we have some knowledge of the particular problem. I am interested in a book store, and I know what can happen. A lot of books will come in, especially paper backs, and you get books by Stokley Carmichael, Rap Brown and so on, and something may be stated in one of the books, which is circulated to stir up hatred. For instance, you get a statement not only that the whites are pigs, but that they must be regarded as pigs, and so on. These are desperate statements, and you put upon the book seller the terrible offence of having distributed the book. The book seller may not have known that the book was there. The book may have been substituted for another book which he had ordered. You order one book; they do not have it; they send you another book in its place; the invoice comes a long time after wards setting out what the books are, and in the meantime somebody opens the package and puts the books out for sale.

Mr. Chairman, I am instructed that where a limited liability company publishes these matters, each director of the Company may be liable; so to that extent I have a personal interest. I do not think any hon. member would wish to punish anybody who happens to be a director of a company which, by chance and by accident, sought to sell a book which contained racial hatred. That is something which, in the nature of things, he could not know about, because he has nothing to do with the day-to-day business of the Company.

Sir, the distributors of books and magazines are constantly being prosecuted and sued for offences. W. A. Smith & Sons have been sued for libel contained in Time Magazine; they have been sued for libel contained in News Week, as a result of which I do not sell News Week anymore; they have been sued for publishing obscene publications, and the people who are liable are not only the Company, but the directors who know nothing about what the individual book shop managers are buying and selling.

I am glad to see that the Government is going to give way on this point and accept the amendment moved by the hon. junior member for St. Peter, no doubt, with the appropriate commas.

Hon. J. C. TUDOR:

Mr. Chairman, I do not know about the commas, but we will accept the insertion of "knowingly" after the word "if". 1.10 p.m.

It will read "if (a) knowingly he publishes or distributes etc, " There will be no comma; I will tell the

hon. member that I have been told that William Joyce was hanged by a comma. I do not know how true this is.

Mr. J. M. G. M. ADAMS:
Mr. Chairman, the Government said they would accept our amendment.

Hon. J. C. TUDOR:
I have put it in.

The question that Clause 33 as amended stand part, was put and resolved in the affirmative without division.

Mr. CHAIRMAN:
Hon. members not addressing the Chair.

Hon. J. C. TUDOR:
Mr. Chairman, I said we would break at 1.15 p.m.. The hon. member is going to tell me to report progress. (A VOICE The Clerk did not hear.) It is not for the Clerk to hear because he cannot move the motion.

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

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

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

SUSPENSION OF SITTING

Hon. J. C. TUDOR:
Mr. Speaker, I beg to move that this sitting be now suspended until 2.30 p.m.

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

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

Mr. YEARWOOD:
Mr. Speaker, I observe that there is no quorum and ask that you direct the Clerk to ring the Bell.

Mr. SPEAKER:
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. To that it now reverts.

Mr. SPEAKER left the Chair and the House resumed Committee, Mr. YEARWOOD in the Chair.

Mr. CHAIRMAN:
Mr. Clerk, please ring the Bell. There is no quorum.

The Bell was rung and a quorum was obtained.

Hon. J. C. TUDOR:

Mr. Chairman, I beg to move that Clause 32 be recommitted because we have some amendments ready to be put in. (Asides.)

Mr. CHAIRMAN:

All hon. members who are not addressing the Chair, please observe Standing Order No. 29 (6).

Hon. C. E. TALMA:

I beg to second the motion.

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

Hon. J. C. TUDOR:

Mr. Chairman, in sub-Clause (2) I am asking to delete the words "within earshot of any speaker addressing such meeting" and substitute therefor the words "from which any speaker addressing such meeting is visible".

For sub-Clause (3) substitute the following new sub-clause:

"For the avoidance of doubt it is expressly declared that the lawful possession of any licence to carry a gun in any public place shall not in itself afford a defence to any proceedings under this section."

Sub-Clause (b) is taken out and you also take out the "(a)".

I beg to move that Clause 32 as amended stand part.

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

Mr. J. M G. M. ADAMS:
Since we are proposing to amend Clause 32 in this respect, would the Minister also consider recommitting Clause 30? (Asides.) Hearken to me before you shout "no".

Mr. CHAIRMAN:
Members not addressing the Chair.

Mr. J. M. G. M. ADAMS:
Sir, I think the best service that hon. members on this side can do for the Chair is to copy down every intervention made by the hon. junior member for St. Thomas so that you would be able to put him to order.

Mr. CHAIRMAN:
No hon. member will tell the Chair how to discharge its duties.

Mr. J. M. G. M. ADAMS:
I am not telling you how to discharge them, but we can copy them down so as to assist you in discharging them.

2.35 p.m.

Mr. CHAIRMAN:
Let the hon. member get on with Clause 32 as amended.

Mr. J. M. G. M. ADAMS:
Yes, I am quite prepared to support this part of Clause 32 and I would suggest to the Leader of the House that we insert into Clause 30 a provision saying that you are still at a meeting if you can see the speaker. To avoid getting up to make a motion to recommit Clause 30, I suggest it now.

The question that Clause 32 as amended stand part was put and resolved in the affirmative without division.

Mr. J. M. G. M. ADAMS:
At this point would the Minister consider inserting into Clause 30 a new sub-Clause 5?

Mr. CHAIRMAN:
The hon. member would first have to ask that Clause 30 be recommitted.

Mr. J. M. G. M. ADAMS:
I move to recommit. Clause 30.

Mr. ELLIOTT MOTTLEY:
I beg to second that.

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

AYES:
Hon. J. C. TUDOR, Hon. C. E. TALMA, Hon. K. N. R. HUSBANDS, Mr. LOWE, Mr. CORBIN, Mr. WEEKES, Mr. HINDS, Mr. St. JOHN, Mr. ELLIOTT MOTTLEY and Mr. J. M. G. M. ADAMS. - 10.

NOES:
Hon. N. W. BOXILL - 1.

Mr. J. M. G. M. ADAMS:
I would be in a .little difficulty in drawing the amendment because I do not have the benefit of the actual words which the Leader of the House has moved in to Clause 32 before me; but I would suggest

that we move in a sub-Clause 5 to ihe effect that no one shall be deemed to have left a meeting if he is at any place at which a speaker is still visible. I would much prefer the assistance of the Crown Law Officers than to draft on my feet. This would assist the Police above all, for they will be able to deal with a man who says he has left a meeting when the Police feel he has not, because as long as the policeman is next to the man and the policeman says he can still see the speaker, until he can do that he is not going to be safe. (Asides.)

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

Hon. N. W. BOXILL:
On a point of order, there is nothing before the Committee; nobody is speaking.

Mr. CHAIRMAN:
The sitting has not been suspended.

Mr. J. M. G. M. ADAMS:
The only reason why I am unable to speak is because I cannot hear myself for the hon. member.

Mr. CHAIRMAN:
Let the hon. member proceed with Clause 30.

Mr. J. M. G. M. ADAMS:
I am awaiting the assistance of the Crown Law Officers, and I think hon. members would hardly be so ready to accept the amendment if they did not hear my views earlier and accepted them; therefore if I put the views all over again it might be tedious.

Mr. CHAIRMAN. I am sure they will be.

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

As briefly as I can. When a man is told to leave a meeting, you must define what is meant by leaving a meeting. He might say that 'leaving' is crossing the road, but in fact he might be heard just as loudly across the road as if he is still at the meeting itself.

Hon. J. C. TUDOR:

What I am advised to accept, Mr. Chairman, is this, that immediately after sub-Clause (4) we might add the following sub-Clause which would be numbered (5) "For the purposes of this section a person shall be deemed not to have left a meeting if he is in any public place from which the Chairman of the meeting or any speaker addressing the meeting is visible."

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

That admirably expresses what I mean. I move that those words be added to Clause 30, as sub-Clause (5) thereof.

Mr. ELLIOTT MOTTLEY:

I beg to second that.

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

AYES:

Hon. J. C. TUDOR, Hon. C. E. TALMA, Hon. K. N. R. HUSBANDS, Mr. LOWE, Mr. CORBIN, Mr. WEEKES, Mr. HINDS, Mr. ELLIOTT MOTTLEY and Mr. J. M. G. M. ADAMS - 9.

NOES:

Hon. N W. BOXILL - 1.

The question that Clause 30 as amended stand part was put and resolved in the affirmative without division.

Clause 34 was called.

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move that Clause 34 stand part.

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

Mr. ELLIOTT MOTTLEY:
Sir, I wonder if the Leader of the House would check the second part of this Clause - sub-Clause (1) - where the letters "(e), (f) and (g)" appear and see whether it should not be "(1), (2) and (3)" instead.

2.45 p.m.

Mr. Chairman, it does not carry on from the first part. If you do any of the things from sub-Clauses (a) to (d) with the intention of inducing a person to do anything stipulated in sub-Clauses (e) to (g), then an offence is created.

Hon. J. C. TUDOR:
Mr. Chairman, in answer to the problem, I am advised that this is a deliberate drafting style. Apparently, it is a technique which is used in drafting for convenience as well as, perhaps, for simplification, and it might conflict, if you change it, with the numbering of some other sub-Clause.

