

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION OF 1971 - 76

HOUSE OF ASSEMBLY

Tuesday, 15th July, 1975.

Pursuant to the adjournment, the House of Assembly met at 12.10 p.m.

PRESENT

Rt. Hon. E. W. BARROW, B.Sc., (Econ.) LL.D., (Prime Minister); Mr. 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. J. M. G. M. ADAMS, M.A., (Leader of the Opposition); Mr. E. D. MOTTLEY; Mr. F. L. WALCOTT, O.B.E.; Hon. F. G. SMITH, Q.C., S.C., B.A., (Minister of Communications and Works); Mrs. G. L. EASTMOND; Hon. P. M. GREAVES, B.A., (Minister of Housing, Lands, Labour and National Insurance); 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); Hon. L. E. SANDIFORD, B.A., M.A., (Econ.), (Minister of Education, Youth Affairs, Community Development and Sport) and Mr. E. E. GREAVES, B.A., Ed.M.

Prayers were read.

ANNOUNCEMENT BY Mr. DEPUTY SPEAKER

Mr. DEPUTY SPEAKER: The Accounts and Statements for the months of August, September, October, November and December, 1974 and January and February, 1975 have been received from the Accountant General.

CONFIRMATION OF MINUTES

Mr. DEPUTY SPEAKER: The Minutes of the Honourable House for Tuesday, 1st July, 1975 are before you for confirmation. If there

are no corrections or alterations these Minutes will be confirmed.

There being no corrections or alterations, the Minutes are duly confirmed.

PETITION RE THE INCORPORATION OF THE BISHOP OF THE ROMAN CATHOLIC DIOCESE OF BRIDGETOWN—KINGSTOWN

Mr. FORDE: Mr. Deputy Speaker, I beg to present the petition of the Right Reverend Anthony Hampton Dickson, Roman Catholic Bishop of Bridgetown—Kingstown, and the Right Reverend Theodore Taylor. It prays for leave to introduce a Bill which has as its objects the carrying out of objects and purposes for the religious, charitable purposes in this Island relating to the Diocese of Bridgetown, Kingstown.

BILLS READ A FIRST TIME

PENSIONS

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, I beg to move that a Bill to amend certain enactments relating to the payment of pensions, gratuities and other allowances be now read a first time.

Hon. A. MORRISON: I beg to second that.

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

ORAL REPLIES TO QUESTIONS

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, I beg to inform you that the Replies to Parliamentary Questions Nos. 21, 23, 24 and 25 asked by the hon. Member for St. Peter are now ready.

Hon. A. MORRISON: Mr. Deputy Speaker, on behalf of the Hon. Leader of the House I beg

to inform you that the Reply to Parliamentary Question No. 32 asked by the hon. Member for St. Peter is now ready.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, I beg to move that Standing Orders Nos: 6, 16, 18, 20, 42, 43 and 44 be suspended for the remainder of today's Sitting.

Hon. A. MORRISON: I beg to second that.

Mr. ADAMS: Mr. Deputy Speaker, I wonder if the Prime Minister would be kind enough to tell us the purpose of his suspension of the Standing Orders. We got by very well the last meeting, and if my memory serves me correctly, at the meeting before, without it, and I would also be glad to receive the usual assurance that Private Members' Business will be dealt with at the end of Government Business, or dealt with at some stage whether it be at the end of Government Business or in the middle of Government Business or at any point.

Rt. Hon. E. W. BARROW: The reason for the suspension of Standing Orders, Mr. Deputy Speaker, is that there are ten items of Government Business on the Order Paper, notice of which has been given on various dates, some of them as far back as 19th February, 1975, none of them after the 1st July, 1975. Some of these Bills are extremely lengthy and if the Standing Orders remain in operation it would be extremely difficult for us to get 30% of the Government Business concluded today.

I think that question raised by the hon. Member, if he had done his homework, must be purely a rhetorical one. So I move on to the more serious part of the question, and that is, whether time permitting, Private Members' Business can be dealt with. He does not need the assurance of the Government for that, because that is the standard procedure. Provided that we do not run out of time before the Reporters fold their pens and their papers and depart according to trade union rules, we will be able to do all the Private Members' Business that he has neglected, permitted or refused to do up to now.

Mr. ADAMS: Mr. Deputy Speaker, I must say it behoves us no good to come in here with good intentions to see a long Order Paper, to be prepared to cooperate in clearing the Order Paper, and we hear that we have not done our homework. We hear that we are fools to ask for

the usual assurance, when those of us who attend the House regularly would know that the usual assurance is regularly given and just as regularly broken. We hear that if we behave properly such and such will be done. (*Aside*)

Mr. DEPUTY SPEAKER: Order.

Mr. ADAMS: Can't I make a speech now? I asked a question of the Prime Minister and he interrupted and answered me. (*Aside*)

Mr. DEPUTY SPEAKER: Let us have a little order. Have you heard the reply from the Honourable Prime Minister?

Mr. ADAMS: Yes, Sir. I am going to be very short. (*Aside*) The question is that I am on my feet, trying to be short. Most of these Items were on the Order Paper last week as well. Anyhow, I have heard what the Prime Minister said and, short of its unpleasantness, it contains good sense.
12.25 p.m.

The only thing is that I would be glad if he would indicate which Bills he wants done today.

Mr. DEPUTY SPEAKER: That was indicated.

The Question that the Standing Orders be suspended for the remainder of the Day's Sitting was put, and resolved in the affirmative without division.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

The first Order of the Day was called.

THE BARBADOS CITIZENSHIP (AMENDMENT) BILL, 1975

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, this Bill stands in the name of the Hon. Leader of the House, and I am asking for permission to continue with this Bill which is a Bill to amend the Barbados Citizenship Act, 1967. Debate on the Second Reading was begun, and at the moment of interruption the Member for Christ Church West was speaking. Providing that the Rules of the House are complied with as regards the limitation of time for which he will be allowed to speak, I think that the hon. Member can continue.

Mr. FORDE: Mr. Deputy Speaker, I think that Your Honour can assure the hon. Member that I always comply with the Rules of the House, but I am grateful for the reminder. The point that I was making at the time when the adjournment was taken was that I was inviting the Government to make much more substantial amendments to the Citizenship Act so as to accommodate by way of citizenship the grandchildren of persons who were citizens of Barbados, and also to accommodate by way of citizenship the husbands of the wives of Barbadian citizens.

I should like for the benefit of hon. Members to commend the Irish Nationality Act which is a model, not only in draftsmanship and clarity of thought, but also a model for the type of Nationality Laws which are as progressive as our own should be.

In Ireland, Mr. Deputy Speaker, not only is the right of citizenship conferred by the rule of the *jus soli* but also if one of your parents or grand parents happened to be born, in Ireland, you can by the simple procedure of registration, regardless of where you were born, acquire the right of citizenship of Ireland; and I know of many cases of Barbadians who have gone overseas, some of them in the course of duty and others to better themselves, whose children have in turn been born outside of Barbados and whose grandchildren have also been born outside of Barbados, but who have still maintained their close connection with this country.

I think it is correct to say that our citizenship laws have been so closely mirrored on the British Nationality Act of 1948, that we have not only taken the virtues of that Act, but its defects as well. I think that today in Great Britain there is much more progressive thought in improving aspects of the Nationality Act. Indeed, the impact on the European Common Market of legislation such as this is something giving rise in Europe itself to a revision in their rules as regards the conferment of citizenship in places like England.

We in Barbados should not only move from the limited right of dual nationality in the manner in which it is acquired, but extend our concept of it further. I have hammered in this House before, the idea that the husbands of Barbadian wives should have as great an entitlement to citizenship of Barbados as anyone else just as non-national wives of Barbadian husbands have the entitlement.

I trust that the Government will in International Women's Rights Year find it

possible to accept this suggestion by putting it into practical effect. The present amendment which we are discussing is a more routine amendment, and it is necessary in the context of what it seeks to achieve; but I believe that when we are looking at Acts such as our Citizenship Act, after we have had something like eight years almost of experience in this regard, we should do much more substantial amendments to it than we are seeking to achieve by way of this Bill now before the House.

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

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

Hon. A. MORRISON: I beg to second that.

The Question was put and resolved in the affirmative without division. Mr. DEPUTY SPEAKER left the Chair and the House went into Committee on the Bill., Mr. W. R. LOWE took the Chair.

Clauses 1, 2 and 3 were called and they stood part.

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

Hon. A. MORRISON: I beg to second that.

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

On the separate motions of Rt. Hon. E. W. BARROW, each seconded by Hon. A. MORRISON, the Bill was read a third time, passed and cited as THE BARBADOS CITIZENSHIP (AMENDMENT) ACT, 1975.

BILL TO AMEND THE LABOUR CLAUSES (PUBLIC CONTRACTS) ACT, 1952

Hon. P. M. GREAVES: Mr. Deputy Speaker, this is a very simple Bill. It is an amendment to the Labour Clauses (Public Contracts) Act, 1952. We are introducing it now in order to comply with the provisions of the International Labour Organisation Convention.

The Bill speaks for itself. It has two clauses and it simply requires the placing in conspicuous places of the conditions relating to workers; and these conspicuous places must be in the work place.

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

Hon. A. MORRISON: I beg to second that.

Mr. WALCOTT: Mr. Deputy Speaker, needless to say, I am in favour of this Bill; but it is one thing to say that you will have a contract placed in a conspicuous place, but you must have the contract. If you do not have a contract at all, you cannot place it in a conspicuous place or in an inconspicuous place. 12.35 p.m.

What I would like to ask the Minister is if he is sure that all these public contracts are carried out in accordance with ILO Conventions. I believe some of these people have been able to get public contracts, and therefore some of these bureaucrats in the Public Service will award a contract without seeing if the people have complied with the Public Contracts Act. I am not making any criticism now because sometimes the people are likely to be organised and may be doing better or not worse than what the Public Service has, but the whole idea of this was to protect people working for contractors and the Government paying one rate in the Public Service to get a contract while they pay less and are not paying other benefits that the workers in the Public Service are getting. I hope that the Minister is sure that all these labour contracts are adhered to severely and strictly in accordance with the Act.

Hon. P. M. GREAVES: Very briefly in reply, Mr. Deputy Speaker, these contracts should have inserted in them the labour clauses which appear in the Labour Contracts Act of 1952, which requires this, and it is these clauses that have to be published in a conspicuous place, not the contract itself.

Rt. Hon. E. W. BARROW: Frequently, Mr. Deputy Speaker, we pass legislation in here without looking at the legislation that we are amending. I am not saying that we are doing this today, but for the past ten years I have pointed out to the Tenders Committee that the Act itself which we are amending which requires the person who is making a tender for Government contracts to stipulate the rates of wages that he is accustomed paying is defective. It was defective in this regard in that there was nothing in the

legislation itself which stipulated that the workman would be cognisant of or made aware that these are the wages and conditions of employment under which he was awarded the contract by the Tenders Committee. We only have jurisdiction over Government contracts, we have no jurisdiction whatsoever over private contracts, but if you examine the 1952 legislation – and I am saying this purely from memory – you will see an anomaly there in that a person who had never employed a particular type of labour before but was competent, willing and able in every sense of the term, financially, technically, professionally and morally, let us say, to carry out a particular type of work is not covered by the Act of 1952. Actually the submission which they make could be like thinking of a number and putting it down on paper, and frequently, I regret to say, the Tenders Committee themselves may not be aware in the particular trade or industry of the rates which have recently been agreed between, let us say, the public sector and the Unions which represent the public sector, so the publication of the rates which is only one of the means of getting a workman to know the conditions of service is a step in the right direction, but I think we will have to look very closely at the purpose of the 1952 Labour Clauses (Public Contracts) Act and ask if it makes any sense.

