THE
House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1971 - 76

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FIRST SESSION OF 1971-76
HOUSE OF ASSEMBLY

Tuesday, 2nd July, 1974.

Pursuant to the adjournment, the House of Assembly met at 12.05 p.m. o'clock.

PRESENT

His Honour N. G. A. MAXWELL, LL.B., (Speaker); Hon. C. E. TALMA, C.B.E., (Deputy Prime Minister and Leader of the House); Hon. G. G. FERGUSSON, (Minister without Portfolio); Hon. R. St.C. WEEKES, J.P.; Mr. W. R. LOWE, J.P., (Chairman of Committees); Mr. W. C. B. HINDS; His Honour C. A. E. HOPPIN, (Deputy Speaker); Mr. C. L. BOLDEN, LL.B.; Mr. F. L. WALCOTT, O.B.E.; Hon. P. G. MORGAN, C.B.E., (Minister of Tourism, Information and Public Relations); Mr. H. deB. FORDE, M.A., LL.B.; Dr. the Hon. R. B. CADDLE, (Minister of Health and Welfare); Hon. A. MORRISON, (Minister of Agriculture, Science and Technology) and Hon. L. E. SANDIFORD, B.A., M.A., (Eeon,), (Minister of Education, Youth Affairs, Community Development and Sport).

Prayers were read.

MINUTES

Mr. SPEAKER:

The Minutes of this Honourable Chamber of the 21st May, 1974, are before you for confirmation. If there are no corrections, the Minutes will be confirmed. (Pause.) The Minutes of this Honourable House for the 21st May, 1974, are duly confirmed.

MATTER OF PRIVILEGE

Mr. SPEAKER:

On a matter of privilege, I must report to this Honourable Chamber that the Committee of Privileges met to consider the matter of privilege raised by the hon. Member for St. Thomas on the 7th August, 1974, in connection with a story carried by the Caribbean Broadcasting Corporation on the 17th July, 1973. The Committee of Privileges found that a breach of privilege was committed in that report on the 17th July, 1973, and decided that a letter of apology should be sent by the Caribbean Broadcasting Corporation to the Honourable the House of Assembly and that the Clerk should inform them accordingly,

On the 25th of June, 1974, I received this letter from Mr. K. Foster, Acting General Manager, of the Caribbean Broadcasting Corporation:

"Sir,

Re: Broadcast of House Story carried

by C.B.C. on 17th July, 1973 at 8.00 p.m.

I received on 19th instant the letter dated 10th June 1974 of the Clerk to the Committee of Privileges informing me of the findings of the Committee to the effect that the House Story carried by C.B.C. on 17th July 1973, with reference to J. M. G. M. Adams Esq., was inaccurate and thereby constituted a breach of Privilege of the Honourable the House of Assembly.

I desire on behalf of the Corporation through this letter to express to Your Honour, to the Honourable House and to the Honourable member personally affected our sincere regret and our deepest apologies in respect of the inaccuracies which have occurred.

I have the honour to be,

Sir, Yours respectfully,

Keith L. FOSTER General Manager (Acting)"

This is in keeping with the request made by the Committee of Privileges of this Honourable House.

His Honour C. A. E. HOPPIN:

Mr. Speaker, as the presiding officer on the 21st May, 1974, it is regrettable that I have to make this statement here today. Not long ago I heard Your Honour refer to the question of Privileges. Under the Legislature (Privileges, Immunities and Powers) Act, 1963—6, provision is made for the conduct of members. It was a disrespectful and regrettable sight on the 21st May, 1974; in this Chamber, I, as the presiding officer, had already adjourned the sitting of the House, and lo and behold I saw a sight which I would not like to see again here. It was with respect to the conduct of members. According to Section 27

"Any member who —

(a) being a member of a committee, publishes to any person not being a member of the chamber or chambers by which the Committee was appointed any evidence taken by the committee before it has

been reported to that chamber or both chambers as the case may be; or

(b) assaults or obstructs any officer of the chamber to which he belongs while in the execution of his duty: or

(c) is convicted of any offence under this Act, s guilty of contempt of the chamber to which ae belongs."

Mr. Speaker, the Marshal, as we all know, is one of the officers of this Chamber, and he had, on his shoulder the Mace when he was assaulted by a member from the Opposition benches. I, having declared the adjournment could only wait and see what was taking place. One of the Clerks had to flee for his safety because of the assault on the officer in an effort to have the Mace removed from his shoulder. As I have said, it was a very disrespectful and regrettable incident, and as the law points out, any person who does such things is guilty of an offence under this Act, being guilty of contempt of the Chamber.

Now, Mr. Speaker, "contempt", as far as I have read, is an act showing disrespect for the authority or dignity of the Court or the Legislature. We are not in Court, but this is the Legislature. We make the rules here. I am wondering whether the hon. member, who assaulted this officer, was aware that such an Act was on the Statute Books.

Mr. SPEAKER:
Will you let us know who is the member in a specific way?

His Honour C. A. E. HOPPIN:
Mr. Speaker, the hon. member for St. James, but I do not see him in his seat. I hope that nothing like this will ever occur in this House again. I have heard you, Mr. Speaker, warn hon. members about their conduct, and I happened to be deputising for you at the time. I feel that all members, Government members or otherwise, should carry out their duties with dignity and decorum. There was nothing I could do at the time because the House was adjourned. If the House had been in session, I would have used all the powers vested in me. Today is the first opportunity I have had to mention this matter since this regrettable incident occurred, and I hope that the Chamber will deal with the matter.

As it is stipulated here, there are ways and means whereby this matter can be dealt with. I do not want to be harsh on any member, but I feel that the hon. member for St. James should be severely reprimanded by you, Mr. Speaker, with the consent of this Chamber, for the manner in which he behaved himself on the 21st May, 1974 in this Chamber. 12.15 p.m.