Mr. ELLIOTT MOTTLEY:
Mr. Chairman, I do not think the Minister understands the point. The second portion of the Clause creates an offence under (a), (b), (c) and (d), but for the offence to be completed it has to co-exist with any one of the things stipulated in (e), (f) or (g). If you commit one of the offences from (a) to (d) and it is something which co-exists with something stipulated in (e) to (g), then the offence is completed. Two things must co-exist. The things are not separate things. (Hon. J. C. TUDOR Mr. St. John agrees with it.) I do not accept what Mr. St. John says. For an offence to be committed under this Clause, a person must do one of the things set out in (a) to (d) and also one of the things set out in (e) to (g). There must also be an intention to kill or do physical injury, or to destroy or damage property, and so on. For instance, a person must either make a statement which is intended to incite or is likely to incite a person to do one of the things in (e) to (g). You have them numbered as though they are all created offences.

Hon. C. E. TALMA:

On a point of order, Mr. Chairman. The hon. member has attempted, probably in very good faith, to try and clarify the Clause as at present set out. The Clause reads

"A person is guilty of an offence under this section if, without lawful authority, the proof whereof shall lie on him, in any public place or at any public meeting he makes any statement....."

It might have been better if the wording had been continued "and which is intended or is likely to incite or induce....." If the draftsman had continued in that manner, then the problem might not have arisen. I want to point out to the hon. member that it has been done in this manner purposely, because sub-Clauses (a) to (d) are substantive offences, and these matters are set out in (e) to (g). (Asides) What the hon. member is saying is correct, but there is a choice in the drafting. There are draftsmen and draftsmen; there are some good draftsmen and some bad draftsmen.

Mr. Chairman, I am informed that the Income Tax Act was drafted along those lines, and that (e), (f) and (g) merely spells out in detail the intention to do certain things - if you intend or are likely to incite or induce or are capable of inciting or inducing any person to kill or destroy or deprive any person by force or fear.....and so on.

2.55 p.m.

It is not necessary to change it. It is as clear as a pikestaff, and on those grounds the question can be put and accepted. I think you will be able to do better as it is than if they were hidden in some manner.

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

There is a slight thing at the end of the Section 34. Never mind the inelegance of the language. I would respectfully suggest that since the Chairman is the person to whom the Police look for the conduct of the meeting- the Chairman is the person upon whom the Police primarily call at present to ask for the meeting to be dispersed; the Chairman is the person through whom the organisers and promoters of the meeting deal with the Police - you must put in sub-Clause (3)(b) "the Chairman, organiser or promoter of that meeting", because if a gramophone record is played at a meeting, the Chairman is primarily the first person you have to look to to ask why it happens, not the organiser who may be sitting down at home looking at television, or the promoter who may be a political Party Secretary that made the application but is out of the Island; it is primarily the Chairman who is

responsible for anything that goes on there. I would move that the word "Chairman" be inserted before "organiser".

Hon. J. C. TUDOR:
That is accepted. (Asides.)

Mr. CHAIRMAN:
Hon. members not addressing the Chair.

Mr. J. M. G. M. ADAMS:
Would the hon. junior member for St. Thomas look in "Chambers" and see what "emasculate" means? I am telling you how to stop a meeting from having a record played.

Mr. CHAIRMAN:
That has nothing to do with Clause 34.

Mr. J. M. G. M. ADAMS:
We are adding to the mischief of the meeting.

Mr. CHAIRMAN:
That has nothing to do with Clause 34.

Mr. J. M. G. M. ADAMS:
The suggestion is that it is being emasculated, but we are adding to it.

Mr. CHAIRMAN:
The hon. junior member for St. Thomas was not addressing the Chair.

Hon. N. W. BOXILL:
The hon. member asked me a question. Can't I answer him?

Mr. CHAIRMAN:
Is that question on Clause 34? Hon. N. W. BOXILL I believe so. Mr. CHAIRMAN I do not think so.

Hon. N. W. BOXILL:
You do not know what the question is, Mr. Chairman.

Mr. CHAIRMAN:
I heard the question and it does not apply to Clause 34.

The question that Clause 34 as amended stand part, was put and resolved in the affirmative without division.

Clause 35 was called.

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move that Clause 35 stand part.

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

Mr. HINDS:
Mr. Chairman, Clause 35 gives a member of the Police Force power to search persons for concealed weapons. What we are saying here is that it appears to us that there is nothing to prevent a member from the Force from taking a person directly to the Station to carry out the search. That, in our submission, need not be so, because a person might be in a position without committing any offence against the Highways or Vagrancy Acts to do enough to satisfy a member of the Police Force as to his innocence, without having him taken to the Police Station. As the Bill stands, you will still find some members of

the Police Force searching a suspect on the spot and still then taking the person to the Police Station to carry out a further search. That, we feel, is not right, and we would like further thought to be given to that so that a person should not suffer such indignities.

The Question that Clause 35 stand part was put and resolved in the affirmative without division.

Clauses 36 and 37 were called and passed.

Clause 38 was called.

Hon. C. E. TALMA:
Mr. Chairman, I beg to move that Clause 38 stand part.

Hon. K. N. R. HUSBANDS:
I beg to second that.

Mr. St. JOHN:
Mr. Chairman, this is a point at which we come to a most important aspect of the Bill, for here it states that any applicant for a permit under this Act who is dissatisfied with the refusal of the Commissioner of Police to grant the permit or with the terms of the permit may, within seven days of being notified of the decision of the Commissioner of Police, appeal in writing to the Minister. On an appeal to him under this section the Minister 'may confirm or reverse the decision of the Commissioner of Police or vary the terms of any permit granted by the Commissioner of Police or impose such other terms as he considers appropriate or necessary for the preservation of public order. The decision of the Minister on any appeal under this section shall be final'.

We cannot concede that in the restrictions which are reasonably necessary for the preservation of public order, the final authority in this country must be the Minister. We feel that an appeal should lie to the normal appellant processes, and that if the Commissioner of Police exercises discretion wrongfully in accordance with the law, a person should be able to take the matter to the Court. Instead of the words "appeal to the Minister", we feel it should be "appeal to the Magistrate of the district in which the meeting is proposed to be held". We would be perfectly prepared to limit this to the case of a meeting

only, because as far as marches are concerned, we are not too worried. Our amendment will be "appeal to the Magistrate of the district in which the meeting is proposed to be held".

3.05 p.m.

Sir, we would amend Clause 38 as follows: we prefer that you put the word "Magistrate" wherever you see the word "Minister", and that sub-Clause (3) be deleted.

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

Sir, I would most heartily and strongly support this amendment; I was at first inclined to say "the Magistrate in the district where the meeting would be held", or if it is possible to include marches "where the march would start", but on the whole since it is the Commissioner of Police in Bridgetown we could as well appeal to the Magistrate. I would even be happy to see this since the appointment of a Senior Magistrate has always been in the air, I would almost say that you should appeal to the Senior Magistrate. Maybe that will come in the days when we amend the Magistrates Jurisdiction and Procedure Act, because I think that a senior judicial official rather than the Minister should deal with this. It is impossible for anyone to think that this Bill is dealing equally with both political Parties if a member of the Cabinet could appeal against the decision of the Commissioner of Police to another member of the Cabinet. Commonsense says that nobody could believe that a Government Party and an Opposition Party were being equally dealt with before the law if you invite a situation where one Cabinet Minister might be appealing to another Cabinet Minister. No matter how decent, we must always see that justice looks decent; it is the old thing that justice must not only be done, but it must openly and manifestly be seen to be done. (Hon. N. W. BOXILL Appear to have been done.) I will say this; the hon. junior member for St. Thomas performs better at the law than the hon. junior member for Christ Church and the hon. senior member for St. Andrew.

Mr. CHAIRMAN:

That part of it does not apply.

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

The Government ought to recognise his talents and appoint him to answer the Attorney General's questions in this House.

Mr. CHAIRMAN:

I say that that does not apply to Clause 38.

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

Yes, Sir, I ask hon. members opposite on this occasion to put themselves in Opposition; suppose the hon. junior member for St. Peter was the Minister of Home Affairs and the hon. senior member for St. Joseph was Minister of Agriculture and the Commissioner of Police refused to grant permission to the hon. senior member for St. Joseph to hold a meeting, how much confidence would hon. members opposite have in the decision of the junior member for St. Peter to authorise the meeting? This would be one of the great nine-day wonders of political meetings in Barbados. I draw these examples, since the hon. senior member for St. Joseph has suggested that we must beware of putting too much power in the hands of the Minister because the junior member for St. Peter or myself might become Minister of Home Affairs some day. How can it make sense for the Commissioner of Police to be given authority to refuse a member of a particular political Party to hold a meeting and then the member of that political Party can appeal to another member of his Party? This is Barbados; this is not England where you can really believe that the Minister of Home Affairs may not know some of the members of his own Party. I will give way to the hon. junior member for St. Thomas.

Hon. N. W. BOXILL:

Mr. Chairman, on a point of order, the hon. member has just used England as an example, but does he mean that this will operate in England reasonably because the English people are of the Caucasian race and we are of the Negroid race?