Frequently we adopt these ILO recommendations, conventions and so on and sometimes we are already far in advance of the ILO, and frequently when we try to apply the ILO conventions and agreements to Barbados there is some difficulty in doing this. There is difficulty because they are drafted up there in Geneva in a very rarefied atmosphere with over 100 nations represented, and you have to get the lowest common denominator of understanding what is going on in these countries. If we have to come in here not very long from now to make drastic changes in that particular legislation, this is not the final say that the Government has on this matter because the whole Public Contracts Act is under review. All the work that is carried out in Barbados is not done for and on behalf of the Government of Barbados. I would say that up to a few years ago most of the main construction work in this country was carried out by the private sector. One would then have to address one's mind to a very interesting point. Why should a Government bind itself by a Labour Clauses (Public Contracts) Act and bind its contractors thereby when the private sector is not so bound? The answer may come back – I am being the Devil's advocate, I am arguing both sides of the question – that the Trade Union will see that the private employers pay the proper

wages, but the Trade Union also negotiates the wages with the Government, so what do we need that Act for at all? Why do we not repeal the Act now and save ourselves a lot of time? That is why I say we are in advance of the ILO Conventions, because when you examine this thing they are forcing Governments to do something that can be done by collective bargaining and by divisions of the Trade Union itself, and when you read the actual legislation you will see that a man who has never carried out any work before of the kind specified in the contract notice can think of any number and quote the sky as the limit and then is under no legal obligation to observe what he himself has written. I have nothing more to say, this is not anything to do with the publication directly, but in view of the fact that I have grave misgivings about the Act itself I thought it would be a suitable opportunity for me to give voice of those misgivings at this stage.

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

On the motion of Hon. P. M. GREAVES, seconded by Hon. A. MORRISON, Mr. DEPUTY SPEAKER left the Chair and the House went into Committee on the Bill. Mr. W. R. LOWE took the Chair.
12.45 p.m.

Clause 1 was called and it stood part.

Clause 2 was called.

Hon. P. M. GREAVES: Mr. Chairman, I beg to move that Clause 2 stand part.

Hon. A. MORRISON: I beg to second that.

Mr. WALCOTT: Mr. Chairman, I would not like what the Prime Minister has said to go on record like that, because future historians may think that certain people were not aware of public contracts. I would like to set the record straight. I do not have the Labour Clauses (Public Contracts) Act, 1952, before me, but I know that the Bill was introduced to give protection to the workers. This is an Act that was made 23 years ago, but the I.L.O. Conventions were made long before that time. The Prime Minister must understand that the I.L.O. is not a rarefied organisation because it was there since 1919 after the Treaty of Versailles. This is a very important, social organisation and not a rarefied organisation by any means. You must get an agreement between these tripartite organisations with 130 nations before something can become a

Convention. If you have to use the lowest common denominator, or the highest common factor, you will have to reach an agreement, but, as far as this is concerned, it does not work like this in Barbados.

If a Tenders Committee were going to examine the rates of pay, it would be a different matter. If the Government is paying a rate, that is the rate the Government is already paying. The Government would find itself in an invidious position to be paying a carpenter, who works for the Government \$10.00, and then agrees for a contractor to come in here and pay a carpenter \$2.00. That is what this piece of legislation is here to protect. If so many people are being employed at a certain rate, what we are asking a contractor to pay is what is generally known as the rate in the trade. If the Government is paying more in any given period than anybody else, then the Tenders Committee may take this as the rate because it would find it hard to justify the Government paying one rate to some people and others paying a different rate.

Mr. Deputy Speaker, when the Deep Water Harbour was being built, what rates were being paid then? There was a strike at the Deep Water Harbour against the contractors. When we examined the matter, we found that Costain was paying less under the contract than what the Government was paying to the workers. That was wrong. It is not a question of somebody paying less in St. Lucy and, therefore, you should pay the same rate at Mount Gay. In this instance, I would agree that you should allow the lowest common denominator to be a factor, if the Government is paying the higher rate. If the Government is paying a contractor, then you should not allow him to make a profit out of the Treasury based on the fact that he is paying lower wages than the Government is paying to people doing the same type of work.

Rt. Hon. E. W. BARROW: Mr. Chairman, I should like to draw attention to the Schedule to the Labour Clauses (Public Contracts) Act, 1952, as amended by the 1958 Act, No. 55. Para. 3 to the Schedule, which is the whole International Labour Office Convention of 1949, was adopted in Barbados. It states:

"Before being placed on any list of Government contractors or being allowed to tender for Government contracts, the contractor shall certify that to the best of his knowledge and belief the wages, hours of work and condition of labour of all work-people employed by him in the trade or industry in which he is offering himself as

a contractor are fair and reasonable having regard to paragraph 1."

The point is that the Government does not have any list of approved Contractors. This may be the fault of the Government or the Tenders Committee. When we speak about "before being placed on any list of Government contractors." We will have to have, what they call in the International Organisations, a pre-qualifications Tender Notice, and people will have to submit their qualifications. That is actually being done now for the time in relation to the extension of the Deep Water Harbour. You have to have a list of the contractors, which we do not have at the moment.

According to the Convention, before you can go on this non-existent list, or before you are even allowed to tender -

"....the contractor shall certify that to the best of his knowledge and belief the wages, hours of work and condition of labour of all work-people employed by him in the trade or industry in which he is offering himself as a contractor are fair and reasonable having regard to paragraph 1."

Paragraph 1 states:

"The contractor shall pay rates of wages and observe hours and conditions of labour not less favourable than those established in the trade or industry....."

This is after he gets the contract, but before he gets the contract he should stipulate to the best of his knowledge and belief the rate that he is paying. I say "is paying" advisedly. When I had to deal with tenders as the Minister of Home Affairs, or something like that, I ran into certain difficulties because the first notice that you had of the contractor is when the tender was opened.

The Convention says that before being allowed to tender he has to submit this information, or before he is placed on a list of Government contractors, which list does not exist. Now, this difficulty may possibly be overcome procedurally by drawing up periodically a list of Government contractors, but then people would say that it is a patronage list. Perhaps we could proceed along the lines the World Bank, or other International Institutions are in the habit of doing and have a pre-qualifications Tender Notice that by such and such a day to the 31st July, 1975, all of those who are interested in the contract for the Deep Water Harbour should submit a list of their qualifications including the

Labour Clauses (Public Contracts) Act. That machinery does not exist, and that is why I say that the whole operation of the Act is vitiated by the noncompliance of these preconditions which would make them valid and operative in Barbados. I am merely stating a fact, and that is what happens today.

Mr. Deputy Speaker, when the contractor submits the tender in that tender he says: "I intend to pay such and such wages." There are two defects. He has not done so before he has submitted the tender, but he has done so at the same time he submits the tender. He says: "It is my intention to pay." The Convention itself asks for what he is actually paying at the time he submits the tender. If he is now entering into this field for the first time, then he will have to be telling a lie because he has never employed people in that particular field before. That is all to which I am drawing the hon. Members' attention. I am not voting against the Bill. I have not asked for a free vote on this; therefore, I find myself constrained to vote with the Government. I am saying that the Convention is defective. I am not criticising the International Labour Office. Maybe I am criticising the lack of vigilance of the Tenders Committee in getting their procedures correct. I could not sit here, with the limited exposure I have had to a legal education, and allow these things to pass without drawing them to Your Honour's attention.

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

12.55 p.m.

On the motion of Hon. P. M. GREAVES, seconded by Hon. A. MORRISON, Mr. CHAIRMAN reported the passing of one Bill in Committee. Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. P. M. GREAVES, each seconded by Hon. A. MORRISON, the Bill was read a third time, passed and cited as the Labour Clauses (Public Contracts) (Amendment) Act, 1975.

RESUMPTION OF THE DOGS BILL, 1975

Mr. DEPUTY SPEAKER: Order No. 3 is the next Order of the Day and it is to move the resumption of consideration of a Bill to amend and consolidate the law relating to the licensing of dogs and to provide for the control and keeping of dogs and related matters.

Dr. the Hon. R. B. CADDLE: Mr. Deputy Speaker, when consideration of this Bill was deferred on a previous occasion, the purpose of that action was to give Members of the House an opportunity to study the amendments then circulated. That was on 20th May, 1975, and I believe that we have had a long time to look at the proposed amendments. I intend to move these amendments today during the Committee stage of the Bill.

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

Hon. P. M. GREAVES: I beg to second that.

The Question was put and resolved in the affirmative without division. Mr. DEPUTY SPEAKER left the Chair and the House went into Committee on the Bill. Mr. LOWE took the Chair.

Clause 1 was called.

Dr. the Hon. R. B. CADDLE: I beg to move that Clause 1 stand part.

Hon. P. M. GREAVES: I beg to second that.

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

Clause 2 was called.

Dr. the Hon. R. B. CADDLE: Mr. Chairman, in Clause 2 the word "health" is to be substituted for the word "agriculture" in the definition of "Minister".

I beg to move that Clause 2 as amended stand part.

Mrs. EASTMOND: I beg to second that.

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

Clause 3 was called and it stood part.

Clause 4 was called.

Dr. the Hon. R. B. CADDLE: Mr. Chairman, the new subclause 4 should read as follows:

"(4) A tag in such form as the Minister approves shall be furnished by the Collector in respect of each licence issued under subsection (1) and shall bear a number corresponding with the number on the licence so issued."

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

Mrs. EASTMOND: I beg to second that.

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

Clause 5 was called.

Dr. the Hon. R. B. CADDLE: Mr. Chairman, in Clause 5 the new subsection (4) should read as follows:

"(4) Where the Collector issues a licence under this section he shall furnish a number of tags (in such form as the Minister approves) equal to the number of dogs authorised to be kept in the kennel and each such tag shall, in addition to having a prescribed distinguishing mark impressed thereon, bear a number corresponding with the number on the licence so issued."

I beg to move that Clause 5 as amended stand part.

Mrs. EASTMOND: I beg to second that.

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

Clause 6 was called.

Dr. the Hon. R. B. CADDLE: Mr. Chairman, I beg to move that the following Clause 6 be substituted for the existing Clause 6:—

6.(1) The Collector shall keep a record of all licences issued under sections 4 and 5 and of any licences transferred on the sale or other disposal of a dog.

(2) The record shall contain —

- (a) the name and address of the person to whom each licence is issued or transferred;
- (b) the number and date of issue or transfer of each licence;
- (c) particulars as to the breed, sex, age, colour and markings (if any) of the dog licensed; and
- (d) in the case of kennel licences, particulars as to the place where the kennel is operated and the number of dogs authorised to be kept therein.

(3) The record shall be a public record and open to inspection at any time during business hours.

I beg to move that Clause 6 as amended stand part.

Mrs. EASTMOND: I beg to second that.

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

Clauses 7 and 8 were called and they stood part.

Clause 9 was called.

Dr. the Hon. R. B. CADDLE: Mr. Chairman, the proposed amendment for Clause 9 is as follows:-

9.(1) Subject to subsection (2) -

(a) The tag furnished by the Collector under section 4(4) shall be affixed to a substantial collar or harness to be provided by the owner for the purposes and the collar or harness with the tag affixed thereto shall be kept at all times on the dog for which the licence is issued.

(b) A person licensed to keep and operate a kennel shall provide a number of substantial collars or harnesses for the purpose of affixing thereto the tags issued by the Collector under section 5(4) and when a dog which is kept in the kennel is outside the kennel that person shall, during such time as the dog is outside the kennel, keep a collar or harness with a tag affixed thereto on the dog.

(2) The provisions of subsections (1)(a) and (b) in relation to the keeping of a collar or harness with a tag affixed thereto on a dog shall not apply where the dog is in the custody and care of a registered Veterinary Surgeon.

(3) Any person who -

(a) without a reasonable excuse removes a tag from a collar or harness attached to a dog;

(b) without a reasonable excuse removes a collar or harness

with a tag affixed thereto from any dog; or

(c) transfers from one dog a tag issued in respect of that dog to another dog,

is guilty of an offence and liable on summary conviction to a fine not exceeding \$50 or imprisonment for a term not exceeding 3 months or both.

(4) Nothing in this section shall be construed as preventing a person licensed to keep and operate a kennel from removing a tag from a collar or harness attached to a dog, or removing a collar or harness with a tag affixed thereto from any dog and transferring such tag, or collar or harness with tag affixed, as the case may be, to another dog.

I beg to move that Clause 9 as amended stand part.

Mrs. EASTMOND: I beg to second that.

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

Clause 10 was called.

Dr. the Hon. R. B. CADDLE: Mr. Chairman, it is proposed that in Clause 10 the following subsection 3 be added: An owner of a dog which defaecates on any beach shall forthwith bury the faeces to a depth of not less than one foot below the level of the surrounding surface of the beach; and (b) renumber subsection 3 as subsection 4.

Mr. Chairman, I beg to move that Clause 10 as amended stand part.

Mrs. G. L. EASTMOND: I beg to second that.

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

Clause 11 was called.

Dr. the Hon. R. B. CADDLE: Mr. Chairman, in Clause 11 delete subsection 2 and substitute the following: (2) Where a dog seized under subsection (1) wears a collar or harness with a tag affixed, an authorised person shall serve on the owner a written notice stating that the dog has been seized and is liable to be sold by public auction or destroyed in the prescribed manner if not claimed and all reasonable

expenses incurred by reason of its seizure and detention paid within 7 days after the service of the notice.