I respectfully move that the Honourable Member for the constituency of Saint James be severely reprimanded by this Chamber for his conduct on the 21st May, 1974.

Hon. C. E. TALMA:
Mr. Speaker, I rise to second the motion which has been so ably moved by His Honour the Deputy Speaker and representative for St. George North. He has put it very mildly, being constituted as he is; he has brought up his matter in a very salient, sensible and constructive manner, and I know that as Deputy Speaker he certainly does a very great job in trying to keep the debates on an even keel.

When His Honour the Deputy Speaker rises this morning and brings before the Chamber the relevant legislation — I refer to the Legislature (Privileges, Immunities and Powers) Act, 1963, section 27 — which he so well quoted, and makes it clear to this Chamber that an infringement of this Act has been committed constituting in truth and in fact an offence under the Act, and when he says that the Deputy Leader of the Opposition who is also the member for St. James did assault the Marshal in the execution of his duty on 21st May this year when the Marshal was carrying out his duties as such in this Chamber, duties which he has carried out for 25 or more years, a Marshal who knows the rules of this Chamber as well as any member and better than most, when the Marshal was doing his lawful duty as such and attempting to remove the Mace from its place to bring the sitting to a final end as far as the procedures of this House are concerned after the appropriate motion had been made and after the Deputy Speaker had made his declaration, it is then that the last event to bring the sitting to a valid conclusion is the removal of the Mace. This is a very important formality. In attempting to remove the Mace, as is his duty and custom so to do, the hon. member for St. James interrupted, obstructed and almost fought with the Marshal trying to take away the Mace. He took the Mace from the Marshal and put it back on the cradle. That is what I saw. That is a very deplorable manner in which to act, and it is very degrading to me as a member of the Chamber when people behave that way.

It seems to me, Sir, that the pattern today is bad behaviour, vulgarism and a lot of obscene statements or misstatements and general vulgarism, if not hooliganism, as a way of catching the judge's eye or being given publicity for representing the people.

Mr. ADAMS:

On a point of order, having entered the House late in the expectation of being able to make an excuse for the member for St. James on the grounds of various commitments, I did not wish to interrupt the hon. member before, but as I understand it, he has been complaining or seeking to complain of a matter pursuant, I presume, to the Legislature (Privileges, Immunities and Powers) Act. I submit it is for him to give evidence and give his opinion when he sits as a member of the Committee of Privileges, which I presume in due course will sit upon this matter and determine upon the evidence from the Marshal and the Deputy Speaker and other such persons as they will seek to do. When he is a member of the Committee of Privileges he should not be pre-judging the issue in the House. In my submission he has already gone far enough to disqualify himself from sitting on the Committee by expressing himself on the floor of the House on the incident, and he is breaking the Standing Orders because he is anticipating the deliberations of the Committee of Privileges.

Mr. SPEAKER:

That is all you have to say on a point of order.

Mr. ADAMS:

I submit that the Committee of Privileges is the place to make the complaint. We now have a Committee of Privileges.

Mr. SPEAKER:

I rule that the matter must properly be dealt with before the whole House and not before the Committee of Privileges. There is nothing in the Section of the Act which compels us to deal with it before the Committee of Privileges. The prerogative is that of the whole House, and Section 28 makes it quite clear that the punishment imposed upon the hon. member is a question at any time for the House

which may require the Speaker to impose punishment upon a member; and so it is properly before the House. It cannot be carried to finality today in the absence of the hon. member, and I will entertain the motion in the terms that have been moved, and the hon. member for St. James will be able to reply on a subsequent occasion or the first occasion that he is able to reply.

Hon. C E. TALMA:

Thank you, Mr. Speaker. The hon. member having come in here late was unaware of your decision, but all I was saying is that the general pattern today as far as so—called representation of the people is concerned seems to be based on bad behaviour, vulgar expressions and a general pattern of things which are entirely deplorable to say the least. When I say that, I am speaking generally, not to members of the Opposition, but my remarks on this occasion are mainly directed to certain members of the Opposition, and in this case I refer to the member for St. James. It seems from my 27 years in here, as though a premium is now being placed on bad behaviour and hooliganism.

Mr. FORDE:

On a point of order, the hon. member has made certain remarks which are directed to certain members of the Opposition, accusing certain members, who are very limited, of being guilty of bad behaviour, and, with respect, I want the matter to be clarified because I think this is a reflection on the conduct and behaviour of members of Parliament. I state categorically in this House that neither in this House nor before any Committee have I for one moment ever behaved badly, and I do not think it is fair that that sort of remark should be made unless it concerns the whole House. If one can deal with the substance of the matter without reflecting on other members and let us deal with the issue on that high standard, I think we can deal with the business of the House without objection.

Mr. SPEAKER:

I think the hon. member confined his remarks to the hon. member for St. James.

Hon. C. E. TALMA:

I certainly did eventually specify whom I was speaking about. There is so much bad behaviour in here every Tuesday and no member can rise and say that bad behaviour does not occur in here every Tuesday.

Mr. SPEAKER:

You are not dealing with bad behaviour. You are dealing with the incident of 21st May.

Hon. C. E. TALMA:

We are dealing with the incident of 21st May which was caused by a deliberate, wicked and contemplated assault by the hon. member for St. James on the Marshal. 12.25 p.m.

Mr. ADAMS:

On a point of order, Sir, the act affects the servants of the House. Has the servant of the House concerned made a statement or complaint, or has evidence been taken from him to reveal an assault?

Mr. SPEAKER:

That is not a point of order, the matter is properly before the House.

Mr. ADAMS:
What I am saying is in relation to the remark of an assault and not the matter. Has the servant of the House complained saying it was an assault, because in law an assault involves the mind of the person assaulting.

Mr. SPEAKER:
No point of order.