Mr. Chairman, again I have to draw the attention of this Chamber to strangers in the Gallery making comments when members of the Chamber are debating this Bill. I will have no hesitation in asking that you have the Gallery cleared; I am not afraid to do this; they come in here and must understand that we are debating something.....

Mr. CHAIRMAN:

Is the hon. junior member for St. Thomas drawing the attention of the Chair?

Hon. N. W. BOXILL:

No, not at this moment; I do not want the Gallery cleared now because there are people in here who are behaving themselves; but I would like the Marshal to tell the people who want to suck their teeth to go outside. We are elected in here; nobody in here is nominated. I was making the point, but I would like this drawn - I am not saying this any more - when we are speaking, or members opposite, people sitting on this side when the junior member for St. Peter and the senior member for St. Thomas were speaking were sucking their teeth and using some silly remarks. People must understand they come in here at the wish of the Chair and not as a right.

Getting back to the hon. member's point, in my opening remarks 1 mentioned that I think we are too much afraid of our own; we do not repose enough confidence in our own people. Be cause you might have an extremist in a particular incident, do you accuse the whole world, or have all of us to go through the world with nothing but extremists? The hon. member knows as well as ever that despite what somebody might say about him, if he were the Minister of Home Affairs and he had to arbitrate an incident where I wanted to keep a meeting in St. Thomas and the Commissioner of Police did not allow me to keep it and he felt that I had grounds to keep it, I believe he would allow me to keep it, despite what he might say about me. I know human nature; I am not saying you would not get the odd fellow, but you get this in any walk of life.

The hon. member has to also realise that you have Magistrates who are sympathetic to one of the two Parties, and that there are Judges who are sympathetic to one of the two Parties, but they are human beings like any other human being and these are the problems of human relations. When you take it from the Minister, because you feel that the Minister is going to act arbitrarily, and you put it in a Magistrate's hand, what is to stop the Magistrate from acting arbitrarily as well?

3.15 p.m.

I have seen some decisions that have been given by some Magistrates that have left me thinking. Do you think I accept everything a Magistrate or a Judge does? Sometimes the hon. senior member for St. Thomas appeals against decisions, and he wins cases, too, on a point of law and not on a point of fact. We have been on this matter for four days. We have been on this Bill for so long that we could have gone to Japan, or right around the world and got back. This is something that everybody in this country wants.

I have said that legislation is made for all and sundry. No Government should make legislation against the Opposition, because a good Opposition today is a good Government tomorrow. This is something like a boomerang. I do not want us to remain on this Bill until next Saturday morning. I see nothing wrong in sending it to a Minister. The Ministers we have here are Barbadians; there is not one Minister from Timbuctoo, from South Africa or from Europe. Even if a Minister were not a Barbadian, and if he were here long enough to become a citizen, and he was contributing something to the country, then he would have the same right as any of us.

If God wills it, which I know He will not, that the reference the hon. member has just made was to come to pass, we would have to accept it. I did not agree with the Juries Bill, but it was the wish of the

people. If the people wished my head on a charger, I will have to give it to them, because they will get it at some time. We do not want to be phlegmatic on this side, and I hope that you will not be phlegmatic. With the Minister and in the Ministry there will be mistakes. Even God said he would not drown the world again; so anybody can make a mistake.

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

Mr. Chairman, it is merely because they are not Caucasians that I would like something to be worked out. The Cabinet of Great Britain contains as many members as the House of Assembly. The House of Commons in Great Britain contains over six hundred members. There are members of the Labour Party unknown to Mr. Harold Wilson. I should not say 'unknown to Mr. Harold Wilson', but I can say that the Home Secretary has told me that nobody has ever expected him to know all of his Party members in the House of Commons, not to mention all of the unsuccessful candidates and aspiring candidates all over the country. What I would urge is that in the Cabinet there is a much greater mutual confidence between members of the political Parties in Barbados and a much greater association between Cabinet members than there is in substantially larger countries. There are many more functions given to one Cabinet Minister - I am drawing Great Britain as an example - than are given to any Cabinet Minister here.

I do not believe it is possible in Barbados for one Minister to set his Security Forces on other Ministers, to have them followed, to tap their telephones, and go into the sexual and political life of a Prime Minister. You have just had an example of that in Ireland where the Security Forces tapped the telephones of the Prime Minister and five members of the Cabinet, and when it was worked out by the Security Forces that the Prime Minister was not responsible for what they thought was law-breaking, they exposed their hands to him, and he had to fire the Minister of Finance and other Ministers after an investigation which, I believe, would not be possible in Barbados.

In Barbados, if it is believed that a Minister is, flagrantly, making money where he should not be making it, I believe the Prime Minister calls him and asks him about it. I do not believe he sends Police Inspectors to Barclays Bank to see how many cheques have been paid to Federal High School by the Housing Authority, and so on.

Mr. CHAIRMAN:

That has nothing to do with this Clause. Standing Order 38.

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

I am sorry, Sir. That is not necessarily the case in bigger countries. People who are in politics in the same Party here are expected to be friends. In other countries they are not expected to be friends to the

same degree. It is well known that Mr. Harold Wilson says over and over again, and it is true, that, when he leaves Downing Street and goes to his home in Hampshire Garden Suburbs, no politician crosses the front door. His friends are actors, people in business, University teachers, and so on. He does not expect that, because he is in the Cabinet, the Ministers must be his only social circle.

In Barbados things are different. Within each Party is a friendly family circle, and even between the two Parties a close circle. There is no hon. member on that side, if he and I were abroad, who would say that there could be any relation between us other than close friendship wherever we were, particularly the hon. junior member for St. Thomas, who is a pleasant companion to have, once the barrier of politics is removed, at anytime. The hon. senior member for St. Philip, the hon. junior member for St. James, and the hon. junior member for St. George are all witnesses of that close spirit of friendship that exists between politicians in a Party and outside of a Party. That is why I say it is putting an invidious duty on a Minister, and it is putting a duty on the Minister that no member of the Public will ever believe has been discharged honestly, no matter how honestly it was discharged.

The hon. junior member for St. Thomas must have heard from several of his supporters the words: "You are only talking about Tom on the platform, but you will go back and have a drink with him." The public assumes that we are all friends and will not do anything wrong to each other. The hon. junior member for St. Peter has suffered a bit, but the public believes that it is the Police who persecute him. The members of the public do not feel that the politicians are interfering with the hon. junior member for St. Peter. You cannot convince the public that this question of appealing from the Commissioner of Police to the Minister is not like appealing from Caesar to Caesar, because the Commissioner of Police is under the jurisdiction of the Minister, and he may have discussed the matter with the Minister of Home Affairs before he made his decision.

Sir, I have known Magistrates on the Bench in Barbados who were a good deal more ignorant than any Minister who has ever sat in the Cabinet of this Island - a good deal more ignorant and miles more malicious than any Minister in this Cabinet or other Cabinets. That is why we will delete sub-Clause (3), because I do not believe, despite the very high standard of the Magisterial Bench as a whole - I have heard Mr. Speaker saying that a number of nature's gentlemen are now on the Magisterial Bench - courteous, well-mannered, and, I believe, fair-minded people. I will not quote what my friend, the junior member for Bridgetown.....

Mr. CHAIRMAN:

I am wondering how relevant is this to Clause 38.

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

Mr. Chairman, I am talking about Magistrates but, despite that, you can get an ignorant Magistrate to go on the Bench again; therefore, we would not make any decision final. 3.25 p.m.

The other point is this: this Clause is obviously put into the Act in order to provide a speedy and expeditious means of getting a permit if you have been refused one. I like to give Jack his jacket. The draftsmen and the Cabinet have obviously put this there for that purpose. And something else. This is infact not taking away a power from anybody; it is adding to the liberties, so to speak, enshrined in the Bill, because if you did not have Clause 38, the only way you could deal with this matter would be to put the Commissioner of Police in Court by way of mandamus; but if you have an appeal to Ministers, I suggest that as far as the Opposition and dissident groups are concerned, the appeals will be seldom exercised that you will defeat the purpose of the Clause, because people would prefer to put the Commissioner of Police into the Crown side of the Supreme Court, seek a writ of mandamus against him and greatly increase the costs to the Crown, and, should the Commissioner lose, to the Treasury as a whole, because the cost of a mandamus is obviously very much greater than the cost of an appeal to a Magistrate. This is why I suggest to permit an appeal to a Magistrate.

Sir, there is nothing here indicating that the appellant will have any right of being heard before the Minister, that he will have any right to question the Commissioner of Police before the Minister to ask him if he had reasonable grounds, or that his views would be given any weight by the Minister. There is no requirement that the Minister shall act judicially there is no requirement that the Minister should not take cognisance of any information known to him and to the Commissioner of Police but not known to the appellant; there is no requirement here of tribunal procedure; there is no requirement of anything - with the result, I suggest, that this Clause would become a dead letter. The most it will become is one step on the road to a Court case by way of mandamus.