Mr. Chairman, I beg to move that Clause 11 as amended stand part.

Mrs. G. L. EASTMOND: I beg to second that.

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

Clause 12 was called.

Dr. the Hon. R. B. CADDLE: Mr. Chairman, in Clause 12 I beg to substitute the word "An" for the words "The Commissioner of Police or any" appearing in subclause (1). (b) substitute the word "an" for the words "the Commissioner of Police or any" appearing in subclause (4).

Mr. Chairman, I beg to move that Clause 12 as amended stand part.

Mrs. G. L. EASTMOND: I beg to second that.

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

Clause 13 was called.

Dr. the Hon. R. B. CADDLE: Mr. Chairman, I beg to move that in Clause 13 the word "an" be substituted for the words "the Commissioner of Police or of any".

I beg to move that Clause 13 as amended stand part.

Mrs. G. L. EASTMOND: I beg to second that.

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

Clause 14 was called.

Dr. the Hon. R. B. CADDLE: Mr. Chairman, I beg to move that Clause 14 stand part.

Mrs. G. L. EASTMOND: I beg to second that.

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

Clause 15 was called.

Dr. the Hon. R. B. CADDLE: Mr. Chairman, in Clause 15 the word "heat" should be substituted for the word "hear" appearing therein.

Sir, I beg to move that Clause 15 as amended stand part.

Mrs. G. L. EASTMOND: I beg to second that.

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

Clauses 16 to 21 inclusive were called and they stood part.

Clause 22 was called.

Dr. the Hon. R. B. CADDLE: Mr. Chairman, in Clause 22 substitute a semicolon for the fullstop appearing at the end of paragraph (e) and the following paragraph as paragraph (f). (f) should read: "regulating the issuing and transfer of licences and tags on the sale or other disposal of dogs."

I beg to move that Clause 22 as amended stand part.

Mrs. G. L. EASTMOND: I beg to second that.

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

Clauses 23 to 26 inclusive were called and they stood part.

The Schedule was called and it stood part.

On the motion of Dr. the Hon. R. B. CADDLE, seconded by Mrs. G. L. EASTMOND, Mr. CHAIRMAN reported the passing of one Bill with amendments in Committee. Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Dr. the Hon. R. B. CADDLE, each seconded by Mrs. G. L. EASTMOND, the Bill as amended was read a third time, passed, and cited as THE DOGS ACT, 1975.

THE PARAMEDICAL PROFESSIONS (AMENDMENT) BILL, 1975.

Dr. the Hon. R. B. CADDLE: Mr. Deputy Speaker, this Bill seeks to amend the

Paramedical Professions Act, 1975. The reasons here are simple. In amending this Act, we seek to give protection to the members of the Council. This unfortunately was left out when the Bill was discussed; and, in addition to that, we are also making it possible for the Council to make rules and regulations under this Act.

As a result of these two important amendments, there are a number of consequential amendments not of any great substance which are also included. I have had circulated today a copy of the proposed amendments for the benefit of the Members of the Chamber. If there is no objection I will move these amendments in Committee.

Mr. Deputy Speaker, I beg to move that this Bill be now read a second time.

Mrs. G. L. EASTMOND: I beg to second that.

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

On the motion of Dr. the Hon. R. B. CADDLE, seconded by Mrs. G. L. EASTMOND, the House went into Committee on the Bill. Mr. LOWE took the Chair.
1.15 p.m.

The Clerk read the title of the new Clause.

Clauses 1, 2 and 3 of the Bill were called and they stood part.

NEW CLAUSE 3 ADDED TO THE BILL

Dr. the Hon. R. B. CADDLE: I beg to move that the clause be now read a second time.

Mrs EASTMOND: I beg to second that.

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

Dr. the Hon. R. B. CADDLE: I beg to move that this Clause be now added to the Bill as Clause 3 and the existing Clause 3 renumbered Clause 4.

Mrs. EASTMOND: I beg to second that.

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

Dr. the Hon. R. B. CADDLE: Mr. Chairman, I beg to move that Your Honour do now report the passing of one Bill with amendments in Committee.

Mrs EASTMOND: I beg to second that.

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

On the separate motions of Dr. the Hon. R. B. CADDLE, seconded by Mrs. G. L. EASTMOND the Bill was read a third time, passed and cited as the Paramedical Professions (Amendment) Act, 1975.

BILL TO AMEND THE CUSTOMS ACT, 1962

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, this is a Bill to amend the Customs Act of 1962 to allow the Comptroller of Customs to make refunds of duties to people who have overpaid and also payments of drawbacks. There are three very short Clauses. I do not think that the Bill needs much information on it. Its purpose is simply set out in Clauses 2 and 3, and I think that hon. Members can read English better perhaps than I myself can.

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

Mrs. EASTMOND: I beg to second that.

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

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

Mrs. EASTMOND: I beg to second that.

The Question was put and resolved in the affirmative without division. Mr. DEPUTY SPEAKER left the Chair and the House went into Committee on the Bill. Mr. LOWE took the Chair.

Clauses 1, 2 and 3 of the Bill were called and they stood part.

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

Mrs EASTMOND: I beg to second that.

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

On the separate motions of Rt. Hon. E. W. BARROW, each seconded by Mrs. G. L. EASTMOND the Bill was read a third time, passed, and cited as the Customs Duties (Amendment) Act, 1975.

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, I beg to move that Order No. 9 be taken as the next Order of the Day.

Hon. P. M. GREAVES: I beg to second that.

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

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND
AT SION HILL, ST. JAMES

Hon. P. M. GREAVES: Mr. Deputy Speaker, about three years ago, accompanied by officials of my Ministry and other officials, I paid a visit to Sion Hill, in search of an area of land where we could establish a housing development and also for an area to be reserved for a playing area and also for other ancillary services. Since then, we have been having protracted negotiations with the owners of the land, and it has been found necessary to use the Land Acquisition Act to acquire this area. I think that we have agreed now on the price with the owners of the property.

We are now about to embark on a housing development programme there as well as in several other areas of Barbados to provide housing for purposes for which mortgage monies have been made available as a result of the levy that has been put on sugar. This is only one such area, Mr. Deputy Speaker, where we intend to develop housing projects.

1.25 p.m.

During the debate of the Annual Estimates I stated then — and I want to make this quite clear — that it was the intention of my Ministry to spread housing as far as possible over the Island. There are several other areas of land covering a wide section of Barbados where we intend to establish housing principally for low income earners. There is also a small section of land that we would reserve for what we call the low middle income earners, a group of people who have only recently been brought into that area that Government assists in its housing programme. The area we propose to acquire is approximately 16.3 acres.

I beg to move that this Resolution do now pass.

Mrs. G. L. EASTMOND: I beg to second that.

Mr. ADAMS: I will be very short on this, Sir. A few days ago I read in the newspapers that my Party was very wrong to say that money was being taken from the sugar workers that would not be spent on them because the Government intended to put housing developments in the sugar areas. I am summarising perhaps inadequately some of what I read in the form of a report of a speech of the Minister of Housing and what I also read in the form of an Editorial, but we now see by the very brave admission of the Minister of Housing today that this idea originated three years ago, long before the sugar levy could have been thought of, because nobody could have had any idea of the sugar prices to be obtained this year.

Hon. P. M. GREAVES: On a point of elucidation, Mr. Deputy Speaker, I am not talking about our plans for housing generally, in introducing this Resolution I specifically stated that I paid a visit to this area of land in Sion Hill three years ago, I did not pay visits all over Barbados three years ago looking for housing areas.

Mr. ADAMS: What point of elucidation is that, Sir? I am not saying he went all over Barbados, I am saying that he went to Sion Hill three years ago. Sion Hill was one of the places he mentioned in his speech. He said Sion Hill was a sugar area and the Government was going to spend the sugar levy there, but we can now see through it when we realise the Government was always going to spend money in Sion Hill and this is only window dressing to make the levy more acceptable to sugar workers. It is a simple straightforward question. The Government has taken out all the cold soup projects which it had in respect of these things and warmed them up not because they are new, not because the idea is a genuine idea to help the sugar workers, but because they have their backs to the wall in respect of the levy and the attitude of the sugar industry towards it. I have some confidence that if the Government's intention is to disturb the hon. Member for St. James by putting up houses in Sion Hill they will not succeed in that particular activity, and speaking on behalf of the hon. Member for St. James, who cannot be here until later on today, I would like to say that I welcome the Government spending this money in Sion Hill, which I have always believed is perhaps the most Opposition minded districts in the Island of Barbados. I regret that the good Labour Party voters in Sion Hill will be unable to repay the Government with what the Government

wishes to be repaid in, but I would just like to make one last comment, because I have not come here to detain the House with which we can all agree.

In 1961 the Prime Minister, then the hon. Member for St. John, made very general speeches about the relationship of the houses which the Government owned in housing areas to the people who lived in them. Again to paraphrase, I believe that he indicated that they should not be having to pay for the houses because their money had built them.

Rt. Hon. E. W. BARROW: I do not know if the hon. Member was even in the Island in 1961 — he can probably correct me — but I have never made any such statement in 1961 or at any time in my life, and I say that categorically, and the hon. Member was not here and he should not go by hearsay and paraphrase hearsay.

Mr. ADAMS: A lot of wicked people have wrongfully and maliciously and dangerously said of the Prime Minister that he told the tenants in the housing areas not to pay the rents, and a lot of wicked and malicious tenants have gone into court and said that they heard the Prime Minister making that speech. They were all telling lies.

Rt. Hon. E. W. BARROW: I would say that they committed wilful and corrupt perjury, and if the hon. Member will give me their names I am prepared to give evidence and call my colleagues to corroborate that they will be committing wilful and corrupt perjury. Every one.

Mr. ADAMS: Well I must say that the only one I actually heard giving the evidence was "Slims."

Rt. Hon. E. W. BARROW: A gentleman that beat the hon. Member in his office, or who claims that he beat the hon. Member for St. Thomas, because we know how much credibility we give to that.

Mr. ADAMS: One observes that rare quality of inversion in the Prime Minister when he makes a remark like that. I always thought the claim was that I had beaten the gentleman.

Rt. Hon. E. W. BARROW: Oh, you beat Slims! I am sorry, Sir, I humbly withdraw that statement, the hon. Member was undefeated in his own office, he beat "Slims."

Mr. ADAMS: Anyhow, Sir, whoever put out that wicked and malicious rumour about the Prime Minister — imagine telling a lie like that on

our Prime Minister to say that he told the tenants not to pay rents — I have put it in a way that I believe a rational man would have put it, because I do not believe any responsible person would have got up and said "do not pay rent" so that they let years of arrears accrue, I believe that if you are making a speech on that subject you will tell the people that it was their money that built the houses and then go on from there, which is exactly what the present situation is, as I understand it, because the Minister is implicitly accepting that it is the money of the workers that is being made available to build these houses at Sion Hill. (Hon. P. M. GREAVES: What rubbish is that?) Will I be allowed to speak, Sir? It is well understood that this money will fall on the backs of the workers as much as on the backs of the sugar producers. (*Asides*).

The hon. Member for St. Michael West, a noble fighter for the cause of the sugar workers in this particular regard, — is somebody going to say it is not true that the workers are going to get a share of the high prices arising this year? What are we hearing now? I have to be told it is rubbish when an agreement negotiated by the Barbados Workers' Union provides that the workers will get 40% of the proceeds of the sale of the sugar crop above a certain level and I am told that it is rubbish to say that any of it is the workers' money. Alice through the looking-glass seems to divide the hon. Member from this side. As we see it, you are taking the workers' money, building houses for them and then selling back the same houses to the workers. That is exactly what it comes down to, that is exactly the argument of the Government, suppose the workers are not getting so much money, we will sell them some houses to make up for the money they are not getting. That is all the argument amounts to, we will sell the workers houses to give them the money they are not getting.

Mr. Deputy Speaker, subject to those remarks we would welcome development in the Sion Hill district.

Mr. WALCOTT: Mr. Deputy Speaker, I do not want to enter too much into this matter about the sugar because the hon. Member for St. Thomas, the Hon. Leader of the Opposition, will have a problem on that. He mentioned my name. I do not need any mention, but they have opposed me and will continue to do so, so I do not need any aid from them at any time.
1.35 p.m.