Hon. C. E, TALMA:
Mr. Speaker, I thought the Hon. Deputy Speaker had made the point perfectly clear. It seems as though I will have to restate the case.

Mr. SPEAKER:
I will not tolerate any repetition.

Hon. C. E. TALMA:
The fact is that I can see and understand, and I saw the hon. member for St. James, who is also Deputy Leader of the Opposition, leave his seat and scramble with the Marshal to try to take away the Mace from him. He did not beat him, that is probably what he wanted to do.

Mr. SPEAKER:
We are not dealing with the legalities either.

Hon. C. E. TALMA:
He actually assaulted and man-handled the Marshal. I do not think I need to waste much more time, but I am seconding this motion in every respect and in a manner which I hope will bear fruit, because we do not come in here to fight, scramble and assault each other, or officers of Parliament; we are here to conduct the people's business and if we are going to bring it down to this level this is no place for decent people. I apologise to the hon. member for Christ Church West because he is one of the most well behaved members in this Parliament. I beg to second the motion.

Mr. SPEAKER:
You can hardly exclude the hon. member for Christ Church West and by implication include other hon. members.

Mr. BOLDEN:
I wanted to find out whether I was included and excluded at the same time.

Mr. SPEAKER:
I think the Hon. Leader should make himself very clear that he is confining his remarks to the hon. member for St. James and to that member only.

Hon. C. E. TALMA:
I thought I had made it clear already, the hon. member for St. James is the only member who assaulted the Marshal.

Mr. SPEAKER:

You also instanced other bad behaviour from which you excluded the hon. member for Christ Church West.

Mr. HINDS:

On a point of order, the Leader of the House time and time again made reference to certain members of the Opposition.

Mr. SPEAKER:

I rule that by his clarification subsequently his remarks were so confined to the hon. member for St. James that nothing need be said to suggest that it was intended to include other hon. members.

Mr. WALCOTT:

Mr. Speaker, you have already made a ruling about the conduct of the members of the House, so what is the point of making an issue of it now? You have made a statement about the conduct of the House in writing, it is there on the records of the House and not one member challenged it, therefore I do not see why we are challenging the hon. member. If he agrees with you let him agree with the statement you made.

What I would like to say is that it is most uncharitable. If you want to be melodramatic or you want to bring the attention of the public on yourself do not pick on the backs of the small people, members of the Chamber, officers of the House who cannot reply. Come over here. I challenge any member over there.....

Mr. SPEAKER:

Let me stop the hon. member. We are dealing with a very specific incident which took place on the 21st May and I am not going to tolerate any extraneous remarks on this issue.

Mr. WALCOTT:

I am not asking you to tolerate me, I, as a member of the House, am going to speak in a manner I consider appropriate to the issue before us and I accept that as my fundamental right.

Mr. SPEAKER:

I will rule according to my judgement.

Mr. WALCOTT:

After I have made a speech. I think I have the right to speak freely in here, and I say that any member who wants to challenge any person in here should not pick on the officers of the House but on another member who is an equal person. The officers of the House are not equal persons to hon. members. If I take up the Mace let any other member challenge me for something like that, but it is uncharitable for a man who is performing a job in the House for which he has no other interest than to do what he is told, for an hon. member to take advantage of this man when he is acting in his capacity as a worker. He goes and tries to take away the Mace from him and that is why I say that if he was a man like the member who tried to take it away from him he would have given him one slap with the Mace across his head and we would know what would have happened. I have the right to take up the Mace, and if you want to take it away from me I will give you one slap in your face with the Mace and you will not be able to take it

away from anybody else again. 12.35 p.m.

Some members of the House think that to be a member of the House sometimes gives you some kind of right to ride roughshod over anyone who is employed in this Chamber. A person who is employed by this Chamber is performing a job which the House feels should be performed. He has certain rights, and we should respect those rights. He did not walk in here and sit down in a chair. He is doing his job under orders and under legislation.

If a member wants to be dramatic he should not try to do these things that have already been tried. Do not take up the Mace because it was taken up in 1898. You can be dramatic by taking up the Mace before the Marshal takes it up himself. Then there would be no question of assault.

There was the point of struggling for the Mace. The Marshal is not a man at this stage of his life, nor, I believe, at any stage of his life, who would attempt to retaliate.

It was not fair to him. Even if there was no matter of legislation, it would not be fair to him. The Hon. Leader of the Opposition spoke about assault. The hon. member must know that the Marshal, in carrying out his duties, has no alternative but to remove the Mace when the House is adjourned. That is his duty. I think that what happened is out of place under parliamentary rules.

Suppose there was a Marshal of this Chamber who felt that it was his duty to go on one side or the other and take away a paper from a member. What would be the attitude of this Chamber? Immediate dismissal, and all of his pension rights lost.

This savours too much of boss rule — that I am a member of the House and I have a master — servant mentality. I am a member of the House and the Marshal is a servant, and therefore I can take the Mace away from him.

As I have said, any member is entitled to be dramatic, perhaps when there is nothing else to do. The Marshal is a servant of the House, and I feel that all of us should give him the utmost respect and the protection that he deserves. If it was the intention of the hon. member to take up the Mace and he was beaten to it by the Marshal he should realise that he was too slow, and if the Marshal was taking the Mace out of the cradle it was very improper to take it away from him.

It does something to a man's pride to be subjected to this public indignity. To have this done to him in the course of his employment, it makes him less than a man. Members of this Chamber sometimes look at little areas of dignity for themselves. Members want so many fringe benefits added to themselves. We have heard members here speaking about indignities that they have been subjected to by members of the public. I feel that the Marshal of the House deserves the same respect as we seek. We cannot demand respect and freedom and at the same time take away respect and freedom from the Marshal who cannot get up here and say anything. Members can rise and make a point of order and make their points clearly.