Another point, Sir. If we are going to pass this Clause, you must surely give a time limit to the Minister - if it is going to be the Minister that is - on when the Minister must give his decision. It could be the same twelve hours before the meeting. Now, Mr. Chairman, although I support the deletion of sub-Clause (3), I support it on grounds which, perhaps, vary a little from my friend, the hon. and learned member for Christ Church. I would suggest deleting sub-Clause (3) because it is unnecessary. There is nobody to whom you appeal from the Minister. What is the point of sub-Clause (3)? Is it put in there to deceive the Cabinet? Whom are you going to appeal to? To the electorate? You do that at general election time. (A VOICE: The Prime Minister). We will do that anyhow, because people will make representations, perhaps, to the Prime Minister if they have his ear. I can quite see Eric Sealey being refused by the Commissioner of Police and asking the Leader of the House and the Prime Minister to give him a break. There is nobody to whom you can appeal from a Minister; so to put in sub-Clause (3) is only to waste time, because if the Commissioner of Police has exercised his discretion upon wrong principles and the Minister upholds it, the fact that the Minister's decision is final still is not going to stop you under the statute from mandamusing the Commissioner of Police. If the discretion has been

exercised on wrong principles, no number of words you put in here is going to change that. So I suggest you delete it, and that is why I will support it.

I will say this: I believe sub-Clause (3) means perhaps that you cannot mandamus the Minister, but we have no intention of doing that, anyhow. It does have that much meaning, that the appeal is final in the sense that you cannot take steps to make the Minister change his mind. I am going to vote for taking it out, and we will have to agree to differ on this. Have we yet got the words for sub-Clause (2) about the 12 hours?

Hon. J. C. TUDOR:

I am advised that that would not be practical.

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

What is the point of an appeal? Unless you appeal to get a decision before the meeting date, what is the point of an appeal? You could as well delete the whole section if you do not make the Minister tell you within a certain time. Nobody is going to appeal unless there is time for the Minister to come to a decision, because you are not going to get any costs by winning on appeal; you are not going to get any kudos; no favour can be obtained by appealing. Suppose the Commissioner of Police.....

Hon. N. W. BOXILL:

If the hon. member would give way, I think the hon. member has missed the point, and this is similar to the point I raised yesterday which the hon. member said was good. Clause 38(1) says "Any applicant for a permit under this Act who is dissatisfied with the refusal of the Commissioner of Police to grant the permit or with the terms of the permit may, within seven days of being notified of the decision of the Commissioner of Police, appeal in writing to the Minister."

Now the meeting has passed, because you had forty-eight hours before in which to notify of the meeting; so even if the Minister says you can hold the meeting, the date of the meeting has passed long ago; so this would be provided you want to go back and hold a meeting there on another occasion. During an election campaign all this is nullified, and you would notify the Police one hour before the meeting. This is only for peace time, not when we are fighting our little wars, because at election time, it is war. This is a peace-time measure; so I do not think it is anything to worry about.

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

The point I thought the hon. member was going to make was this suppose the Commissioner of Police waits until the twelfth hour to notify you of refusal and you then appeal to the Minister; how can the Minister give his decision in twelve hours? Seven days is really irrelevant. You have up to seven days to appeal. Sir, I do not believe that any Minister would entertain an appeal to hold a meeting last week. If you go to the Minister after the meeting is over, he is not going to waste his time by listening to your appeal, because in the nature of things, all he can do is refuse it. But I would like to say that the Minister, where the appeal has been received before the meeting-time, should give a decision before the time at which the meeting is scheduled to be held; otherwise a Minister might grant you a permit after the meeting is over. This is not such a joke as it may seem. The Barbados Labour Party applied to the Ministry of Education once for permission to use St. Albans School for a Constituency Branch meeting - and I think the date was the 12th - and on the 14th we got back a reply from the Ministry saying we could hold it subject to so many and so many people being in there and subject to the watchman being notified. We had already held it somewhere else. 3.35 p.m.

Hon. N. W. BOXILL:

If the hon. member would give way, what he is saying could quite well happen, but he always has to remember that the Ministry of Education is a big Ministry. This has happened to me on several occasions in my Ministry with regard to applications for permission to use Independence Square, and I always give permission providing that Parliament is not meeting because I would not like to give a decision to hold a meeting and then to find out that the House of Assembly is likely to be interrupted by this meeting. Do not think that because you might have got back your reply late, it was a deliberate act on the part of the Ministry; even when other Ministries want something, and I believe that the Officer in charge might have forgotten - he might have been so busy; you know how it is with all this red tape; it is true. So do not try to give the impresion that any Ministry would be so impolite as to do a thing like this deliberately.

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

The Minister might be interested to know that his Ministry once sent me permission at the Barbados Labour Party Headquarters for the Democratic Labour Party to hold a meeting in Independence Square; it was addressed to Senator Sandiford, General Secretary, Democratic Labour Party, and it turned up in my office addressed to the Secretary of the Barbados Labour Party, and unless I am mistaken the meeting was not held either.

Hon. N. W. BOXILL:

If the hon. member would give way, this would prove to the hon. member - and he has told me himself that he has a lot of confidence in this Government and he does not feel that we are dishonest or spiteful or anything like this.

Mr. CHAIRMAN:
I am now wondering how relevant this is to Clause 38.

Hon. N. W. BOXILL:
It is the decision of the Minister to which we are referring, and I am glad the hon. member said he received a letter which should have been sent to our General Secretary and as a result we could not hold the meeting.

Mr. J. M. G. M. ADAMS:
I think that is right. It was not held the same night; it was held some other time. I must say I do not recall telling the Minister categorically that I do not believe this is a spiteful Government; there is still the position of Mr. Milton Wiles to consider. That apart, I have to accept what the Government says and we have to agree to disagree on this section.

The question that the words proposed to be deleted stand part was put and resolved in the affirmative the Committee dividing as follows:

AYES:
Hon. N. W. BOXILL, Hon. J. C. TUDOR, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Mr. LOWE, Mr. SARGEANT, Mr. CORBIN, Mr. WEEKES - 8.

NOES:
Mr. HINDS, Mr. St. JOHN, Mr. ELLIOTT MOTTLEY, and Mr. J. M. G. M. ADAMS - 4.

The question that Clause 38 stand part was put and resolved in the affirmative, the Committee dividing as follows:

AYES:
Hon. N. W. BOXILL Hon. J. C. TUDOR, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Mr. LOWE, Mr. SARGEANT, Mr. CORBIN and Mr. WEEKES - 8.

NOES:
Mr. HINDS, Mr. St. JOHN, Mr. ELLIOTT MOTTLEY and Mr. J. M. G. M. ADAMS - 4.

The First Schedule was called.

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move that the First Schedule stand part.

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

Mr. J. M. G. M. ADAMS:
Sir, I would include in this Schedule " bona fide youth clubs" defined in the same way as the definition section. I have addressed hon. members at length on the activities of Youth Clubs, and I would not like to pursue it any more unless any hon. member wishes to be addressed on it again. Sometimes these groups are religious, sometimes educational, sometimes musical, sometimes sporting; the only one of these things they do not deal with is Trade Union activities. But the same way that members of any youth organisation or of any other body approved by the Minister as being an organisation or body which is not in any way connected with any political organisation can hold a march, I would suggest to hon. members that they be allowed to hold a meeting. They cannot hold a meeting at present because they must be in the First Schedule. This is a point of order which I am making against my own speech; can we in fact deal with the First Schedule which deals with Part II that has not been passed in the Act?

Hon. J. C. TUDOR:
Mr. Chairman, the First Schedule is a consequence to section 8 and we have not done that yet; so I think we had better postpone that. I beg to move that further consideration of the First Schedule be postponed.

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

The question was put and resolved in the affirma--tive without division,

Hon. J. C. TUDOR:
Mr. Chairman, before we go back to Part II, I beg to move that Clause 28 be recommitted.

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

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

3.45 p.m.

Hon. J. C. TUDOR:
Mr. Chairman, I want to delete the words "permit required for use of loudspeaker." and to substitute therefor the words "restriction on use of loudspeakers." This will bring it in line with the terminology used.

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

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

RECOMMITTAL OF CLAUSE 3

Hon. J. C. TUDOR:

Mr. Chairman, I beg to move that Clause 3 be recommitted.

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

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

Hon. J. C. TUDOR:
Mr. Chairman, the amendment to this Clause will be as follows

In the last line of the Clause insert the words "or on behalf of " immediately after the word "by".

I beg to move that Clause 3, as amended, stand part.

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

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

Clause 4 was called.

Hon. J. C. TUDOR:
Mr. Chairman, we have to add a new sub-Clause 3, which is as follows

"Notwithstanding that an application under this section does not comply with the time limit specified in subsection (1), the Commissioner of Police, if satisfied that such failure was due to circumstances

beyond the control of the applicant, may consider the application and shall give his decision thereon as soon as possible, but shall not in any such case be bound by section 5(3)."

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

Mr. Chairman, on a point of order. Do I gather that Clause 3 has already been put? (Hon. J. C. TUDOR Yes.) Mr. Chairman, I moved an amendment to Clause 3 that further consideration be postponed. It could not have been recommitted, because it was never put. There must be some irregularity.