I want them to go on opposing me. What I would like to say is that I think the Government or any Government at this time of

its existence in housing — the Government has been very slow in dealing with housing. If the Opposition had any programme about housing, maybe, they might have attracted attention. Housing is vital to this country. It is so vital to this country that you can look around and see. Any attempt to do more for housing in this country is something that everybody must welcome.

I have said on this floor already that I never subscribed to what the International Aid Organisations agreed to and forced Developing Countries to accept that they were not making loans for housing. Now that people are being kidnapped all over North America and in the Western Hemisphere, the International Organisations have started to relax. They are scared now, but in the past they made all of these Developing Countries believe that housing was a luxury. They were not going to help them, if they could not find their own resources to build houses. I do not think the hon. Member would say that money from sugar should not be spent on housing. It is true that the hon. Member was not a member of the House at the time, but his Party took \$2 million out of the Labour Welfare Fund, the workers' money, to do what? To build the General Hospital. They took money from the Labour Welfare Fund to build a Sugar Terminal at the Deep Water Harbour for the employers, too. We opposed it. We said that we did not agree with it. If the sugar producers wanted to put up a terminal down there, then they should put up the money. They put up the Sugar Terminal with the money they borrowed from the Labour Welfare Fund. The Labour Party agreed with it. We can read and understand, and people have memories.

Mr. ADAMS: On a point of order, Mr. Deputy Speaker. Is the hon. Member saying that the old Labour Party Government ever imposed a levy to take money out of the workers' pockets to build something?

Mr. DEPUTY SPEAKER: No point of order!

Mr. WALCOTT: That is a point of foolishness.

Mr. DEPUTY SPEAKER: I have already ruled on that.

Mr. ADAMS: Is not the Labour Welfare Fund raised by a tax on employers only?

Mr. WALCOTT: How can that be a point of order? You cannot ask me a question when I

am speaking. Do you think I am foolish witness in a witness stand? You must keep you stupid questions until you get a foolish witness who is lying in a witness stand. When you get a truthful witness, you will have to stop asking questions if you want to win a case. If you go on questioning a truthful witness you will have trouble. This is not a question of taking money out of any person's pocket. If the Labour Party would do their homework they would realise that I said in here, and I wrote in a paper, that when it comes to real development that the Union was demanding certain things.

Mr. Deputy Speaker, at the end of last year when we had an increase in the price of sugar the Labour Party said nothing about the workers' money. I challenge him to say what they said about the matter. Nothing!

Mr. ADAMS: On a point of order, Mr. Deputy Speaker. I have been challenged. Senator St. John, Mr. Bolden and myself spoke on the matter.

Mr. WALCOTT: What point of order?

Mr. DEPUTY SPEAKER: Order, please!

Mr. ADAMS: I said at that press Conference that the Barbados Workers' Union should negotiate to secure a share in the increase of the price of sugar for the workers. It was a Press Conference at C.B.C., if you are challenging it. We were the first to talk about it.

Mr. WALCOTT: Mr. Deputy Speaker, how can you allow the hon. Member to do that? I can challenge you and you have the right to get up and speak afterwards. You cannot interrupt me on a point of order, and then make a speech. Mr. Deputy Speaker, I am not going to give way again. Mr. Deputy Speaker, he is a bass-man; he is playing behind; he is not a melody player; you do not put the bass in front; he is playing the bass, and he has to come behind the Pressure Group, the P.D.M., and everybody else. He is a bass-man and anybody can play an old bass. You do not have to know music to play a bass. He did nothing about it; he does not even know what I am talking about. It was when the Sugar was £61 and it went to £83. I do not go in for extravagant language. At one time a gentleman said that the Prime Minister should be the Prime Minister for 300 years.

Listen to what the sugar people wrote in a paper. I do not know if this is the reason that

they want to make him a Chairman of a Committee now. I would not be sitting on the Committee if he is the Chairman. Let me read what was written in the *Barbados Sugar Industry Review*:

"The Sugar Industry has been given a face lift this year and it would be churlish and ungrateful of the cane farmers if credit were not given where credit is due. For had not the Prime Minister taken a strong stand and warned that Barbados would not be sending any sugar to the United Kingdom if the price under the Commonwealth Sugar Agreement were not raised substantially the addition of £ 22 to the price of £61, agreed in 1971, would never have been made. Nor did his intervention stop at protest. He gave specific instructions that sugar should be sold to the United States of America where a serious shortfall had opened a lucrative market."

This was written in the *Barbados Sugar Industry Review*, Sir. They advised the hon. Member. They wrote the part in his Manifesto about sugar.....

Mr. ADAMS: On a point of order, Sir. The hon. Member is pointing at me and telling untruths. He is pointing at me and saying that the Sugar Producers did this and that. This is entirely without foundation. Mr. Johnson, the Democratic Labour Party's friend wrote those words. I refer to the Assistant Secretary to the Sugar Producers Association, a yard fowl of that Party.

Mr. DEPUTY SPEAKER: No point of order!

Mr. WALCOTT: You know who wrote this. The same person who wrote this wrote your part in the Manifesto on industrial relations. I will continue quoting:

".....The results of this bold statesman-like policy has been a significant increase in the earnings of the sugar industry which will this year exceed \$50 million."

This was last year, Mr. Deputy Speaker, and we went forward as a Trade Union and said that we wanted some of this money. We negotiated on the basis that we were going to get some of the money. When it went up further, we said that, we wanted more money. The Labour Party did not have a word to say. It was on our own initiative that we got \$2.4 million more. There

was nothing about a Press Conference. They knew nothing about it.
1.45 p.m.

I challenge him to bring any press conference and show that they said what they should get. This is \$2.4 million. But hear what is written by their friend:

"Mr. Barrow has of course not escaped criticism. There were doubting Thomases who predicted that he would jeopardise the entry of Caribbean sugar into the E.E.C. market in 1975. There was a frenzy of indignation from the General Secretary of the Barbados Workers' Union when he as Minister of Finance announced that the sugar levies would be raised from \$13.20 to \$40.00 per ton."

The Union said that if the Government could get \$40 a ton, then the Union wanted some money for the workers too. Not a word was said by the Barbados Labour Party on that score as to what the position was. They do not do their homework because they did not know how much money it was.

"Mr. Barrow was unperturbed. He quietly made it known that the allocation of the \$40.00...." He was bound to be unperturbed because if you are in a three-cornered fight and you have two on your side, you can't lose. Even if you are playing draughts and you know how to get in the corners you can only count to twenty-one. "Mr. Barrow was unperturbed. He quietly made it known that the allocation of the \$40.00 between the Sugar Funds would be referred to the Tripartite Committee which is representative of the Government, cane growers and sugar manufacturers and the Barbados Workers' Union. The Association wisely supported the Prime Minister...." Hear what they are saying: nothing came from the Barbados Labour Party.

Mr. ADAMS: On a point of order, is this document being made a document of the House?

Mr. WALCOTT: You're too late

Mr. ADAMS: I have not seen it, and I want to confirm that the Secretary of the Barbados Workers' Union is quoting gospel from the Sugar Producers' Association.

Mr. DEPUTY SPEAKER: I will have it made a document of the House.

Mr. WALCOTT: You don't have to have it made. I can give him not one document, but two

documents. He must understand that when I come here, I can bait him. If he would do his homework he would not have to ask for the documents. He would bring his own and be able to read it with me.

"The Association wisely supported the Prime Minister recognizing that the decision was based on the sound far-seeing principle that in a time of good prices some of the benefits should be siphoned off to build up the sugar funds."

Now I will have to deal with the Association another time. Last year when it was \$40 it was wise policy to siphon off. It was only a little boundary; but now when you are hitting hard, you are hitting too hard. Last year it was not the people's money. This business worked in 1964 and maybe the Prime Minister and some of his Ministers caught fright, but this is like the world cricket match; play is finished.

Rt. Hon. E. W. BARROW: On a point of explanation, I want to set the records straight. Representatives of the Barbados Sugar Producers' Federation came with representatives of the Union to my office and said that they had reached a certain agreement. Subsequently because of the noise which was kept by the Opposition parties — the same representatives whom I can name but would prefer not to name...*(Asides)* all the more reason because the gentleman is not with us in spirit or in truth...returned to my office and said it was a misunderstanding, that they really did not really mean they had reached an agreement. I was not party to the agreement, so it is no question of my taking fright. The agreement was repudiated by the Sugar Producers' Federation. That is all that happened, Sir. I am always unperturbed. I have always said: "The Lord giveth and the Lord taketh away."

Mr. WALCOTT: Mr. Deputy Speaker the Prime Minister does not run a Government by himself; he had some frightened Ministers. So they have come back with the same silly thing now in 1975, eleven years after. Anybody would know that in October you heard that the prices for oil were going up and they could read every sign. Now I am not dealing with the quantum or details of what the Prime Minister has done because that is a matter for discussion and negotiation, but do not come and tell anybody any nonsense where in an issue like this you are talking about taking away the workers' money as if when it comes to the question of utilising money within the community, you are not doing it for them too. You take away my money when I pay taxes, and I have to pay more taxes than

some members on the other side, because I am not like a lawyer — when a man comes and pays me \$100, Mr. Campbell cannot see that. The Government does not get all the taxes from the lawyers, especially those that are fly by night and are not working for big firms, where somebody pays them out of their pockets. How is Mr. Campbell going to see that? Do you think that is going into some book? You do not give a client a receipt. If you are working for the Union you have to give us a receipt. The hon. Member for Christ Church West has to show that he receives from some of the firms he works for, but the \$100 jobs, the ones that are light do not get in.

Mr. FORDE: On a point of order, I wish to make it absolutely clear that, speaking for myself, the Leader of the Opposition and all Attorneys-at-Law, we comply with the rules. I do not hide any \$100 bills from anybody. I do not even touch the money; my secretary deals with that.

Mr. DEPUTY SPEAKER: Point made!

Mr. WALCOTT: I have not said that you touch the money. The fact that you do not touch the money bears out what I am saying.

Mr. FORDE: The hon. Member is making one of his usual jocular speeches, but I would not like it to go down on the records here that I am flouting any of the laws of Barbados in the practice of my profession. It is not something that I do.

Mr. DEPUTY SPEAKER: Point of clarification made.

Mr. WALCOTT: Everybody knows that the hon. Member is one of the leading lawyers in his profession because he works for some of the big firms; but the lawyers themselves know that the ones you hit off the bat and edge through the slips you do not have to account for, because those are the ones where somebody meets you and pays you. Everything that a lawyer does for a person is not a receipted transaction. A lawyer is not a solicitor. Look, we are not pressing one another here now.

Mr. ADAMS: On a point of order, the hon. Member is reflecting on a vote of the House, because since the Legal Profession Act a lawyer is a solicitor. There are the same rules for everybody, you have to keep book accounts which at all times have to be open to inspection, you have to give receipts, you have to keep three column books.

Mr. WALCOTT: If a dog bites me and you charge \$50, that does not go down to the fees. It is just like the free cases. You cannot put a free case in the book. So in the same way you do not put in the free cases, you do not put in all the others.

Mr. Deputy Speaker, I do not think there is any point in saying that the Government in taxing us to use the money for housing could be an afterthought because you would have to realise that this would have to be something thought about, and I would like to make it clear in respect of the suggestion that was being made by people that you were giving the Barbados Workers' Union money that the day the Barbados Government decides they do not want to aid the Barbados Workers' Union or any organisation like ours in housing, it is not going to make any difference with the Barbados Workers' Union's outlook in matters such as housing, because we regard this as fundamental. It is not anything you are doing for me or any individual; but before the Government came up with this, we felt it was something that should be done in housing for the people of this country. We feel so and will continue to feel so whether or not there is a sugar levy. In the same way that money could have been used for the hospital, in the same way that money could have been loaned to the sugar producers in the past, we cannot see how money cannot be loaned to the workers.

Mr. HINDS: Mr. Deputy Speaker, I believe that I would be failing in my duty if I did not seize an opportunity such as this to say that we on this side can offer absolutely no objection whatsoever to the Government's efforts at establishing the type of development that is envisaged in this Resolution, but what I am particularly concerned about is that in the same way the Hon. Minister of Labour has been good enough to tell this Honourable House of his visiting this Sion Hill site three years ago, I am sure there must be on record somewhere the number of visits that were paid to the parish of St. Peter much longer than three years ago, and perhaps more often than any Minister has visited Sion Hill or any other district, and now the time has come when there is undoubtedly money available for housing development, I am to ask the Hon. Minister and the Government proper to make every effort to let the workers of the parish of St. Peter feel and understand that the Government intends going beyond words and promises.

1.55 p.m.