If nothing was written on the Statute Book, I would regard this as conduct most reprehensible, and not in keeping with the behaviour of any member of this Chamber.

Mr. ADAMS:

Mr. Speaker, I would like to speak on the motion. I would be glad to know if the Chair could tell me what are the terms of the motion. I understand that notice of motion has to be given to the House, except in the case of certain specific motions such as a matter of privilege. My submission is that some notice should be given.

I am afraid that I will have to speak for a little time on this. This will not be something short. I first became aware of this at a quarter to twelve today when the hon. member concerned spoke to me on the telephone saying that he was ill and was unable to come to the House.

Mr. SPEAKER:
As I recollected, the general terms were that the hon. member for St. James be severely reprimanded.

Mr. ADAMS:
What we are in fact doing is seeking to impeach the hon. member without the benefit of hearing his evidence or doing any of those things which Parliament saw fit to make provision for 700 years ago,

Hon. C. E. TALMA:
Mr. Speaker, what we are attempting to do is to reinforce in specific terms that he is guilty of having assaulted the Marshal in the execution of his duties, that he is guilty of an offence under the Act and should be reprimanded or suspended, and if he is suspended, he cannot receive his salary.

Mr. ADAMS:
Mr. Speaker, I am fully aware of the provisions of the Act. The speech of the hon. member for St. Michael West may have had some logical faults and I hope that no hon.member would take his advice on the question of the taking away of the Mace from the Marshal. 12.45 p.m.

The Honourable Leader of the House has said that because the extreme penalty is not allowed, that is not impeachment. In this case the Honourable Leader of the House is acting as Prosecutor, as Chief Witness, and as Judge, and indeed, as Probation Officer, because he is speaking of mercy. The hon. member for St. George North is the informant.....

Hon. C. E. TALMA:
On a point of order, Mr. Speaker. I did not make the motion; I did not move a motion. I merely seconded, and what I did, I did in the interest of the House of Assembly and the public at large. A motion like that is necessary. It is not a question such as the hon. member is trying to infer.

Mr. ADAMS:
I call the hon. member a Prosecutor because he has invited the House to support a motion of punishment. I call him a witness because he is saying that he heard and saw. I call him a Judge because he is seeking to impose the penalty, and I call him the Probation Officer because he is saying that he intends to be merciful in this matter; but that is not good enough. Impeachment is always a dangerous process.

In the United States, impeachment is such that the Senate is trial jury and the Chief Justice of the United States is Judge. There are various examples that have existed and still exist but there is one feature which is common to all, and that is, that the person concerned is allowed to have a hearing. You

cannot find a person guilty without seeking to give evidence against him. The Legislature (Privileges, Immunities and Powers) Act of 1963 speaks of being guilty, but to my mind there can be no finding of guilt unless there is proper complaint supported by evidence. Even in the worst days, the House of Commons and the House of Assembly in Barbados did not try to function by the say-so of hon. members. They heard witnesses and they heard complaints from aggrieved persons, The procedure in the Hanschell Petition should be within the memory of hon. members. That was heard in the precincts of this Chamber, but it is sought today to try the hon. member for St. James on the see-so and say-so of his political opponents on the other side, We are seeking now to try the hon. member without hearing a word from him, without hearing from the witnesses.....

Hon. C. E. TALMA:

I am sorry to interrupt, Mr. Speaker, but the hon. member is confusing two things. This is not an election petition.

Mr. ADAMS:

I am sorry I am unable to get home to the hon. member the point I am trying to make. What I am saying is that when we had election petitions we had to hear witnesses. In the United States a person is only impeached after the necessary evidence is taken from witnesses and then eventually the adequate judicial process is performed of bringing a bill of indictment which is nothing more than an indictment such as is drawn in the D.P.P.'S office here in Barbados, but all the time there are witnesses who are heard.

I myself, in so far as being a witness is concerned in this matter, did not see the hon. member assault the Marshal. I do not know if the Deputy Speaker was in order and because the Deputy Speaker could have been out of order too.....

Mr. SPEAKER:

You cannot attempt to cast any aspersions on what the Deputy Speaker did. Whatever was done was properly done as far as the Deputy Speaker was concerned.

Mr. HINDS:

The point is this, Mr. Speaker. As far as I know the rules of the House do not provide for the Hon. Leader of the House to make such an indictment.....

Mr. SPEAKER:

That is no point of order.

Mr. ADAMS:

Mr. Speaker, I will not challenge the Deputy Speaker but I was challenging the Government. I do not believe that it can be denied that the Deputy Speaker could break the rules. However, I can say this, that the Speaker cannot order the Clerk to hit me and then when I defend myself say that I was assaulting the Clerk. 12.55 p.m.

We cannot hear from the true complainant because the offence is not against the Deputy Speaker, but against an officer of the House. We have not heard from the officer of the House. I have not heard one word from Mr. Brathwaite. I do not know if he has complained about the matter. I do not know if he was

assaulted. I do not know if he will come and say that the hon. member for St. James was trying to help him put the Mace on the Table. All of that is possible. We will not know what has happened until we hear from the Marshal. This, I suggest, is the judicial procedure. The accused should be able to confront his accuser. The House can do anything, more or less, except to make a man a woman, as they say in the constitutional text books. I am saying that there are proceedings which may intervene between the motion and its ultimate decision.

I am informed that, before I arrived, there was another matter of privilege raised today in which I had been the complainant. If the matter had been left to the House and party vote, it would not have been dealt with. Anyway, superior counsel has prevailed, and I have to thank you. Sir, that your wisdom and consideration in this matter have guided the House sensibly on what I think I can say was a correct conclusion. In this instance, I am saying that I want to hear from the Marshal. He is the person concerned.