Mr. CHAIRMAN:

Further consideration.....

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

Mr. Chairman, we dealt with Clause 3, and further consideration was postponed; we dealt with Clause 4, and further consideration was postponed, and when we reached Clause 5 we said that there were so many things to do in Clauses 5, 6, 7 and 8 that we should postpone consideration of Clause 3. How could Clause 3 be passed?

Hon. J. C. TUDOR:

Mr. Chairman, I beg to move that further consideration of Clause 4 be postponed.

Hon. C. E. TALMA:

I beg to second that.

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

RECOMMITTAL OF CLAUSE 3

Hon. J. C. TUDOR:

Mr. Chairman, I beg to move that Clause 3 be recommitted.

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

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

"Mr. J. M. G. M. ADAMS:
Mr. Chairman, you will recall that there were two amendments to Clause 3, and I thought that they were accepted. One amendment deals with the Police Officer in charge of the district. It was moved by the senior member for Bridgetown and seconded by the senior member for St. Joseph. The first amendment moved was "unless notice has been given....."

Mr. CHAIRMAN:
The last amendment was moved by the hon. senior member for Bridgetown. I will ask the Clerk to read all of the amendments.

Mr. CLERK:
The amendment moved by the hon. senior member for Bridgetown was to delete the words "apply to the Commissioner of Police for a permit" and to substitute the words "give notice thereof."

Mr. J. M. G. M. ADAMS:
Mr. Chairman, the Clerk is talking about Clause 4, but I am dealing with Clause 3. I said that we should delete the words "a permit" and substitute the word "notice"; delete the words "have been issued by" and insert the word "thereof" and then go on.

The hon. senior member for the City moved that the words "Commissioner of Police" be deleted and the following words substituted:

"Officer of Police or constable in charge of the Police Station nearest the public place where the

meeting is to be held."

3.55 p.m.

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

AYES:
Hon. N. W. BOXILL Hon. J. C. TUDOR, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Mr. LOWE, Mr. SARGEANT and Mr. CORBIN - 7.

NOES; Mr. HINDS, Mr. St. JOHN, Mr. ELLIOTT MOTTLEY and Mr. J. M. G. M. ADAMS - 4.

The question that Clause 3 as amended stand part, was put and resolved in the affirmative, the Committee dividing as follows:

AYES:
Hon. N. W. BOXILL, Hon. J. C. TUDOR, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Mr. LOWE, Mr. SARGEANT and Mr. CORBIN - 7.

NOES:
Mr. HINDS, Mr. St. JOHN, Mr. ELLIOTT MOTTLEY and Mr. J. M. G. M. ADAMS -4.

Clause 4 was called.

Hon. J. C. TUDOR:
Mr. Chairman, we have several amendments to put in Clause 4. In the first line of Clause 4(1) insert the words "subject to subsection (3) before the word "any". Again in Clause 4(1) immediately after the word "permit" at the end of the Clause, add the following words "and any such application may be made by delivering it to the Commissioner of Police or to a member of the Police Force in charge of the police

station nearest to the place at which the meeting is to be held."

In Clause 4(2) (d) insert the words and brackets "(other than a citizen of Barbados)" immediately after the word "speaker" in the second line. There is another amendment to Clause 4. We have a new sub-Clause (3).

4.05 p.m.

There will be a new sub-Clause (3), Mr. Chairman, which will read as follows: "Notwithstanding that an application under this section does not comply with the time limit specified in subsection (1), the Commissioner of Police, if satisfied that such failure was due to circumstances beyond the control of the applicant, may consider the application and shall give his decision thereon as soon as possible, but shall not in any such case be bound by section 5 (3)." I think perhaps for the sake of certainty, Mr. Chairman, we had better ask the Clerk to read these amendments out.

Mr. CLERK:

Clause 4(1) reads as follows "Subject to subsection (3) any person who desires to organise, hold or call together a meeting in a public place shall, at least 2 days before the day on which it is proposed to hold such meeting, apply to the Commissioner of Police for a permit and any such application may be made by delivering it to the Commissioner of Police or to a member of the Police Force in charge of the police station nearest to the place at which the meeting is to be held.

(2) Every application under subsection (1) shall be in writing and shall specify -

(a) the name or names of the person or persons desiring to organise, hold or call together the meeting;

(b) the purpose or purposes of the meeting;

(c) the place at which the meeting is to be held and the approximate time at which it is to begin; and

(d) the name of every speaker other than a citizen of Barbados who is to address the meeting.

(3) Notwithstanding that an application under this section does not comply with the time limit specified in subsection (1), the Commissioner of Police, if satisfied that such failure was due to circumstances beyond the control of the applicant, may consider the application and shall give his decision thereon as soon as possible, but shall not in any such case be bound by section 5(3)."

The amendment moved by the hon. senior member for St. Thomas.

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

On a point of order, may I hear that last amendment which was read out? Is that my amendment as redrafted, and, I believe, as accepted, by the Crown Law Officers?

Mr. CLERK:

The amendment by the hon. senior member for St. Thomas. Delete the words "apply to the Commissioner of Police for a permit" and substitute "give notice thereof to the Commissioner of Police". There is another amendment, in the name of the hon. senior member for Christ Church, which is to delete the words "Commissioner of Police" and substitute "Officer of Police or Constable in charge of the Police Station nearest to the public place in which a meeting is proposed to be held."

Mr. St. JOHN:

That has been covered and we withdraw that.

Mr. CLERK:

There is another amendment by the hon. senior member for St. Thomas which reads "Notwithstanding the provisions of sub-section (1), application may be made to the Commissioner of Police in a period shorter than two days for such a permit, if it was not reasonably practical to make such application within the prescribed time."

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

Mr. Chairman, with great respect, the Clerk has it wrong; the Crown Law Officers have redrafted that for me.

Mr. CHAIRMAN:
There is one amendment now outstanding by the hon. senior member for St. Thomas.

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

AYES:
Hon. N. W. BOXILL Hon. J. C. TUDOR, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. K. N. R. HUSBANDS, Mr. LOWE, Mr. SARGEANT and Mr. WEEKES - 8.

NOES; Mr. HINDS, Mr. St. JOHN, Mr. ELLIOTT MOTTLEY and Mr. J. M. G. M. ADAMS - 4.

The question that Clause 4 as amended stand part was put and resolved in the affirmative, the Committee dividing as follows:

AYES:
Hon. N. W. BOXILL, Hon. J. C. TUDOR, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. K. N. R. HUSBANDS, Mr. LOWE, Mr. SARGEANT Mr. WEEKES, Mr. HINDS, Mr. St. JOHN and Mr. J. M. G. M. ADAMS - 11.

NOES; Mr. ELLIOTT MOTTLEY - 1. 4.15 p.m.

Mr. CHAIRMAN:
I am advised that 11 hon. members voted "Aye", and I hon. member voted "No". I, therefore, declare the "Ayes" have it.

Clause 5 was called.

Hon. J. C. TUDOR:
Mr. Chairman, Clause 5will also take the agreed amendment. First of all, Clause 5 (1) should read

"The Commissioner of Police on an application made to him under section 4, may, in any case, grant or refuse the application but shall not refuse an application for a permit unless there are reasonable grounds for apprehending that the meeting in respect of which the application is made may occasion a breach of the peace or serious public disorder immediately or at anytime thereafter."

And then we will add the following sub-Clause (3):

"The Commissioner of Police shall, at least 12 hours before the time specified in an application in accordance with section 4 (2) (c), notify the applicant of his decision; and where the applicant is refused he shall state in writing the reasons for such refusal."

I beg to move that Clause 5, as amended, stand part.

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

Mr. St. JOHN:
Mr. Chairman, Clause 5 has never been debated at all. I cannot see how one of the grounds for refusal by the Commissioner of Police would be that he has reasonable grounds for apprehending that the meeting in respect of which the application is made may occasion a breach of the peace or serious public disorder immediately or at anytime thereafter. Do you mean five years from that time? That is too wide, and I cannot accept that. It will be possible for him to say that he has reasonable grounds for believing that in the not too distant future, or in the distant future that, as a result of the persistent course of conduct of a particular campaign, breaches of the peace in the future will take place. I cannot see how that could be accepted.

Mr. Chairman, it seems to me that the criterion should be something with reference to the particular meeting for which you are making a particular application. A breach of the peace or serious public disorder immediately or at anytime thereafter'? What we have to do is to get a formula of words to tie the affairs of the Commissioner of Police to something that is going to take place at the particular meeting in respect of which, the application is being made. I cannot accept "at any time thereafter". I beg to move the deletion of the words "immediately or at anytime thereafter."

Mr. J. M. G. M. ADAMS:
I beg to second that.

Hon. J. C. TUDOR:
Mr. Chairman, we will accept that amendment.

Mr. ELLIOTT MOTTLEY:
Mr. Chairman, in Clause 5(2) states

"Where an application is granted, the Commissioner of Police shall issue to the applicant a permit for the desired meeting specifying therein the times between which the meeting may be held and such other terms as the Commissioner of Police may consider necessary for the preservation of public order."