I am hearing from the Minister that he stated that he would look at the problems of the

parish of St. Peter, and perhaps I would say, other parishes— the parish of St. Lucy and the parish of St. Andrew as well: but the point I want to make is this. The Minister, I believe, has been brought up to date, he has been given the fullest knowledge of the plight of the people of the parish of St. Peter. I am sure he is well aware that his own Government has been forced from time to time to embark on a policy of, rather than finding sites to accommodate people in the parish who would like somewhere to place a house in which to live, that they have had to find accommodation in the neighbouring parish of St. James or elsewhere and could not, as such, provide the accommodation necessary for the parish of St. Peter.

It means therefore that one must come to the conclusion that there is absolutely no clear cut policy where housing development for the parish of St. Peter is concerned, because we feel that the Government ought to look into the case of the Heywoods land that has been lying idle for more than 13 years and to see what type of development could be carried out there for the benefit of some of the working class people of the parish.

There are other areas where we find, Mr. Deputy Speaker, that occasion was taken by the Government Ministers to leave their offices with their maps and their plans and what not and to visit sites in the area with their cameramen and photographers and what not, only to fool the people of the parish of St. Peter, because before those Ministers left their offices to visit the particular sites they well knew that there was a water problem in the area because they were armed, they were equipped with their maps and everything and they could have remained where they were in Bridgetown or else without going into the parish to make this kind of puppet show, as we often call it.

What we are asking (Aside) Oh! you went to Rockless with the hon. Member for St. Andrew and Mr. Doc Husbands; yes, you went to Rockless area with the water zone — zone 1 area where you knew before you left your offices that there was a problem there (Aside)...

Mr. DEPUTY SPEAKER: Is the hon. Member addressing the Chair? I hear a lot of asides.

Mr. HINDS: The point I am making, Sir, is that money is now available. The Government has a wonderful opportunity of putting into practice something that they have been trying to preach for a long time. Let us see that something is done

for the parish of St. Peter in this respect of finding land on which people can put their houses — those who own their houses — and the Government can show itself meaningful to the people of the parish by providing some of these low cost houses that people can rent or buy as the case may be, as is shown in other parishes of the country.

Mr. FORDE: Mr. Deputy Speaker, I did not intend to speak on this Resolution but I wish to make a few comments concerning the nature of compulsory acquisition of lands in this country, and to clarify quite clearly my position vis-a-vis another acquisition which Government has in mind.

Now in this case the Government is intending to acquire 16.315 acres of plantations land in the parish of St. James. I am certainly not going to quarrel with the acquisition of land for a public purpose of the nature of housing in instances where we are acquiring from persons who have large lots of land, but I think the Government should lay down for itself various guidelines. For instance, I have had instances of Government acquiring small lots of land from people whose only asset is a quarter of an acre, 7,000 sq. ft, 11,000 sq. ft of land, and who would find it very difficult even on the price which Government is going to pay them for that acquisition, to acquire something else of comparable size, proximity to the area or value.

Now I think where Government owns land near these types of areas, it should not resort to the method of compulsory acquisition unless it is absolutely necessary for things like widening of roads, etc; things that must be done in that physical area having regard to the physical characteristics of the area. (*Aside*) One such instance as you have just heard in a *sotto voce* voice by the Minister of Communications and Works is the Clapham area, and there has been a lot of misunderstanding deliberately or otherwise, on the attitude which the Clapham people take on this issue. I have checked with all but one, as I understand there was only one resident at Clapham who made any statement, and none of them are opposed to other Barbadians being moved into their area.

I know for a fact, as the representative for the part of Clapham area involved, that the persons whose lands are being taken have made direct representations to the Minister of Lands, and the grounds on which they make those representations are that the areas of land involved are so small — this is what I am told by them; I have a copy of the petition and if necessary I will

make it a document of the House — but the areas involved are the only assets. One of them says, for instance, they want to leave it for their children.

2.05 p.m

The areas involved are so small, and since the Government has alternative lands at Wildey and Graeme Hall, that the Government should proceed with doing a re-development in that area rather than depriving the small person of his lot of land.

In another debate on compulsory acquisition in this House before the prorogation, I threw out to the Government the idea of exchanging areas of land with the small land owners such as those in the Clapham area from whom they are compulsorily acquiring land. Otherwise they would expose such persons to having to go to look for land which is retailing in this country for that type of size at \$1.50 plus per square foot because they will invariably have to get themselves in debt by way of mortgage. The repayment Schedule is going to be at a compound interest rate and they are going to be paying something like between 13 and 17 per cent effective rate of interest on borrowing money for such purposes. The Government must consider that a real hardship is caused even in its desire to do good.

Now when it comes to the area of Clapham I have suggested in this House to the Government the acquisition of an area of land which is not used by the owner — Graham Pasture, I think that it is called Bourda Pasture, as some people refer to it — which is an expanse of some five or six acres and which would have answered the problem that is posed by Emmerton. I have suggested that Government look at this in the context that the owner was a non-resident in that area. I do not think that he gets any return on it. It is clear that this could be inquired without disrupting anybody's disposition by their will or forcing a small person to go to acquire land.

That has been ignored. I do not know whether the area was considered suitable or if the advice given by the advisors considered the area suitable; but I would like the Minister to take into account that if he must proceed with the Clapham acquisition rather than resiting the Emmertonians in the area of Wildey or Graeme Hall, he should consider an exchange of land with the persons, giving these persons a piece of the Wildey land or alternatively a piece of Graeme Hall which is public land owned by a quasi-public corporation.

I want to make it quite clear. There will be a shifting in the population of Barbados from time to time and a considerable movement in population takes place. I think that they have got to get away from trying to attack other Barbadians on the basis of their social status or anything of the sort; and I want on behalf of Clapham to make it unmistakably clear, regardless of what malicious people are going around Emmerton and Clapham Lane saying, that we of Clapham and myself personally are not objecting to the Emmertonians at all as persons moving into the area, but we will insist that the Government put in proper roads, light and water and a better standard of amenities and conveniences than I have seen in some of the developing housing areas in this country. We are doing this because we consider it very necessary indeed for housing.

I want to do two things. I want to correct a few errors made by the hon. Member for St. Michael West. I think that the hon. Member does not recognise that I have spoken on the question of the Sugar Levy and the prices of sugar well before the contract was negotiated for the 10,000, tons at \$2,000 a ton.

I pointed out then that it was only fair that a large slice of it should go to the workers. I do not believe that the fruits of the lands of Barbados should be intended only for those who have legal ownership of the lands. People must get that clear in their heads.

I think that the basic objection to the levy is that it is felt that there was not adequate consultation on the matter, not that it was not open to the Minister as Minister of Finance to put the levy on in these circumstances. If that feeling is correct, I would like strongly to advise that when one is dealing with an industry as sensitive as sugar, both in terms of price and structure and the weather, that it would be a good idea to accept the suggestion given, not originally by me at all, but by the Barbados Workers' Union, for a closer tripartite council, if you like, a tripartite economic committee for the island, for the simple reason that the Minister may find that he is getting a total advice rather than just a limited advice.

I would like to see a lot more money going into housing rather than into general revenue. I believe that the general revenue of this country, with efficient management of the economy, should be able to carry itself so that when you get these so called windfalls, they can go into social developments and also developments such as the Bridgetown Harbour and that type of

development which produces an equity type of investment for the future of the country.

Hon. F. G. SMITH: Mr. Deputy Speaker, I will not be long, but the speeches by the hon. Member for St. Peter and the hon. Member for Christ Church West show you the stage which politics have reached in Barbados. We have had some parish pumping by the Member for St. Peter asking for housing areas, and the Member for Christ Church West says that more money should be going into houses. Still we have the Labour Party running through the country from pillar to post telling the people that the money which the Member for St. Peter says is now available should not be made available. Do you see the Jekyll and Hyde approach to politics?

The people must understand what we are dealing with. The Member for Christ Church West wants more money in housing. The Member for St. Peter is begging for St. Peter. The Government has made money available, yet the same party to which both Members belong is running through the country every night bursting people's eardrums saying that the money which the Minister of Finance has made available, should not be available. Do you want a more Jekyll and Hyde approach to politics?

Mr. ADAMS: On a point of order. Since I am Leader of the Labour Party and he says that the Labour Party — and I have spoken at nearly all the meetings, all in St. John for example, I must really tell the Hon. Minister that he should be glad that we are not in St. Michael South Central. I have not told anybody that the money should not be available. The argument has proceeded on a different tack altogether. *(Laughter)*

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, I just want to clear up one or two points. I am not going to get into the general arguments. I remain unperturbed. I am Minister of Finance. We have brought nothing into the world and certainly we can take nothing out of it. We want to leave something here for the people of Barbados. That is all we are trying to do. I cannot take anything with me because the Constitution does not allow me to, and I have no inclination to do it.

What I particularly wish to bring to the attention of the Member for St. Peter who is not in his place is that when the former Minister of Agriculture and the former representative of the parish of St. Peter went to St. Peter looking at the land and so forth, it was in relation to development control under the Town and

Country Planning Regulations where someone had put up an edifice or constructed a building which, up to now, I do not know if it has been demolished or not; but it was a question of retaining this building in a prohibited area; but the present Minister of Housing and myself and other members of the Cabinet have been to several areas in St. Peter from time to time looking for suitable places to develop housing for the people.

2.15 p.m.

When we are elected as a Government we do not say that the people who live in St. Peter are not entitled to housing, because we collect taxes from the whole Island. We do not say that the people in St. Thomas are not entitled to this or that, because the people in St. Thomas also pay taxes. The Government is a Government of the majority of the people but we cannot pick out people in certain areas, we have a Development Plan for the whole Island and if the Minister has not stipulated the areas in St. Peter in which we are going to develop our projects it is because he has placed the matter in the hands of the Chief Town Planner within the overall development plan for the Island which has certain restrictions or constraints both as regards water development and other matters subject to the by-pass road in St. Peter. I have myself solicited from owners of the areas an undertaking of at least five acres of the land for the sanitation of the northern area, a clinic for the Ministry of Health and other developments such as a co-operative supermarket and so on, and a bus terminal. All of that is for St. Peter, we do not have a representative for St. Peter but we are the Government of the whole of Barbados.

Quite apart from the negotiations going on between the Crown Solicitor and the legal representatives for the owners of the land, there is always the constraint of financial resources, and therefore if we have the financial resources now, we come at a time when we are capable of implementing these things. That is all I want to say, so it is not that we are leaving out any area, we just do not sprinkle housing areas all over the place like black pepper on a cheese omelette.

Hon. P. M. GREAVES: Mr. Deputy Speaker, we do not have to apologise for anything we are doing with the houses because I believe what we are doing we are doing for the people of this country. As a matter of fact, I believe that this \$8 million that the Minister of Finance has been so good as to allocate for housing development or for mortgage purposes will go a long way towards fulfilling the dreams of a number of poor people in this country, but that is only for this year and

there are other years to come, but let us leave that aside, those Members who have spoken have exhibited a lot of hysteria.

I want to reply to two matters raised by the hon. Member for Christ Church West and set the record straight, because I received a letter signed by a number of persons living in the Clapham area some of whom do not own land which the Government intends to acquire. Everybody who had, is aware that we are acquiring land, but several other persons living on the boundaries of this land have made representations to me not on the basis that the land is too small or that it is all they have to live on, or that it is what they want to leave to their children, but I want to make this point. It is not that we went willingly and searched around for small plots of land to acquire, this is land that had been earmarked since the middle 1960s by a team of planners headed by the United Nations planner here, Mr. Thornley Dyer and Mr. Peter Stevens. One can check the records in the Town Planning Department. We are merely taking up the opportunity of using these lands that are reserved or earmarked for housing development for this very purpose, and we intend to site these people there.

The other point is the question of the services we will be putting in. The Member for Christ Church West has not been visiting the housing areas for which we are responsible because he would not have made such an irresponsible statement.

Mr. FORDE: On a point of order, the hon. Member cannot accuse me, according to the rules of this House, of making an irresponsible statement, but I will draw to the hon. Member's attention that in his own constituency in Lodge Hill the Government has only partially put in roads before it moved in people in the area behind British American Tobacco Company, and has not even acquired a right of way entering from the main road into the area. People in there are very disappointed.