The Parliament at Westminster or even the Parliament in Lesotho, I venture to say, would not afford such a precedent as this since it has a Working Committee of Privileges of the House. This matter cannot be decided on the say-so of members who have complained about what has taken place on the adjournment. It has been said by an hon. member, who is not now in his seat, that there is no proper machinery dealing with this matter. The hon. member, who is accused, should be given an opportunity to confront his accusers on this matter.

Mr. Speaker, I was in San Franciso last year and there was a man in Court who wanted to plead guilty to a charge against him. The Judge asked him whether he was aware of the fact that, by pleading guilty, he was denying himself of the right to confront his accusers, the right to hear the evidence against him, and the right to cross-examine the witnesses as well as the right to obtain counsel, but the man said that he wanted to plead guilty. In this case you are denying the right of the hon. member for St. James to confront his accusers. The arguments are nothing more than sketchy and inadequate. We are denying the hon. member the right to examine and cross-examine the witnesses. I do not regard the speech made by the hon. member for Christ Church East, and I did not hear the speech by the hon. member for St. George North. 1 respectfully submit that the Motion, while properly before the House, should not be proceeded upon until there is some evidential base upon which it can be decided.

Mr. Speaker, I do not see any members of my own profession other than the Hon. Leader of the House sitting on the opposite side, therefore in the general interest and proper conduct of the House, I will put forward the argument which was very recently put forward. In most cases of contempt of Court evidence is required to prove such contempt. In all cases that principle has been followed, and the Judges have proceeded to deal with contempt in open Court.

Mr. Speaker, the hon. member for St. John, who is the only hon. member of this House who has ever fallen foul of the law of contempt in Parliament pr otherwise — even in his case he was able to get the penalties set aside upon appeal. The hon. member for Christ Church East can assist me in this matter. Even in that matter there was the ultimate test of examination, albeit at a higher level. We should hear from the Marshal so that we can determine whether it was an assault on him, whether the House was adjourned at the time, and so on.

Mr. SPEAKER:

I ruled that it was in the execution of his duty. You have eight minutes more to speak.

Hon. C. E. TALMA:

On a point of order, Mr. Speaker. We on the Government side are willing to have this matter brought up again. We subscribed to the view that anyone charged with an alleged offence should have the right to.....

Mr. SPEAKER:

I have said that already the matter will not be brought to finality today. Any hon. member may move that consideration of this matter be postponed.

Mr. ADAMS:

Mr. Speaker, I beg to move that further consideration of this matter be postponed. 1.05 p.m.

I would ask that the House, the Clerk and Your Honour make some provision during the postponement for the hon. member to confront his accuser. I do not necessarily mean that there must be a meeting at which it would happen, but he is not even in a position to confront the accusations that have been made against him today because he would not be able to read Hansard.

Mr. SPEAKER:

He would be made aware.

Mr. ADAMS:

He does not know what evidence has been given by the hon. member for Christ Church West, because he said he saw an assault, and I did not see an assault. I did not see the hon. member for St. James put a finger on the Marshal. I did not see him threaten the Marshal, and you do not know if the Marshal thought he would have hit him and thereby constitute an assault. It is a serious problem. While the matter is under consideration, and I hope hon. members will support the motion for further consideration to be postponed in accordance with Your Honour's Ruling, let hon. members directly say what led to the dilemma which I am sure must develop, because hon. members opposite are trying to bring this matter before the House in a form acceptable to opinion generally prior to its coming here this morning.

Mr. FORDE:

Mr. Speaker, I rise to second the motion that further consideration .of this motion be postponed, and I do so for several reasons. I believe that any question of privilege of this House is not a matter for the Government side or for the Opposition side, and therefore I deprecate the remarks coming from either side which would make it appear that it is a matter for representative sides. I have on occasion appealed for wider consideration to be given to matters of this nature, but I think I might end up as a lone voice crying in the wilderness.

Mr. Speaker, this is probably the first occasion on which this House has been called to consider a matter of this nature, not that it is the first occasion on which acts of this sort alleged to have been committed have occurred within the precincts of this House, but since it is the first occasion, I respectfully submit to this House that the House should ensure that whatever procedure it adopts in this matter should be correct, should be worthy of the dignity of this House, and should be a proper precedent to be followed in future by people who constitute this House in generations to come. I am

very concerned, Mr. Speaker, that this complaint should be made without prior notice being given to the hon. member concerned. It is a courtesy in the House of Commons for prior notice of this type of motion to be given to the hon. member. If that is a breach of courtesy, I am more than concerned that we should enter into the substance of the motion with the hon. member being absent from this Chamber.

There is a fundamental principle involved which indeed is one of the fundamental rights for which we fight so strongly in this Chamber, and it is that a person should be given a reasonable opportunity of being heard and that, wherever possible, particularly where there is such a serious charge as one of a grave contempt of Parliament, the evidence against him should not be heard in his absence, and I believe that the hon. members, although they are correct, if they want to give notice of the motion, I think they are a bit over-anxious to give the substantive evidence on the motion in the absence of the hon.member for St. James.

There is also another principle that I think is at stake. The offence which the hon. member is alleged to have committed not only would constitute, if proved an offence against the privileges of this House as such, but also would in the law of this land constitute both a civil and criminal offence, and I should draw the House's attention to the fact that under Section 30 of the Act anything done by this House is without prejudice to a prosecution in action under that Section in the Courts of Law of this country, and for these reasons I believe that this House should hesitate to go into the substance of the allegation without the hon. member being present.

There is a further point made by the hon. member for St. Thomas, the Leader of the Opposition, and it is this: that the hon. member on such a motion may wish without going into evidence to offer an apology, while admitting the allegation, and in those circumstances it has been the precedent of other Houses not to continue with the motion, not even a motion of reprimand or censure, in those circumstances. I would again appeal to members on matters of privilege in particular not to force the House into divisions that are based on partisan grounds, because I believe we could all pack up and get out.