I would suggest that the words "as are reasonably necessary" be inserted. Sir, why is it considered necessary, at this stage, to limit the time? Under Section 20 it is provided that a meeting should be finished at eleven o'clock. Although there is no Clause to tell you when the meeting should begin, it is stipulated here that the Commissioner of Police can stipulate the hours between the time you start and the time you stop.

4.25 p.m.

This ought not to be in this Section, and I would seriously ask the Government to reconsider the provisions here which require the Commissioner of Police to specify therein the times between which the meeting may be held and such other terms as the Commissioner may consider necessary for the preservation of public order. This right, along with the later Section which says that a meeting must be finished by 11 o'clock could be used by the Commissioner of Police to limit the hours between which a meeting may be held. If the argument used is that you do not want a meeting to go on after 11 o'clock,

that is all right; but I do not see why the Commissioner of Police should have the power to say that a meeting can only start at 7 o'clock or 5 o'clock or 4 o'clock and finish at least by 11 o'clock. (A VOICE: It does not say so.) He has power to specify the time between which the meetings can go on. The Section says "Where an application is granted, the Commissioner of Police shall issue to the applicant a permit for the desired meeting specifying therein the times between which the meeting may be held." The Commissioner of Police can say that you can hold a meeting from 10.30 to 11.00 p.m. We accept the argument that it must be finished by 11 o'clock but this Section gives the Commissioner of Police power to say you can only hold that meeting from 10 p.m. to 11 p.m. He can specify the time during which you can hold that meeting.

Hon. N. W. BOXILL:

If the hon. member would give way, he must not overlook the point that it goes on to say "the time between which the meeting may be held and such other terms as the Commissioner of Police may consider necessary for the preservation of public order." So even if the Commissioner of Police felt you were keeping a meeting at 10 p.m. to be finished by 11 p.m. and it would create public disorder, he could say "no". If you wanted to keep a meeting on a Sunday and he is sure you are not going to disturb the Church, you could start at 2 p.m. or 3 p.m. if you wanted to do so. (Asides.) The Commissioner of Police will use his discretion. After all, he is a Barbadian like all of us and knows what time is Church time, but this is 'provided he thinks it will cause a disturbance. If you want to keep a meeting from 10.30 p.m. to 11 p.m., he can say "no" because it would create a problem. (Asides.) If you wanted to keep a meeting from 10.55 p.m. until 11 p.m., he can say "no", because in his opinion it would create a disturbance, and therefore you would have to appeal under the Clause which we have just dealt with.

Let me remind hon. members again that this is not a war-time measure; this is only a peace-time measure, and when war is declared and elections start, this is out, and you notify the Police just an hour before you are ready to keep your meeting, unless hon. members have it in mind to disturb the peace. I do not believe hon. members on the other side would want to do this, because they have more to lose than we do, and if the hon. member ever risked doing anything like that, the people from St. Thomas would walk down there and stop it. We do not want any disturbance about here. When we get through with this Bill I am going to say something before the Speaker comes back to the Chair about this.

Mr. ELLIOTT MOTTLEY:

Mr. Chairman, I do not think the Minister really appreciated the point. This Bill has a Section stating that you cannot use a public address system after 11 o'clock. For all intents and purposes, it means you cannot keep a meeting after 11 p.m. because only an idiot would stand up and talk at a public meeting in the Fair-child Street Market Square, Independence Square or the Lower Green without a loudspeaker; therefore if you apply to the Commissioner I of Police and you have six or eight speakers to put down, under this Section the Commissioner of Police can tell you to start the meeting at 9 o'clock and be finished by 11 o'clock. You are giving the Commissioner of Police power to limit meetings, and this . is unfair (A VOICE That is not true.) How do you mean it is not true? If you say that the Commissioner of

Police must specify in the permit the times between which meetings can be held, one limit is fixed at 11 o'clock beyond which you cannot go with a public address system; so if he can tell you the times between which you can hold your meeting, he must be able to tell you the time you must begin.

Hon. N. W. BOXILL:

Mr. Chairman, I do not like cross-talking, but the point is that if the hon. member applies to the Commissioner of Police for a permit and says he wants to start the meeting at 7 o'clock, even without this law and you wanted to keep a meeting on a Sunday night, he would say "no" because it would disturb the Cathedral. Right now, if you wanted to keep a meeting in Independence Square, I would say "no" because we are sitting, and I do not know what time we are going to finish. You cannot do me anything nor can you keep the meeting. If tomorrow the brother of the hon. member called me on the telephone and said he wanted to keep a meeting to reply to some statements that were made, though his application was not in at the required time, I would tell him that he had contravened the law that I have laid down, but since he wants to keep a meeting.....

Mr. ELLIOTT MOTTLEY:

On a point of order, I do not think the Minister means the law he has laid down. He means the law the House has laid down.

Hon. N. W. BOXILL:

This is nothing the House has laid down. This is a Regulation. I am the Minister; and a Regulation is a law, because if you contravene it you can be arrested and charged. We have been given the power to make Regulations to prevent us from coming back here to disturb you every time we want to do something. Do you mean that if I want to let somebody keep a public meeting I must come back to the House of Assembly for permission to do that? The House has granted me that permission, and all the Ministers have that permission. This is how you run a country. You cannot come to the House to do everything. The point is simply this if I say you cannot keep a meeting in Independence Square, you cannot keep it. (A VOICE You mean the car park.) Who controls the road? I am still the Minister. You do not make any noise if you make an application to me and I say you cannot keep a meeting; you abide by it because I have stopped people from keeping a meeting because the application was not submitted in time. The hon. member could admit that my own Party wanted to keep a meeting and the application came in too late, and no meeting was kept. If the hon. member wanted to keep a meeting in Independence Square on Saturday, the Commissioner of Police would not object; but if he wanted to keep a meeting at 10 a.m. in Swan Street, I believe the Commissioner of Police might say "no", because in his opinion it would create a nuisance; but after the stores have been closed, he could go on from 1 p.m. until 1 a.m., provided he stopped the loudspeakers at 11 p.m., since it becomes offensive to the people who want to sleep. The hon. member must remember that the Government cannot contravene the law. We have to abide by the same law; so any law we pass that you feel is a restriction against you would be a restriction against us. This is not, as you said in your Second Reading speech, something the Government is doing to silence the Opposition. Can you silence somebody in Barbados? 4.35 p.m.

Let us get down to serious business; this is too important a document before this Chamber for us to be wasting time over trivialities. You are entitled to start your meeting from 8 o'clock in the morning, (Asides.) but the Commissioner of Police is a reasonable person; do not let us deal with personalities.

Mr. CHAIRMAN:

This I am not going to accept; let the Minister continue to speak.

Hon. N. W. BOXILL:

I was pointing out to the hon. member that the Section says "as the Commissioner of Police may consider necessary for the preservation of public order." You do not wish anything more reasonable than this. Right now the Commissioner of Police can come out here and start diverting traffic and you have to comply; you cannot ask what has happened. When we were changing up the roads in Bridgetown, we publicised it fully, telling the public everything they must know so you should not accuse the Police. This has convinced me thoroughly that the hon. member really does not believe anything that the senior member for Christ Church or the senior member for St. Thomas was saying, because if he had believed one word of what they were saying, that the Labour Party will win the next Government, he would not say that. (Asides.) Mr. Chairman, as you know, we are getting tired and you will get a little cross talk; but I know that if the hon. member wanted to do what he said, his father would not allow him to do it, nor his brother. I do not want the hon. member to get the misguided idea that the Commissioner of Police has got too much power; that may be in his opinion, but certainly this might be more a burden than a power.

Mr. ELLIOTT MOTTLEY:

I think this is very fundamental because you are now giving the Commissioner of Police the right to say what time a meeting will start, and of necessity from time to time the Commissioner of Police is going to exercise this power against certain political Parties. (Asides.) Do not let us be ridiculous, everybody knows this legislation is being passed.....

Mr. CHAIRMAN:

I do not consider myself ridiculous.

Mr. ELLIOTT MOTTLEY:

Everybody knows this legislation is designed for Bobby Clarke, and nobody can tell me that the

Commissioner of Police will give Bobby Clarke the same time he will give anybody else.

Hon. N. W. BOXILL:

On a point of order, nothing could be further from the truth; has Bobby Clarke just come from Mars? This legislation came about as a result of some misguided, inept people in Trinidad who failed to get a degree and are annoyed with society, because if Granger had got through with his degree he would not know there is a struggle among black people. This is something that should have been in the Constitution. Look around the world; in England, in the United States and all over the world there are Public Order Acts. (Mr. ELLIOTT MOTTLEY Nothing about meetings, though.) I have told Bobby Clarke, Mr. Chairman, that I would prefer him to agree to go down to the Mental Hospital than up at Glendairy because it is cheaper to keep him down at the Mental than at Glendairy. Bobby Clarke might be a giant to you.....

Mr. CHAIRMAN:

I do not see anything about Bobby Clarke in Clause 5.