Hon. P. M. GREAVES: Mr. Deputy Speaker, again the hon. Member is not familiar with the facts. If he were to go to Green Hill, he will see a road there under construction between the cigarette factory and Ready-Mix Concrete Products. There were problems in acquiring that road, but it is not a bad road, it was a road that was not paved but it had a hard surface and it would not be responsible of us to allow that road to prevent us from putting in the nearly 200 houses we have up there. We are barber greening the roads in Friendship Terrace, the area behind

the cigarette factory, we have put in drains, paved it, and are now barber greening it, and now that we have been able to conclude negotiations with the owners of that access road we are now laying a better surface which we are also going to barber greene, which will probably be done in a matter of days.

Mr. Deputy Speaker, the services that we put in for people living in the housing areas are the kind of services suitable for any kind of development in Barbados of any quality. We have given them the roads, we are giving them good water, we demand lights, we have water borne systems in the houses, and this is the standard from which we do not intend to depart.

I want to make this point. If there are any services in any of the housing areas that are substandard, this Government is not responsible, they were put in before this Government came into power.

The Question that the Resolution do now pass was put and resolved in the affirmative without division.

SUSPENSION OF SITTING

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, I beg to move that this sitting be now suspended until 3.15 p.m.

Hon. P. M. GREAVES: I beg to second that.

The Question was put and resolved in the affirmative without division, and Mr. DEPUTY SPEAKER suspended the Sitting accordingly.
2.25 p.m.

On Resumption:

Mr. DEPUTY SPEAKER: This sitting is resumed.

Mr. MOTTLEY: Mr. Deputy Speaker, before we revert to Government Business, I would like to seek leave of the House to give notice of a Petition. I must apologise for not being in my place at the appropriate time to deal with the matter. If the House has no objection, then I will present the Petition.

Mr. DEPUTY SPEAKER: There being on objection, permission is granted.

PRESENTATION OF PETITION

Mr. MOTTLEY: Mr. Deputy Speaker, I beg to present a Petition to amend the Barbados Fire Insurance Company Act, 1881.

GOVERNMENT BUSINESS

Hon. P. M. GREAVES: Mr. Deputy Speaker, I move that Order No. 10 be the next Order of the Day.

Hon. A. MORRISON: I beg to second that.

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

Hon. P. M. GREAVES: Mr. Deputy Speaker, this is a money Resolution, and I move that the House do now go into Committee of Supply.

Hon. A. MORRISON: I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. DEPUTY SPEAKER left the Chair and the House went into Committee of Supply, Mr. LOWE in the Chair.

HEAD 118 – MINISTRY OF AGRICULTURE, SCIENCE AND TECHNOLOGY

Hon. A. MORRISON: Mr. Chairman, this is just a simple amendment to the Note which appears under the Capital Estimates, Head 118 – Ministry of Agriculture, Science and Technology – Item 16 – Greenland Development Project. We are amending the Note to read:

“Provides for all expenses in connection with the Greenland Development Project including the establishment of a revolving fund for the purchase, upkeep and sale of livestock.”

We are trying to use some of those funds, which have already been voted by Parliament, in a revolving fund for the purpose of buying livestock and keep the whole fund going without coming back to the House to ask permission to use those funds.

I beg to move that this amendment do now pass.

Dr. the Hon. R. B. CADDLE: I beg to second that.

Mr. MOTTLEY: Mr. Chairman, the Minister says that this is a simple amendment to the Note deleting a certain sentence and replacing it by providing a revolving fund for the purchase, upkeep and sale of livestock. I would have thought that in introducing this, although in

itself it is a simple amendment, as he said, the Minister would have given a detailed statement as regards the objectives and the Government's policy in relation to this matter. We have read recently in a newspaper something concerning this matter. One would have liked to hear from the Minister a detailed statement as regards his plans for the establishment of this revolving fund for the purchase, upkeep and sale of livestock at Greenland Plantation.

From time to time we hear of various shortages, whether in meat or other foodstuffs, and I think it is time that the Ministry should make clear to the public what are the requirements in respect of livestock in Barbados and how it hopes to meet the shortages. I believe that some time ago there was difficulty with the importation of mutton into Barbados. Perhaps the Minister will be able to tell us what his Ministry is planning to do to ensure that the difficulty that arose in the past will not arise again. We hear from time to time that there are problems in the chicken industry in Barbados, and we would like to know how the Ministry hopes to achieve its objectives.

Hon. A. MORRISON: Mr. Chairman, in presenting the Annual Estimates, we have already outlined the project for Greenland and the House has already voted \$½ million for that project. We said that we intended to assist the dairy industry at that time by eventually buying the young calves, which were very expensive for dairymen to keep and raise, in order to have a very viable project. We said that we would provide funds in order to buy young calves from dairymen; keep them and raise them, so that by the time they are ready for replacements they would be able to obtain them from a Government source. We are trying to avoid having to go back to Canada to purchase these expensive cows, which take very long to acclimatize in the Caribbean. We have had great difficulty in getting calves from some of the cows, and we have decided that we should use our basic stock, having obtained 400 expensive cows from Canada, in order to raise cows from the offspring. This will be a further assistance, and I am sure that the dairymen will welcome this type of assistance, because it has been very expensive for them to concentrate on milk production and so on.

We propose in this scheme to be able to embark on a pilot project. We do not want to start too big and then collapse. We will watch our steps as we go along. We propose to buy 165 head of cattle; 200 sheep; about 200 pigs, and we have had to allocate the money which is available, the \$500,000, as follows:

	\$
Plant and equipment, fencing of pastures and other construction, etc.	206,100
Repairs and maintenance to the present building	32,000
Salaries & Wages	57,400
Fertilisers, water, oils & lubricants	44,500
Revolving Fund	<u>160,000</u>
	500,100

As far as the poultry industry is concerned, we have been able to reach our production targets. What has happened is that there have been some very bad forecasts, from time to time, in relation to the amount of poultry available. Sometimes we overproduced and after overproduction we then had a short-fall. Sometimes we had too many chickens and then we had a short-fall. These have been the marketing problems associated with the poultry industry. We have been up to marks with our poultry production. We are looking at the marketing of these products, and we hope to be able to solve problems as we go along during this financial year.

The question that the note to Item 16 of Capital Head 118, as amended, stand part was put and resolved in the affirmative without division.

Hon. A. MORRISON: Mr. Chairman, I beg to move that Your Honour do now report the passing of one Resolution in Committee of Supply.

Mrs. EASTMOND: 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.

3.25 p.m

On the separate motions of Hon. A. MORRISON seconded by Mrs. EASTMOND, the Resolution was read a first time and second time and agreed to.

QUESTION TIME

Hon. P. M. GREAVES: Mr. Deputy Speaker, I beg to move that Question Time be now taken.

Mrs. EASTMOND: I beg to second that.

Mr. MOTTLEY: Mr. Deputy Speaker, I am not objecting, but I am just trying to ascertain

the length of time during which Question Time will be taken.

Mr. DEPUTY SPEAKER: There are five questions to be answered.

The Question that Question Time be now taken, was put and resolved in the affirmative without division.

QUESTION RE UNIFIED TEACHING SERVICE

Mr. DEPUTY SPEAKER: Parliamentary Question No. 21 stands in the name of the hon. member for St. Peter.

Mr. HINDS: Mr. Deputy Speaker, the question reads as follows:

To ask the Minister of Education, Community Development, Youth Affairs and Sport: Is it a fact that Government intends establishing a unified teaching service? 2. Is it also a fact that Government intends introducing a unified Secondary School system, embracing both Grammar and Comprehensive Schools? 3. When does Government propose moving towards Nos. 1 and 2 above?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, the reply to Parliamentary Question No. 21 is as follows:—

"It is the Government's policy to work towards the establishment of a unified teaching service and a unified secondary school system. However, it is not practicable to give a date for the total achievement of that policy objective."

Mr. HINDS: Can the Minister report progress seeing that he is working towards this? Can he give us a progress report as to what has been achieved to this end to date?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, as measures are taken to achieve this policy objective, such measures will be given wide publicity.

Mr. HINDS: Does the Minister mean wide publicity as is given to this Hon. Chamber?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, I mean that wide publicity will be given to the measures which are taken.

Mr. HINDS: Does the Minister realise that he owes a responsibility to this Honourable House pertaining to this matter.

Hon. L. E. SANDIFORD: Yes, Mr. Deputy Speaker.

QUESTION RE "O" LEVEL STUDIES

Mr. DEPUTY SPEAKER: Parliamentary Question No. 23 stands in the name of the hon. member for St. Peter.

Mr. HINDS: Mr. Deputy Speaker, the question reads as follows:—

To ask the Minister of Education, Community Development, Youth Affairs and Sport: Is it a fact that plans are afoot to channel all post — "O" Level studies through the Barbados Community College, thereby removing sixth forms from such schools where they presently exist?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, the reply to Parliamentary Question No. 23 is as follows:—

"The whole matter of the provision of post-secondary education in as efficient a manner as possible, bearing in mind the development of the total educational system, is currently being considered. As soon as this process is completed, any necessary measures will be formulated."

Mr. HINDS: Can the Minister tell us how soon he expects these plans to be completed?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, it is impossible to give at this stage a time frame within which this particular process will be completed, but the hon. member can rest assured again that any measures taken in this regard will also be given wide publicity.

Mr. MOTTLEY: Mr. Deputy Speaker, I just want to find out whether the Minister is stating as a fact that it is Government's policy to remove the Sixth Forms from the schools? He has given a vague answer, but he has not answered the question.

Mr. DEPUTY SPEAKER: May I hear your substantive question?

Mr. MOTTLEY: Is it Government's policy to remove the Sixth Forms from such schools?

Mr. DEPUTY SPEAKER: The Minister has already given his answer.

Mr. MOTTLEY: Do you think so?

Mr. DEPUTY SPEAKER: He is the Minister and it is not for me to question it.

QUESTION RE ZONING OF SCHOOLS

Mr. DEPUTY SPEAKER: Parliamentary Question No. 24 stands in the name of the same hon. member.

Mr. HINDS: Mr. Deputy Speaker, the question reads as follows:

To ask the Minister of Education, Community Development, Youth Affairs and Sport: What plans does the Government have to zone schools so as to take care of, amongst other things, the "bussing" of little children over long distances as at present?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, the reply to Parliamentary Question No. 24 reads as follows:

"Primary Schools are located throughout the island and children of primary school age can reach these schools without having to travel very long distances by bus.

It is planned to continue the present programme of providing secondary schools to serve defined centres of population to eliminate the necessity for children to travel over extended distances.

Meanwhile, the Common Entrance Allocation Committee is being authorised to use its discretion in ensuring that in the final allocation of secondary school places, as far as possible, no undue hardship is imposed on any qualified candidate by requiring him/her to travel very long distances."

Mr. HINDS: Is the Minister admitting in the last part of his reply that there is presently an undue hardship on these children?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, I do not think that it is any secret that some children who attend secondary schools travel long distances and some of them may suffer hardship.

QUESTION RE BASIC SALARY SYSTEM

Mr. DEPUTY SPEAKER: Parliamentary Question No. 25 stands in the name of the same hon. member.

Mr. HINDS: Mr. Deputy Speaker, the Question reads as follows:—

To ask the Minister of Education, Community Development, Youth Affairs and Sport: What plans does the Government have for establishing a basic salary system for heads of all Secondary Schools and then a differential to be determined by the number of pupils attending?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, the Reply is as follows:—

"There is already in existence an established system for payment of all headteachers of public secondary schools. Changes to that system are under consideration.
3.35 p.m

Mr. HINDS: Mr. Deputy Speaker, does the Minister intend establishing a unified system? A basic salary system?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, there is a basic salary system for heads of secondary schools. In that system all heads of Government Secondary Schools are now paid the same salary, with the exception of the heads, I believe, of three of the secondary schools which carry sixth forms; but the heads of one of the older secondary schools — Girls Foundation School — and the head, let us say, of the West St. Joseph School, all receive the same salary.

Mr. HINDS: Is there any attempt being made, Mr. Deputy Speaker, to pay these heads the differential according to the numbers at the respective schools?

Hon. L. E. SANDIFORD: Mr. Deputy Speaker, as I indicated earlier, changes in the present system are under consideration and my Ministry is in touch with the Establishments Division on a number of matters including this one.

Mr. DEPUTY SPEAKER: Question No. 32 standing in the name of the same hon. member.

Mr. HINDS: Mr. Deputy Speaker, to ask the appropriate Minister: Is the Minister aware that the Police Department of Immigration is not equipped with Application Forms to meet the demands of persons over sixteen years of age making application for the issuing of Passports? 2. Would the Minister enquire into this state of affairs and make an early statement with a view to allaying the fears of persons intending travelling and requiring passports? 3. Would the Minister enquire into the cause leading up to such a situation arising with so important a Department?