Mr. Speaker, for the guidance of this House, I would strongly suggest that hon. members refer to Erskine May's Parliamentary Practice, the Eighteenth Edition on pages 166 to 168 which set out in detail several instances in the House of Commons in which similar allegations have been made and the procedure which has been followed on those occasions. Although it has been said that on one occasion, I believe, the motion was proceeded with in debate on the substance, yet it was adjourned to allow the hon. member to come and exculpate himself or offer an explanation. But the bulk of precedents seems to have been the other way, and I should wish that we would follow the bulk of precedents in this case.

I therefore second, with pleasure, the motion for further consideration of the matter being postponed, and I would suggest, Mr. Speaker, that in the meantime steps be taken, as I am sure you will see to it that steps be taken, to inform the hon. member of the complaint made against him, the substance of the charge, and if possible make available the statements which have been made in the debate so far on this matter.

Dr. the Hon. R. B. CADDLE:

Mr. Speaker, I would like some enlightenment on the matter. I have sat here and heard a lot of argument and counter-argument put forward, but it does appear to me that there is some difficulty in

understanding what is being contended. I would like to know from the hon. member whether the complaint before this Honourable House is one of contempt, or whether he is complaining about an assault which is alleged to have taken place between the member for St. James, and the Marshal of the House, because I believe there should be a difference between these two. In the first place he cannot complain of an assault between two members; he may be able to complain about contempt, and, as presiding officer in this Chamber, he may have been in a position to comment on the behaviour which in his opinion was contempt of the House, and I would wonder if you would comment on what has taken place.

Mr. SPEAKER:
I am going to do no such thing. Strictly speaking you have lost your right to speak further on this matter. What the member understands or misunderstands is unfortunate. There is a motion before the House and you can speak on it.

Mr. BOLDEN:
Mr. Speaker, I am speaking on the amended motion which allows me.....

Mr. SPEAKER:
There is no amended motion. There is a motion that further consideration be postponed.

Hon. C. E. TALMA:
I want to make it clear that there is not an amended motion. There is a motion for further consideration to be postponed.

Mr. SPEAKER:
I have ruled that this is not an amended motion.

Mr. BOLDEN:
Mr. Speaker, I rise to join with members who are asking that further consideration of this motion be postponed, for several reasons, I recall sitting in this very Chamber and hearing the Chairman of Committees say that this is the highest court in the land. 1.15 p.m.

I recall sitting in this Chamber and hearing the Chairman of Committees say that this is the highest Court in the land and that, whether he is right or wrong, when he rules he rules. If we sit here as Legislators and create the law by which others should be governed and we expect the Judges, the Lawyers and the man in the street to follow the procedures we set out and at the same time we operate outside the very law which we seek to create, what are we doing? I have known from time immemorial, that in order for a man to be tried on an information, the information has to be laid. One cannot seek to bring an information against somebody in which the injured party, unless in certain circumstances, has not given evidence/That is the law.

Mr. SPEAKER:
This is no court of law.

Mr. BOLDEN:
This is no court of law but justice demands.....

Mr. SPEAKER:
This is no court of law, this is a court of very summary jurisdiction.

Mr. BOLDEN:
Mr. Speaker, I do not want to engage in an argument, but we cannot have it both ways, as a court of summary jurisdiction and at the same time the highest court in the land. We are talking of opposites. It shows that we are all confused. If that is so let us resort to procedures or to those persons who have gone through this sort of position before us and take an example. Our very rules provide that a member cannot read another member's speech until it has been published in Hansard, and two members have already laid a charge against a member who is absent and at the same time we hear that we will make provision for him to read what other members have said. Are we not confused then? If I come at a later date and ask to read what an hon. member has said about me I should not be told that I cannot read it until it has been published in Hansard. Are we not in conflict with ourselves? How can you lay a charge against a man in his absence, even in a summary court where the rules provide that you issue a warrant for him and bring him in to answer the charge? We cannot give him notice of the evidence which has been laid against him because he is not here.

Mr. SPEAKER:
Let me assure you that he will be given notice of what has gone on today. That is my assurance.

Mr. BOLDEN:
Are we going to bend the rules at one time and at another time enforce them? Are we prepared in order to proceed against the member in his absence to bend the rules and at another time to say that the rules cannot be bent? These are the things which worry me today because we cannot have it both ways. One does not try a case by saying "I hit you in your eye, " the circumstances surrounding it must be brought into play in order to determine whether or not it is an assault. You allege an assault, but you do not accuse a man and say he assaulted, it is for the Judge and jury to find that there was an assault. We have not yet heard, despite the evidence that has been laid, the alleged victim saying that there was an assault. I am very worried about the procedure because it is going to lay down a precedent, we will now have to look at our new books and see which rule holds on one day and which does not hold on another day. We should think carefully where and how we are going and not proceed in our haste and anxiety unless we know we are correct. With that, Mr. Speaker, I beg to reserve my right to speak on the motion.

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

GRANT OF LEAVE TO HON. MEMBER FOR ST. MICHAEL NORTH EAST

Mr. SPEAKER:
Before the business of the House is proceeded upon, I have a letter from the hon. member for St. Michael North East which reads as follows

"MINISTRY OF HEALTH AND WELFARE

BARBADOS.

11th June, 1974. Sir,

I have accepted an invitation from the United States Government to participate in a special project in co-operation with the District of Columbia Home Economics Association, and to spend an additional period for travel and observation outside the Washington area.

I propose to leave Barbados on 22nd June and to return on 10th August, 1974, and would be grateful if I may be granted seven weeks' leave of absence from attendance at the House of Assembly accordingly.

Yours sincerely,

G. L. EASTMOND (Mrs.)

Parliamentary Secretary, Ministry of Health and Welfare.