Hon. N. W. BOXILL:

The hon. member made a statement that this legislation came in here because of Bobby Clarke; this is going on the Statute Book because not only the Democratic Labour Party, but the Barbados Labour Party and the whole community wants it. (Asides.) If they do not want it, why are the Labour Party suggesting amendments and not voting against it en masse? The Second Reading was accepted - unless you do not understand what was going on. (Mr. ELLIOTT MOTTLEY Accepted by whom?) By the House. (Mr. ELLIOTT MOTTLEY Not by the Labour Party.) I am glad that the Labour Party do not want it; the Labour Party then wants to see that the whole country is desecrated.

Mr. CHAIRMAN:

It seems to me now that the Minister is making a Second Reading speech, and I am asking him to confine his remarks to Clause 5.

Hon. N. W. BOXILL:

I am sorry about that; I make my Second Reading speech already. The hon. member is trying to be phlegmatic, and he made an amendment to Clause 5 (2), but there is nothing in this that we should not really accept, because the Commissioner of Police already has power - if I am not mistaken, even under the local laws of the country the Commissioner of Police already has this power; so this is nothing we are best owing on him. Why accuse the Commissioner of Police of being onesided to this Party? In any case he is a Bajan like any other Bajan, but 1 believe that the hon. member feels that everybody in this

community should be a supporter of the Barbados Labour Party; he wants a one-Party State and he is the same person who spoke about democracy.

Mr. ELLIOTT MOTTLEY:

Mr. Chairman, the Minister.....(Mr. WEEKES You are wasting time.)

Mr. CHAIRMAN:

Hon. members not addressing the Chair should please observe rule 29(6); let the hon. junior member for the City proceed.

Mr. ELLIOTT MOTTLEY:

Thank you, Mr. Chairman, as I have said already, the Minister seems to think that by getting up and carrying on and haranguing like that he is strengthening his argument. It is a lot of nonsense to talk about the United States; one thing the Government cannot deny is that nowhere at all in the British Commonwealth do you find any law regulating anything about any person having to get permission to hold any public meeting. That is what this is, and that is why I say that this particular part of the Act which requires an indi-vidual of this country to get permission to hold a meeting is designed solely because of the activities of Bobby Clarke in this country.

Mr. CHAIRMAN:

Now, I am going to ask the hon. member not to be repetitious because he is now bordering on that line.

Mr. ELLIOTT MOTTLEY:

How am I being repetitious? I am answering the statements made by the Minister. The second point is this, that for the first time you are giving to the Commissioner of Police the right to say when a person must start a political meeting, and the right to say when a person must finish a political meeting.

Mr. CHAIRMAN:

That also I have heard about 18 times.

4.45 p.m.

Mr. ELLIOTT MOTTLEY:

That, I consider to be wrong and unfair, and it forms part and parcel of the Government's attempt at legislation which is designed to affect certain people, and it is not general legislation. The other point I was making is that in addition to having power to satisfy the times between which meetings can be held, the Commissioner of Police may also set out certain terms in the permit. I feel that the word "reasonably" should be inserted after the word "consider".

Mr. CHAIRMAN:

I hope the Clerk has that amendment, because this is an amendment that you have asked for.

Mr. ELLIOTT MOTTLEY:

Yes, Sir. You cannot give to the Commissioner of Police the right to set. out terms on the grounds that they are required for the preservation of public order and not permit the Commissioner of Police to exercise that discretion reasonably. That is the reason why I suggest that the word "reasonably" should be inserted.

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

I beg to second that.

Mr. CHAIRMAN:

The question is, "That the word proposed to be inserted stand part." Hon. members in favour will please say "Aye", and those against will please say "No". I think the "Noes" have it.

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

Divide.

The Committee divided and voted as follows:

AYES:

Mr. HINDS Mr. ELLIOTT MOTTLEY, and Mr. J. M. G. M. ADAMS - 3.

NOES; Hon. N. W. BOXILL, Hon. J. C. TUDOR, Hon. G. G. FERGUSSON, Mr. LOWE, Mr. CORBIN and Mr. WEEKES - 6.

Mr. CHAIRMAN:
I am advised that 6 hon. members votes "No", and 3 hon. members voted "Aye". I declare the "Noes" have it.

There is another amendment moved by the hon. senior member for Christ Church, and I will now put his amendment. The question is, "That the words proposed to be deleted stand part." Hon. members in favour will please say "Aye" and those against will please say "No". I declare the "Ayes" have it.

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

Mr. ELLIOTT MOTTLEY:
Divide.

The Committee divided and voted as follows:

AYES:
Hon. N. W. BOXILL, Hon. C. E. TALMA, Hon. J. C. TUDOR, Hon. G. G. FERGUSSON, Hon. K. N. R. HUSBANDS, Mr. LOWE, Mr. SARGEANT, Mr. CORBIN and Mr. WEEKES - 9.

NOES:
Mr. ELLIOTT MOTTLEY and Mr. J. M. G. M. ADAMS - 2.

Mr. CHAIRMAN:
I am advised that 9 hon. members voted "Aye" and 2 hon. members voted "No". I, therefore, declare

the "Ayes" have it.

- Clause 6 was called.

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move that Clause 6 stand part.

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

Mr. CHAIRMAN:
The question is, "That Clause 6 stand part." Hon. members in favour will please say "Aye" and those against will please say "No". I think the "Ayes" have it.

The Committee divided and voted as follows:

AYES:
Hon. N. W. BOXILL, Hon. J. C. TUDOR, Hon. G. G. FERGUSSON, Hon. K. N. R. HUSBANDS, Mr. LOWE, Mr. SARGEANT, Mr. CORBIN, and Mr. WEEKES - 8,

NOES:
Mr. HINDS, Mr. ELLIOTT MOTTLEY, Mr. J. M. G. M. ADAMS and Mr. St. JOHN - 4.

Mr. CHAIRMAN:
I am advised that 8 hon. members voted "Aye", and 4 hon. members voted "No". I therefore, declare the "Ayes" have it.

Clause 7 was called.

Hon. J. C. TUDOR:
Mr. Chairman, there is an amendment to Clause 7 (b).

Mr. J. M. G. M. ADAMS:
How will it read now? Hon. J. C. TUDOR It will read

"Any person who -

(a) contravenes any of the terms subject to or on which a permit under this Part has been issued; or

(b) organises, holds, calls together or addresses any meeting in contravention of section 3 or of any permit issued under this Part; or "

I beg to move that Clause 7, as amended, stand part.

Hon. G. G. FERGUSSON:
I beg to second that. 4.55 p.m.

The question that Clause 7 as amended stand part, was put and resolved in the affirmative, the Committee dividing as follows:

AYES:
Hon. N. W. BOXILL, Hon. J. C. TUDOR, Hon. G. G. FERGUSSON, Hon. K. N. R. HUSBANDS, Mr. LOWE, Mr. SARGEANT, Mr. CORBIN and Mr. WEEKES - 8.

NOES:
Mr. HINDS, Mr. ELLIOTT MOTTLEY and Mr. J. M. G. M. ADAMS - 3.

Clause 8 was called and passed. The First Schedule was called.

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move that the First Schedule stand part.

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

Mr. J. M. G. M. ADAMS:
I beg to move an amendment that another paragraph to be numbered (6) be added to the First Schedule to read as follows

"Meetings organised by or on behalf of any youth organisation, being an organisation which is not in any way connected with any political organisation".

The language may be inelegant. Hon. members must take it from me that if they wish to allow Youth Groups to hold public meetings, then they have to put it here; otherwise they will have to apply to the Police, and I do not see why a Youth Group should have any less authority to look for members or to tell its members of youth activities or sporting activities than a cricket club, a trade union or a beauty competition. I am seeing something carried on now on behalf of Jackie Opel, and it is only an atttempt by the Democratic Labour Party to cash in on the late Mr. Opel's popularity. If that can be carried on without the permission of the Commissioner of Police, I do not see why Youth Groups that contain members of all political Parties should have to do otherwise.

Sir, I am not sure if the language is of the maximum elegance. Perhaps if the Clerk could just read it back, I might be able to polish the language because I think the word "organisation" occurs three times, and I might prefer to remove it.

Mr. CHAIRMAN:
Mr. Deputy Clerk, could you read the amendment back?

Mr. DEPUTY CLERK:
"Meetings organised by or on behalf of any youth organisation, being an organisation which is not in any way connected with any political organisation".

Mr. J. M. G. M. ADAMS:
I would prefer to say "meetings organised by or on behalf of any bona fide youth organisation which is not organised for any political purpose or is not connected with any political organisation."

Mr. ELLIOTT MOTTLEY:
I beg to second that. (Asides.)

Mr. CHAIRMAN:
I can hardly hear the hon. member. 5.05 p.m.

Mr. J. M. G. M. ADAMS:
I have handed the wording of the amendment to the Clerk.