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, on behalf of the Minister, the answer to Question No. 32 is as follows:-

"The Police Department is equipped with a sufficient number of application forms to meet the demands of persons over 16 years of age making application for passports.

In view of the answer to No. 1, no necessity for No. 2 arises.

In view of No. 1 no necessity for No. 3 arises either."

Mr. HINDS: Can the Minister state if, on 20th May, 1975, the day on which this question was asked, the police were equipped with those forms?

Rt. Hon. E. W. BARROW: No, Sir.

Mr. DEPUTY SPEAKER: That brings us to the end of Question Time.

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, I beg to move that Government Business be resumed.

Hon. A. MORRISON: I beg to second that.

Mr. ADAMS: Mr. Deputy Speaker, we have reached another stage of the time table (*Aside*) I do not often let heckling put me off, Sir, but when I was speaking on the suspension of the Standing Orders there were some interruptions which did give me a little shake. Now as between Government Business and Private Members' Business which are two alternatives — because if we vote against the Government Business presumably we will get Private Members' Business — there are only four Items left now on the Order Paper of Government Business, and a comment was made that the Leader of the Opposition will not do the Private Members' Business.

I would respectfully point out to the House that of the Items in Private Members' Business that stand on the Order Paper in the name of the Opposition two are before Select Committee and the other two are being debated, and the only Items of Private Members' Business which are not being debated are Items 1, 6 and 7, all of which stand in the name of the hon. member for St. Lucy who has had abundant opportunities to debate them, as far as I am concerned; and it is quite untrue to say that the Opposition is opposing the doing of Government Business today because we are

trying to do Private Members' Business that we should have done before, when in fact we have done all the Private Members' Business we can, and the instant matter which is being discussed in Private Members' Business is Item 5 which — I ask that hon. members pay attention to Item 3 and deal with the two together — we will be glad to finish today. I do not know if the Prime Minister would like to give us an hour to do it now.

The question that Government Business be resumed was put and resolved in the affirmative without division.

Mr. DEPUTY SPEAKER: Government Business is the instant order of the day.

GOVERNMENT BUSINESS RESUMED

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, I beg to move that Item 6 be the next Order of the day.

Hon. A. MORRISON: I beg to second that.

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

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, notice of this Bill was given on the 1st July, 1975 and it was read a first time. The purpose of the Bill, of course, is to provide for the control, conservation, development and operation of areas of land in Barbados declared to be caves. The occasion for the introduction of this Bill was the rediscovery of an area in St. Thomas known as Harrison's Cave. I should like to say rediscovery because there is evidence on the records of the Waterworks Department that quite a long time ago the existence of this cave was known but for some reason the access to the cave became obliterated and it was only after some extremely heavy rainfall, I believe, in October, 1970 that an opening to the cave was found by someone of Scandanavian descent who was educated in Barbados in his boyhood, and some of the most interesting caves, certainly in the Western Hemisphere, I would not like to say, came to light, but certainly were brought to the attention of the Government.

3.45 p.m.

Then, on further investigations it was discovered that these caves were of more than passing interest. Not only were they not mere holes in the ground, but they had geological and other formations, waterfalls, rivers, streams and so on which would be of tremendous attraction to people who were interested in caves, and to

local inhabitants as well as to visitors to the island.

Well, certainly, some problems arose because the doctrine is that a man is deemed to own the land from the middle of the earth to the top-most point of the heavens — wherever that is. I hope that none of the incumbents of the ecclesiastical edifices close to this building will see fit to take me up when I say that I do not know where the topmost part of the heavens is, because I do not honestly know. Maybe they will enlighten me on where it is.

But, as far as the law of Barbados is concerned, you are supposed to own everything down to the middle of the earth if you can ever get there. This is some 4,000 miles to the centre of the earth, and you are deemed to own that up to the topmost point of the heavens wherever that is. I do now know. That is what the law of the island says.

I think that if the Government had gone ahead and just opened caves there would have been no reasonable way to the inhabitants of the parish of St. Thomas and the surrounding districts discovering that they had any caves under their lands, because these caves are at a considerable distance, 200 or 300 feet under the subsoil, under the overlying structure; but we did not think that in view of the legal rights of the people we should go ahead with the exploration of caves until we had done a careful mapping of the area by scientific methods in order to discover the overlying owners as it were, of the land in whom the rights would rest because if anything was done without their consent they might very well have a cause of action.

It has been decided to pay compensation for the use — in other words — for the right of way under the land of these people who would have proprietary rights, over the caves in that district. We did very detailed maps. A lot of work has been done, but it has been decided to set up a Caves Authority, and provision is being made for this in the Bill. We have had a committee working on the project with engineers and experts. We have had people from the United Nations Organisations and from the US Department of Agriculture and various other scientific organisations such as the National Geographic Society and other interested organisations who have come down and had a look at the work which is being done, or which it is contemplated should be done.

No actual work has been done because tunnelling to give easy access to a distance of at

least 600 yards to a half mile would have to be done in the neighbouring Welchman Hall Gully, and some kind of vehicular access will have to be made either by a small light railway or electric cars or something like that, because older people will not be expected to walk the distance involved. Certain safety precautions, of course, will have to be taken, both from the health point of view against things like leptospirosis and also against the danger of people slipping and falling because they are not always perfectly level, but they are quite spectacular.

Part I of the Bill deals with interpretation. Part II provides for the establishment of the Caves Authority, and Part III deals with the finances of the Authority, how they should get their income and how they will dispose of their income. In Part IV there are miscellaneous provisions which give the Minister power to make regulations, amongst other things, prescribing the manner in which caves are to be operated, prescribing the fees chargeable for entering any cave under the control of the Authority and for the preservation from danger of any person employed at, or of any member of the public using any such cave, for the prevention of any deterioration or destruction of any such cave and for all other matters which are deemed necessary for carrying out the provisions of the Act.

Then in the Schedule, the composition of the Authority which is what I would like to draw to Your Honour's attention, is therein set out. It is the Director of Tourism *ex officio* or his nominee; the Chief Town Planner *ex officio* or his nominee; the Chief Engineer, Waterworks Department *ex officio*, the Director of Finance and Planning *ex officio* or his nominee; the Chief Technical Director *ex officio* or his nominee; a representative of the Barbados National Trust nominated by that body and appointed by the Minister, a representative of the Parks and Beaches Commission and three other persons appointed by the Minister.

That roughly concludes the ambit of the Bill, and I hope that after this legislation is passed we will be able to go ahead with the financing of the Authority in order to open these additional resources of Barbados to the general public.

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

Hon. A. MORRISON: I beg to second that.

Mr. ADAMS: Mr. Deputy Speaker, some years ago — I think it must have been in the

previous Parliament, perhaps as much as four years ago — after visiting Bermuda where I saw how much had been done to the Crystal Caves in Bermuda which had been a tourist resource for that small island for a large number of years, I spoke here and suggested that the caves in St. Thomas, particularly Cole's Cave, would bear developing along similar lines. Therefore I would like to be the first to welcome the Government's recognition of the fact that cave development contains a good deal that is likely to be of value and interest to naturalists, scientists and others as well as tourists.

I well appreciate the necessity of having legislation which will, although in some small way, restrict an owner's right to pursue his property to the centre of the earth, yet has the utility of value to Barbadians rather than that of maintaining the ancient Common Law Rights of land ownership.

Well, Sir, having said all the good things, I now have to launch a broadside. I think that, apart from the provisions which make it an offence to interfere with caves and the provisions which will give authority to take over the development of caves, this Bill as a whole is misconceived, and I feel that caves should have been put under the control of the Parks and Beaches Commission.

I think that we are over-governed in Barbados. It is quite unnecessary to have another authority dealt with in the Schedule from (a) to (f) and others appointed by the Minister of Tourism. All that was wanted was an amendment which would change the name of the Parks and Beaches Commission, if that was necessary, to the Parks, Beaches and Caves Commission.

It must be obvious to anybody that an occasion might well arise that you purchase land from Walkes Spring Plantation in St. Thomas to make that into a very pleasant valley which gives access to Coles Caves and makes it a park. It is not used for any other purpose and it is as interesting a place in its way as Welchman Hall Gully. I believe that it is a continuation of Welchman Hall Gully.

3.55 p.m.

It is obviously a continuation of Welchman Hall Gully which starts at 900 feet at the beginning of a watercourse which runs underground and which continues under Walkes Spring. It is obvious to me that there is going to be a unified development at some stage. You talk about beaches, I do not know how many hon. members of the House are familiar with the beach

entrance at the back of the cliff where Senator Sir Theodore Brancker lives, but many people have suggested that the great outfall of fresh water that appears under Sir Theodore's house creates a natural fresh water pool in the sea blocked off by rock. Many persons have considered that such a volume of water should not just be developed in St. James but it is likely to be the exit of one of the underground streams arising in St. Thomas and therefore you have the exit of a cave pouring fresh water on the beach.

I have always viewed the Parks and Beaches Commission as the watchdogs of our ecology and persons who should be in the forefront and thus be responsible for the sensible control of the use of these parks and beaches so that we can use what God has given us under careful direction from a sensible body. I must say that as far as I am concerned Parks and Beaches is a perfectly competent body of persons and I would regret to see its employment policies or financial matters made use of as a political weapon when in fact so many people on both sides of the House and elsewhere have such a good opinion of what Parks and Beaches is doing. I think it is really a waste of the Government's administrative procedure to set up a Caves Commission to deal with what, Sir? Perhaps Animal Flower Cave, Harrison's Cave and Cole's Cave. That is all it will be dealing with.

I would like to pay tribute to the English gentleman who lives at Lascelles who I believe has had his health damaged in the exploration of the cave, and I imagine the Prime Minister's remark related to him, because I believe we could never have got hold of somebody to translate suggestion into practical reality. I do not know to what level the Government intends finding support for the exploration of caves, but I think he is doing a service to Barbados.

Subject to the fact that I believe it is a waste of time to have a new authority to deal with just a few caves when Parks and Beaches is dealing with all the parks and beaches around us, we are glad to see anything that will lead towards the development of caves.

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

On the motion of Rt. Hon. E. W. BARROW, seconded by Hon. A. MORRISON, Mr. DEPUTY SPEAKER left the Chair, and the House went into Committee on the Bill, Mr. LOWE in the Chair.

Parts I to IV inclusive were called and passed.

The Schedule was called.

Rt. Hon. E. W. BARROW: Mr. Chairman, I beg to move that this be the Schedule.

Hon. A. MORRISON: I beg to second that.

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

On the motion of Rt. Hon. E. W. BARROW, seconded by Hon. A. MORRISON, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Rt. Hon. E. W. BARROW, seconded by Hon. A. MORRISON, the Bill was read a third time and passed.

Mr. DEPUTY SPEAKER: Order No. 7 is the instant Order of the Day.

THE SUCCESSION ACT, 1975

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, on 15th November, 1969 the Barbados Minister of Home Affairs, who was then Senator Philip Greaves, gave a Press Conference at his Office in Bay Street stating the Government's policy on the family provisions.
4.05 p.m.

I do not intend to go into the full details of that Press Conference because I do not have any document which I am in a position to make a document of the House and I only have an extract on a file, but anyone who wishes to consult the record will find the Report of that Press Conference in the local daily newspaper of that date, November 15, 1969. That is some six years ago.

Now, on page 23 of the Manifesto of the Government Party — a Manifesto on which this Government was returned with an increased majority of seats to the Legislative Assembly of this Island — it was stated that the Government intended to introduce legislation to remove the discrimination between legitimate and illegitimate children in the laws of this Island. That was over four years ago. The meaning of the word "Manifesto" is abundantly clear to anyone. It means all things are made clear. You declare what your intentions are. No one at that time accused the Government of vote-catching, and, if there was any time when

the Government should be accused of vote-catching, it should be at election time.

Mr. Deputy Speaker, as far as I know, I did not hear of — because I do not attend political meetings — a single dissenting voice from any of the people who were contesting seats against Government candidates. I put it as widely as that. I am not saying against the Opposition Party because there is no Opposition Party at election time. You are voting for a Government. If you have candidates who are members of the existing Government and people who would like to be members of the existing Government, or any Government, whatever Government it is, that is endemic in the political system which we have. (*Asides.*)

Mr. DEPUTY SPEAKER: They want to have the air conditioner turned on.

Rt. Hon. E. W. BARROW: If they wish an air conditioner on, then turn theirs on. We will suffer over here.