His Honour The Speaker, Speaker's Chambers, House of Assembly, Public Buildings, BRIDGETOWN. "

Is it the consensus of hon. members that seven weeks' leave be granted to the hon. member? Leave of absence is hereby granted.

PAPERS LAID

Hon. C. E. TALMA:

Mr. Speaker, on behalf of the Prime Minister I am commanded to lay the Magistrates' Courts (Civil Procedure) (Amendment) Rules 1974, and The Civil Establishment (Payment of Passages) Order, 1974.

On behalf of the Minister of Finance and Planning, I am commanded to lay the following:

(1) The Rate of Interest (Amendment) Order 1974.

(2) Statement showing Net Customs and Excise Receipts for 12 months ended 31st March 1974.

(3) Statement showing Net Customs and Excise Receipts for one month ended 30th April 1974.

(4) Report of the Standing Insurance Committee and Statement of Accounts of the General Insurance Fund for the year 1972-73.

On behalf of the Prime Minister I am commanded to lay The Civil Establishment (General) (Amendment) (No. 2) Order, 1974.

Hon. G. G. FERGUSSON:

Mr. Speaker, on behalf of the Prime Minister I am commanded to lay The Barbados Harbours (Speedboat) (Amendment) Regulations 1974.

Hon. C. E. TALMA:

Mr. Speaker, on my own behalf I am commanded to lay The Barbados Citizenship (Amendment) Regulations 1974.

On behalf of the Hon. Minister of Housing, Lands, Labour and National Insurance, I am commanded to lay The Sixteenth Annual Report of the Housing Authority for the Financial Year 1st April 1971 - 31st March 1972, and the Annual Report of the Sugar Workers' Provident Fund Board for the year 1970. 1.25 p.m.

Hon. R. St.C. WEEKES:

Mr. Speaker, I am commanded to lay the 22nd Annual Report and Statement of Accounts of the Natural Gas Corporation for the period 1st April 1972—31st March, 1973.

Hon. C. E. TALMA:

Mr. Speaker, on behalf of the Minister of Finance, I am commanded to lay the Public Officers Loan and Travelling Allowances (Amendment) (No. 2) Regulations, 1974.

Hon. R. StC. WEEKES:

Mr. Speaker, I am commanded to lay the Motor Vehicles and Road Traffic (Amendment) Regulations 1974.

Hon. L. E. SANDIFORD:

Mr. Speaker, I am commanded to lay the Annual Report of the Barbados National Stadium Corporation for the period 1st April 1972-31st March, 1973.

GOVERNMENT NOTICES Hon. C. E. TALMA:

Mr. Speaker, on behalf of the Prime Minister I beg to give notice of a Resolution to approve the Civil Establishment (Payment of Passages) Order, 1974.

On behalf of the Minister of Finance and Planning I beg to give notice of a Resolution to grant the sum of $45, 720 out of the Consolidated Fund and to place it at the disposal of the Government to supplement the Estimates 1974-75 Part I - Current, as shown in the Supplementary Estimates 1974—75 No. 3 which form the Schedule to the Resolution.

On my own behalf I beg to give notice of a Resolution to approve the compulsory acquisition of land at Workman's, St. George, for development into a children's Park.

Also a Resolution to approve the lease of land at Queen's Park, St. Michael, to Spartan Club.

Also a Resolution to approve the compulsory acquisition of land at Maxwell Hill, Christ Church.

On behalf of the Prime Minister I beg to give notice of a Resolution to approve the Order entitled the Civil Establishment (General) (Amendment) (No. 2) Order, 1974.

Hon. R. St.C. WEEKES:

Mr. Speaker, I beg to give notice of a Resolution to approve the Motor Vehicles and Road Traffic (Amendment) Regulations 1974.

Hon. G. G. FERGUSSON:

Mr. Speaker, on behalf of the Prime Minister I beg to give notice of a Resolution to approve the expenditure of $4, 405 required to supplement the Estimates, 1974-75, Part II - Capital, of the Port Department as shown in the Schedule to this Resolution.

Dr. the Hon. R. B. CADDLE:

Mr. Speaker, I beg to give notice of a Resolution to grant the sum of $142, 000 out of the Consolidated Fund and place it at the disposal of the Government to supplement the Estimates 1974—75 Part II -Capital, as shown in the Supplementary Estimates 1974-75, No. 4, which form the Schedule to this Resolution.

Also a Resolution to amend the note to Item 25 of Head 30 — Queen Elizabeth Hospital of the Approved Estimates 1974—75.

Hon. C. E. TALMA:

Mr. Speaker, on behalf of the Hon. Minister of Housing, Lands, Labour and National Insurance, I beg to give notice of a Bill to amend the Trade Union Act, 1964.

On behalf of the Minister of Finance and Planning I beg to give notice of a Bill to amend the Land Valuation Act, 1969.

NOTICES OF QUESTIONS

His Honour C. A. E. HOPPIN:

Mr. Speaker to enquire of the appropriate Minister—Is the Minister aware that the road which leads into the new Secondary School in St. George needs widening and resurfacing for the safety of over 1000 children who attend school there?

If the answer is in the affirmative, will the Minister give priority to this so as to meet the official opening of the school?

To enquire of the Minister of Education and Youth Affairs — Is the Minister aware that the pupils of St. George Girls' School are without an adequate playing field?

Will the Minister take steps to acquire the land immediately above the school and adjacent to it from the Valley Plantation?

To enquire of the appropriate Minister — Would the Government consider the construction of the proposed gas line from the oil well at Woodbourne, St. Philip to pass through such thickly populated areas as the Glebe Land, Charles Rowe Bridge and Salters in the parish of Saint George, thereby enabling those residents in the same mentioned areas the opportunity to use this commodity?