Hon. K. N. R. HUSBANDS:
Mr. Chairman, I have never yet known that a Schedule included anything that was not specific; this is a most wide definition -nothing specific, nothing definite. If we want to include or preclude certain bodies, let us state them specifically. The Girl Guides Association, The Boy Scouts Association, the Anglican Young People Association - as a matter of fact, the sort of proposed amendment would have us put on the Schedule something that nobody in here ever knows to exist or will ever exist for that matter - a mere probability. If hon. members want to get at something and do not know how to get at it, that sort of definition should be in the body of the Bill. The hon. members on my left, the gentlemen with the long robes, are trained lawyers and they know that you cannot just put on a Schedule anybody who does not have political backing or foundation; that is not normal. A thing like that should be in a definition Clause or some other part of the body of the Bill but not in a Schedule. Schedules have always been specific things. As a matter of fact, we are being asked to put in something that we do not know exists or will ever exist, and that is a fact. I have a lot of experience in here and I am quite capable of containing

myself. We are asking to amend a Schedule; what is a Schedule? A list of things. Do you want this list to contain something that has no body, no shape, may never have an entity, and you want us really, calmly, dispassionately and intelligently to entertain this sort of thing? They do not even know how to word it; they have been labouring.....

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

On a point of order, we want the Crown Law Officers to word it for us.

Hon. K. N. R. HUSBANDS:

They now want the Crown Law Officers to word it for them. They do not know what they are talking about, and this is not the body of the Bill where you could put an amorphous thing like that in a Schedule; they know it, and I am telling you it should not be done. This Committee should not encourage that kind of nonsense. Remember, Sir, they know better than I do.

Mr. HINDS:

On a point of order, I know it is not fair to the hon. member for St. Peter; I heard a voice shouting that the hon. member is the gentleman of the gin bottle.

Mr. CHAIRMAN:

That is not a point of order.

Hon. K. N. R. HUSBANDS:

Mr. Chairman, I am calm and cool and I know those gentlemen have something in mind; they really want to put something on the Schedule. But they have not got it yet; they are not yet ready with it. It is blatantly obvious to me that if they knew what they wanted they would have introduced an amendment, but something that does not exist and may never at all exist - they want us to sit and agree to that. I will not be an assenting voice to the proposed action.

Mr. St. JOHN:

Mr. Chairman, unfortunately the hon. member has allowed something to take hold of him, because all that the senior member for St. Thomas is trying to point out is that Section 8 which deals with marches includes a definition of youth organisations and they are exempt from the provisions dealing with marches. He is seeking to exempt from the provisions dealing with meetings bona fide youth organisations which are not organised for a political purpose or are not in any way connected with a

political Party. That is all he is trying to do, and there are a large number of such organisations; there is the Catholic Youth Organisation, there is the A.Y.P.A., there is the Methodist equivalent, there are organisations which are part of the Youth Council, and all of them have meetings. As a matter of fact, I have been to Youth Club meetings in Independence Square here under the Chairmanship of a gentleman of the Other Place, and if they do not have this exemption, they will have to get it. They are not organised for political purposes, but they are bona fide youth organisations; having that in mind, we solicited the aid of the Crown Law Officers and this formula has been arrived at; so it is perfectly clear. This is no attempt to bring in organisations not yet formed; these are organisations which are already in existence. But they have one common thing about them; they are bona fide youth organisations formed, not for political purposes, but for the advancement and the interest of youth and young people. If they had a political flavour, the Minister would want to have control over them as he has control over all political things, but there is no difficulty about it.

Hon. K. N. R. HUSBANDS:

Mr. Chairman, if the hon. senior member for Christ Church, if that is his bone of contention, the Schedule, I presume, may be added to from time to time; what is against that? Do you mean there is no provision in the Bill to add to the Schedule associations that may be in operation? I do not mean associations that may never, never exist; I take it that there must be some provision in this Bill that from time to time the Schedule may be added to; so why worry?

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

Mr. Chairman, I am sure we all want to go home and we all want to get the people's business done quickly, and the person who is holding up the people's business now is the hon. senior member for St. Peter. How can he say that this proposal is vague when you have under Section 2 - I do not believe he can read it properly in his present condition - how can you say it is vague when you have educational classes and recreation in schools or other educational institutions? That is actually very vague indeed; it might be political education, but yet that is exempted. How can this be vague when you have bona fide cinematograph, musical and theatrical entertainments, dancing, beauty competitions or other similar shows? I have known the Leader of the House to do a radio commentary on a beauty show at Kensington Oval in which "Miss D.L.P." or something like that was going on; that could be political, and we have here something to exempt organisations such as those mentioned by the hon. senior member for Christ Church from the provisions both of marches and of meetings.

5.15 p.m.

They have a march, I believe, through the City, and they end up at Independence Square and hold a meeting. They have to apply for permission to hold the meeting, but they can march without permission. (Asides.) The senior member for St. Peter is extremely unfair to hon. members on this side, but I am not going to worry with him any more. It is getting late, and I understand that he needs a little relaxation.

The question"that the words proposed to be inserted in the Schedule stand part", was put and resolved in the affirmative without division.

The question, "That the first Schedule, as amended, stand part", was put and resolved in the affirmative without division.

SECOND SCHEDULE

Hon. J. C. TUDOR:
Mr. Chairman, I beg to move "That this be the Second Schedule to the Bill."

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

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

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

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

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

Hon. J. C. TUDOR:
Mr. Deputy Speaker, I beg to move that this Bill be now read a third time.

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

Mr. HINDS:
Mr. Deputy Speaker, I feel that, at this point, it is very appropriate for me to say that we have come almost to the end of four days of labours which, in their truest sense, cannot be said to be fruitless, because one has to beat in mind the very valuable contribution that the Opposition have mode in that we set ourselves to protect, wherever possible, the constitutional rights of the citizens of Barbados. But what we find alarming is that all of this had been done under the guise of protecting or preserving public order or legislating for that purpose, and in the same Public Order Bill there is no evidence which has been advanced throughout the whole proceedings by the Government that it has been disturbed.

Mr. DEPUTY SPEAKER:
I hope the hon. member is not making a Third Reading speech. The Rules do not provide for that.

Mr. HINDS:
Mr. Deputy Speaker, what I am trying to do is to give Your Honour the reasons why I cannot support the Third Reading of this Bill. All the Government has been able to tell us, and I can say, through the mouth only of the hon. junior member for St. Thomas, is that because of the activities of a few misguided and inept persons in Trinidad we are here trying to give Barbados what some would have us to believe is a necessary Public Order Act. We have contended, wherever possible throughout the deliberations, that many of the things in the Public Order Act could very well be handled under other existing Acts already on the Statute Book.

Mr. Deputy Speaker, with all of this, we still find that attempts have been made - I just want to show why I cannot support the Third Reading of this Bill - to interfere with the fundamental freedoms of citizens of Barbados as have been described in the Constitution at Section 11. We have also had a glimpse of the Government attempting, whenever possible, to interfere with the rights of the individual.

Mr. DEPUTY SPEAKER:

Again, I would like to remind the hon. junior member for St. Peter that his right to speak on the Third Reading of a Bill is rather restricted.

Mr. HINDS:

Yes, Mr. Deputy Speaker, and it is precisely that which I am adhering to, except for the fact that Your Honour has not told me up to this moment to what it is restricted.

Mr. DEPUTY SPEAKER:

All hon. members of this Chamber are presumed to know the Rules of this House.

Mr. HINDS:

That is why, Mr. Deputy Speaker, I take the opportunity to give my reasons why I cannot support this Bill on its Third Reading. You will find that the Constitution provides at Section 18 that every person who is charged with a criminal offence must be presumed to be innocent, until he is proven guilty.

Now, one can look at this Public Order Bill and see that time and time again the onus is thrown on the accused person to prove himself innocent. That is the type of thing that we have been striving against. At Section 20 of the Constitution, in respect of this Public Order Bill that is now about to have its Third Reading, we have seen attempts made to deny citizens the right of the freedom to communicate. 5.25 p.m.

One now has to. get a permit from the Commissioner of Police to do so. These are the things, Mr. Deputy Speaker, which will compel me to vote against this Bill in its Third Reading. Sir, the freedoms which must be treasured by each and every one of us as guaranteed in the Constitution at Section 11 - that is, freedom of assembly and freedom to associate - are the freedoms which have been trespassed upon, in our humble opinion, in the Public Order Bill, which, if it is passed in its Third Reading, is on the road to becoming the law of this land. We feel, Mr. Deputy Speaker, that our labours are not in vain after having fought for so many hours to cut out the viciousness that was covered up in almost every Section and in almost every part of the Bill as presented to this House by Government.

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

Hon. J. C. TUDOR:
Mr. Deputy Speaker, I beg to move that this Bill do now pass.

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

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

Mr. J. M. G. M. ADAMS:
Divide!

Mr. DEPUTY SPEAKER:
The hon. senior member for St. Thomas was not in his place, and therefore he has no right to call a division.

ADJOURNMENT

Hon. J. C. TUDOR:
Mr. Deputy Speaker, I think this concludes our labours at this sitting.

I beg to move that this House do now adjourn until Tuesday next, 2nd June, 1970, at 12 o'clock noon.

Hon. K. N. R. HUSBANDS:
I beg to second that. The question was put and resolved in the affirmative without division, and Mr. DEPUTY SPEAKER adjourned the House accordingly.

5.27 p.m.