REPORT OF SELECT COMMITTEE

Mr. ADAMS:

Mr. Speaker, on behalf of the Select Committee appointed by the Honourable House to consider and report to the Honourable the House of Assembly on a Bill entitled an Act to amend the Motor Vehicles and Road Traffic Act, 1937, I beg to present the Committee's Report.

Hon. R. StC. WEEKES:

Mr. Speaker, owing to the fact that no member of the Government was present at the meeting of the Select Committee, I am asking that further consideration of the Committee's Report be postponed so that the views of the Cabinet may be given on this important Bill.

Hon. C. E. TALMA:

In supporting that motion .....

Mr. SPEAKER:

There is no motion.

Hon. C. E. TALMA:

I rose to object to the laying of the Report today. There is a comprehensive Bill that the Government is bringing down.

Mr. ADAMS:

Mr. Speaker, that is a reflection on a vote of the House. It is a reflection on a vote of the House to refer to a comprehensive Bill coming down. There is no motion. The Government can do what it likes, but the Report of the Committee comes in the ordinary course of business. If members of the Government were aware of their responsibilities they would have come to the meeting of the Select Committee. I would respectfully submit that the remarks of both hon. members are out of order and should be removed from the record according to Standing Orders.

Mr. SPEAKER:

There is nothing in the Standing Orders that would compel us to consider the Report of the Select Committee today. 1.35 p.m.

Mr. ADAMS:

It would have to be on the Order Paper on Private Members' Business.

Mr. SPEAKER:

Quite so.

ORDERS OF THE DAY

Hon. C. E. TALMA:

I beg to move that a

Bill to amend the Trade Union Act 1964 be now read a first time, Mr. Speaker.

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

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

Hon. C. E. TALMA:
On behalf of the Minister of Finance and Planning, Mr. Speaker, I beg to move that a Bill to amend the Land Valuation Act, 1969, be now read a first time.

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

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

REPLIES TO PARLIAMENTARY QUESTIONS

Hon. C. E. TALMA:
Mr. Speaker, I beg to give notice on behalf of the Minister of Finance and Planning, that Oral Reply to Parliamentary Question No. 172 asked by the hon. member for St. Thomas, Leader of the Opposition, is now ready.

Also, Oral Reply to Parliamentary Question No. 180 asked by the hon. member for St. Lucy is ready.

Also Oral Reply to Parliamentary Question No. 201 asked by the hon. member for St. Joseph is ready.

Hon. L. E. SANDIFORD:
Mr. Speaker, I am to state that reply to Parliamentary Question No. 226 asked by the hon. member for St. Peter is now ready.

Hon. C. E. TALMA:
Mr. Speaker, on my own behalf I beg to give notice that Oral Reply to Parliamentary Question No. 263, asked by the hon. member for the City is now ready, and, on behalf of the Minister of Housing, Lands, Labour and National Insurance, the Oral Reply to Parliamentary Question No. 265 asked by the same hon. member, that is, the hon. member for the City, is now ready.

Hon. R. St.C. WEEKES:
Mr. Speaker, I beg to give notice that Oral Reply to Parliamentary Question No. 225 asked by the hon. member for St. Peter is now ready.

Also, reply to Parliamentary Question No. 251, asked by the hon. member for St. Joseph is ready.

ADJOURNMENT

Hon. C. E. TALMA:
Mr. Speaker, hon. members are fully aware of the situation as it is today. Apart from those replies of which we have just given notice, we have virtually no matters to be dealt with today because as far as the Third Reading of the Bill to amend the Interpretation Act, 1966 is concerned, the Committee has not yet reported; so that the Government has no other business to be dealt with today.

I therefore beg to move that the sitting be now adjourned until Tuesday next, July 9, at 12 noon.

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

Mr. BOLDEN:
Mr. Speaker, the hon. member should not adopt this attitude. The hon. member has given notice that certain parliamentary questions are ready and the hon. member must not assume that these questions are not urgent, even if he felt that they do not want to give a reply. I thought that, in moving the adjournment until next week, he would give an indication that those questions would be answered. I would like the Leader of the House to know that, if it is in order with him, it is not in order with me to assume that we are not ready and willing to carry on the people's work as he so often says.

Mr. SPEAKER:
The practice has been in the past that, if Oral Replies to questions are not given at once, the course taken by the Leader of the House is usually taken.

Mr. ADAMS:
Mr. Speaker, I just want to support the point made by the hon. member who has just sat down. Now that there is an opportunity for the Leader of the House to try to reduce printing costs by answering a few questions he and some other members are too hungry or too tired to stay and hear them. Members of the public are concerned, I am sure, about the Question No. 172 which is why the Accountant General has not given the state of the Treasury balance for nearly one year and a quarter. All these are matters in which the public are interested. Why cannot the Minister stay and answer these questions? We, on this side, would be quite willing to stay and deal with them or we could adjourn for a short while and come back and Question Time could be held later; but maybe they do now have sufficient confidence in themselves, particularly now that the self-appointed giant, the hon. member for St. Michael South-Central and one or two other colleagues are not present.

I have never seen before in the history of Parliament that it falls upon the Opposition to try to force the Government to carry on its business. Is this what the people have sent us here to do? I suggest that we reconsider this matter of adjourning. I do not think anyone would try to take the Mace from the Marshal today.

The question that the House do now adjourn until Tuesday next July 9 at 12 noon was put and resolved in the affirmative the House dividing as follows:

AYES:

Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. P. G. MORGAN, Hon. R. St.C. WEEKES, Hon. A. MORRISON, Mr. W. R. LOWE and His Honour C. A. E. HOPPIN - 9.

NOES:

Mr. H. deB. FORDE, Mr. HINDS, Mr. BOLDEN and Mr. ADAMS - 4.

Mr. SPEAKER adjourned the House accordingly. 1.45 p.m.