Mr. DEPUTY SPEAKER: It is difficult for the Reporters to hear. I can scarcely hear you sometimes.

Mr. ADAMS: The reason why that is so noisy is due to the fact that it is turned off from time to time. If it was turned on and allowed to run, its noise would subside because the compressors only go when the air is so hot.

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, I will try to speak up a little. In 1969 I said the Minister had a Press Conference. In 1971 we declared our intentions in the Manifesto. Excuse me, Sir. I want to consult the records because I do not want to misquote any dates. In January, 1971, bearing in mind now that the election was held in September, 1971, the Cabinet of Barbados made a decision to amend and consolidate the laws relating to intestacy, the making of wills, administration of estates, including provisions relating to escheat and the provisions relating also to the removal of discrimination against children. This is now the principle being enunciated in the Cabinet for the first time.

In January, 1971 — I want to get these dates abundantly clear because there was a public pronouncement in 1969 by the Minister of Home Affairs. In 1971 the Cabinet made a decision, and the legislation not having been introduced before the dissolution of the Legislature, it was placed in the Manifesto of

the then and still ruling Democratic Labour Party. I think it is found on page 23 of the Manifesto that the Government so intended to introduce this legislation, not going into all the business of the laws relating to intestacy, escheat and that kind of business, but particularly in relation to removing the discrimination against illegitimate children.

I want to say at the outset that I am No. 4 in my family. My father was at the time of my birth an Anglican Priest. I do not particularly care, but I did not really have a chance, he being in the Priesthood, and I being No. 4 even to have been conceived out of wedlock. I was not the eldest in the family. I was No. 4, and he was a Priest. I do not know what the quarrel is because I do not have any interest in this matter whatsoever one way or the other. I am the Leader of a Government. Having so said, I can now proceed to discuss this matter as the Leader of a Party which has policies and will carry out the promises which have been made to the people in its Manifesto at the time of the last election.

Having made the decision, there was some hiatus between the Cabinet decision in January, 1971, and the drafting of the legislation to bring here before Parliament was dissolved. It did not take place, so we put it in the Manifesto. The next thing that happened is that the matter came back to the Cabinet and the Cabinet underscored the provision about illegitimate children whose fathers' names were inserted on the certificates of birth. The Cabinet made refinements, and the rights of children who are not born in wedlock are contained in the provisions before us today.

In other words, months before, in January 1971, the terms and conditions under which an illegitimate child would have the right to claim or succeed on intestacy from the father were worked out. An illegitimate child has always had a right to succeed on the intestacy of the mother, but has never had that right under the Common Law or Statute Law of Barbados so to succeed his father except in those enactments such as Workmen's Compensation, National Insurance and so on that this Government has introduced from 1962 onwards.

4.15 p.m.

There is nothing novel about this legislation. The matter then went before the Crown Law Officers and it was not until 1973 that the matter came back in draft form to the Cabinet. But in the interim period the draft provisions had been sent to the legal associations for their consideration and comments.

Now for the Annual Conference in 1974 of the Democratic League of Women. This was not like the conference in Mexico where they had a man in the chair as Chairman; they had 6,000 delegates at the conference held in Mexico two weeks ago, but the chairman was a man this is an organisation within our party from which men are totally excluded. A man is not even allowed into their meetings to take in a glass of water, this is completely run by the female members of the party, and they tabled a Resolution which was accepted and passed at the annual conference of our party asking the Government to implement legislation removing the discrimination against illegitimate children.

Some time earlier this year the Attorney General and Minister of Legal Affairs was invited by the Barbados Bar Association to speak on Law Reform in Barbados. The Minister had to leave the Island on a conference, I cannot remember which, and the Minister gave me his notes and asked me to address the members of the legal profession — there were some judges present as well as some law teachers — informing them what the Government was doing about law reform, and amongst the list of laws which the Government intended to introduce, I mentioned what the Minister himself would have mentioned to the lawyers was Government's intention shortly to introduce as a top priority, it being in abeyance for such a long time, the law relating to succession, and to remove any discrimination against children whether they were born in or out of holy wedlock.

I think, to the surprise and mortification of everybody in Barbados, that that gave rise to a political Philippic — I do not intend even to dignify the gentleman by mentioning him here in this Assembly — by a member of the Church accusing me of vote catching. Now anybody who has lived in Barbados even for two weeks would know that the legal profession, I cannot even say like the Gaullists, is divided into three parts. It is divided into two sections; those who believe in Heaven and those who do not. In other words, those who support the Government and those who do not support the Government, whichever side the Government is on. Every person who is in politics knows where every lawyer votes; so you do not go to lawyers to get votes. As a matter of fact, I was not even aware that the list of items of legislation which I was reading out at that time was being recorded for publication in the press or over any kind of news media because I was speaking as a stand-in for the Attorney General and Minister of Legal Affairs, explaining to the members of the profession, of which at one time I had the honour actively to belong,

what the Government's intentions were about law reform in Barbados. It was as simple as that.

Anybody who has been living in Barbados for four years would also know that throughout the whole of the West Indies there is only one politician who does not hold public meetings or ask for votes either in the pulpit or on a street corner or anywhere else. I do not hold public meetings to ask people for votes, neither do I find it necessary after being in Parliament for over 20 years and representing my constituency for the last 16 even to go to a house to ask a person for a vote, because I know how my people vote. So the most uncharitable statement that could be made in Barbados was that I had run out of ideas and that I am trying to catch people's votes, and that coming from a gentleman of the cloth. Why, he ought to be wearing sackcloth, and daubing his face, and doing penance because, certainly, the sentiments which he expressed are not christian or charitable sentiments, and certainly they cannot bear the light of inspection in the light of what people know about what happens in Barbados. Also, he must be living in the Middle Ages unaware of what is happening in the outside world.

I have in my hand here a document of the United Nations Economic and Social Council of the Commission on Human Rights sub-titled "A Study of Discrimination Against Persons Born out of Wedlock" — Report of the Secretary General of the United Nations Economic and Social Council, dated 3rd January, 1972, Economic and Social Council Document 4/1078. That is what you call giving chapter and verse. In dealing with this problem, the Commission had before it a study of discrimination against persons born out of wedlock prepared in English, French and Spanish, and the Russian Version was also available. They dealt at that meeting with reports from the various countries in alphabetical order.

From Austria the report came that as a matter of principle an illegitimate child has the same rights as a legitimate child to maintenance, care and education. Further, under the new legislation, an illegitimate child is entitled in certain cases to a share of his father's estate upon intestacy and to a "compulsory portion".

Now in the Scandinavian countries they are much more advanced sociologically than in any other European countries. We come to a place like Guatemala, where it was stated in that report that there is no discrimination against persons born out of wedlock. All children enjoy equal rights and then the particular legislation dated 17th April, 1945, is quoted *in extenso*, and it

concludes that the civil code of July 1964, states in Article 1076 that children whether born in or out of wedlock shall inherit from their parents in equal shares. An adopted child shall inherit from his adopted parents to the same extent as the adoptive parents' natural children but there is no right of succession between the adoptee and the relations of the adopter or vice versa.
4.25 p.m.

The Constitution of the Republic now in force includes the following provisions: all human beings are free and equal in dignity and rights in Guatemala. Any discrimination on account of race, colour, sex, religion, birth, economic or social position or political opinion is prohibited.

Article 43. All children are equal before the law and have identical rights. Article 86, second paragraph — Hungary. The Report says the Hungarian law contains no discrimination whatsoever against persons born out of wedlock and such persons have been considered completely equal regarding all their rights with those born in wedlock.

In the Ivory Coast, by virtue of Act No. 64377 of October, 1974, children born out of wedlock enjoy the same rights as legitimate children or children who are legitimated when their application has been legally established.

The Khymer Republic. Under Khymer law, there is no discrimination against persons born out of wedlock. In Kuwait a fund was established for children born out of wedlock. The Ministry of Social Affairs and Labour contributes five dinars every month for the welfare of each child born out of wedlock. These funds are deposited in an interest bearing account in a bank in trust for the child and the Ministry of Social Affairs and Labour may invest these funds and act as trustee over them until the child comes of age.

The Islamic Sheria does not discriminate among persons born within wedlock and those persons born out of wedlock in so far as the exercise of legal rights is concerned. Kuwaiti laws also guarantee equality to persons born out of wedlock in the exercise of political, civil, social and cultural rights and in opportunities of employment open to them. There have been no recent changes.

In Liberia, no discrimination exists against persons born out of wedlock nor have there been any developments since 1966 whereby discrimination is practised against such persons.

In Luxembourg a Bill is under study which aims at granting natural children the same

inheritance rights as those enjoyed by legitimate children.

In Madagascar, there is no difference under the law where succession is concerned between children born in and out of wedlock as long as the blood relationship is established.

In New Zealand, the effect of the Status of Children Act of 1969 subtitled: "An Act to remove the legal disabilities of children born out of wedlock" was to abolish illegitimacy as a legal status. Section 3(1) of the Act states that the relationship between every person and his father and mother shall be determined irrespective of whether the father and mother have been married to each other, and that all other relationships shall be determined accordingly. Except in relation to instruments executed before January 1, 1970, the Act abolishes the rule of construction whereby words of relationship in an instrument signify only legitimate relationship unless there is a contrary expression of intention, nor is it possible with instruments executed after that date — that is, January 1, 1970 — to defeat the application of Section 3(1) simply by using the words 'legitimate' or 'lawful' to limit the relationship. For example, if a testator makes a will after that date leaving property to be divided among his lawful children without any other words of limitation, the intention of the Statute is that all his children will take so long as the requirements of Section 7 are kept.

Developments in the United Kingdom and Northern Ireland have been in the Family Law Reform Act of 1969, which provides that an illegitimate child and his parents should have the same rights to share in each other's estates. It also gives illegitimate children the right to apply to the court for provision out of the estate of their parents as if they were legitimate children.

In Scotland, by the Law Reform (Miscellaneous Provisions) Act, 1968, illegitimate children and their parents are also given the same rights in each other's estates on death as in the case of legitimate children. The Family Law Reform Act 1969 moreover provides that in disputed paternity cases the court on an application by any party to the proceedings may direct that blood tests be taken and the reports on these tests be admissible in evidence.

The United States of America. Arizona is not the only state concerned about the label 'illegitimate' for children born out of wedlock. The intent of the North Dakota Statute has also been to eliminate the word and to indicate that

the mother of such a child will be described as a mother who is the sole custodian of her child.

The situation in Oregon is similar and reads as follows: "The legal status and legal relationship and rights and obligations between a person and his descendants and between a person and his parents, their descendants and kindred are the same for all persons whether or not the parents have been married."

And I could go right on. I ended up with the United States of America but the report is a fairly exhaustive report and I just want to say this in conclusion of that part of my introduction. Some people do not understand democratic organization.

4.35 p.m.

No Minister of Government gets up and pronounces on policy in order to attract attention to himself. Any statement that a Minister makes about policy is the opinion of all of us, and invariably that pronouncement of policy has been inspired by Resolutions either of our General Council in our organisation or by our General Conference which is the supreme authority of the party organisation to which I have the honour to belong, and of which at a certain period of its history I happened to be Chairman of its Executive Council.

So, there seems to be a fundamental lack of understanding of political organisations in Barbados, particularly the political organisation of the Government Party and democratic organisations as a whole; because I cannot imagine that anyone who understands what government is or what government does could make the pronouncements or write some of the things that I have seen in the columns of the Press.

I do not run this Government by what people say or by what appears in the Press. Legislation is initiated by the Cabinet out of the policy of the Party and then it is brought here, and, as in the case of the Constitution, the place where legislation is discussed is not in the newspapers but in Parliament; because that is the meaning of the term "Parliament" — the place where you discuss legislation.

Where you initiate ideas is a different thing altogether. Once we have been given our mandate or a broad constituency majority of the people with regard to a certain policy, then the next place where the details of that legislation are challenged will have to be here on the floor of this House. I invite hon. members on the Other

Side to challenge the Government on its policy here today, and I hope that they are not going to shelter behind the apron strings or the frocks of the clergy of Barbados. I hope that they will come out like men themselves and challenge the legislation that we are bringing in here and say wherein lies the evil of the immorality of the legislation which the Government is introducing here today.

People who have been elected by the people should not have to shelter behind the swaddling clothes of those who prefer not to earn their livelihood in the competitive world. I am choosing my language very carefully, not to be in any way derogatory or for it to be said that I am attacking the Church. Some of us prefer not to face the light of competition in the competitive world, but rather to stand up where people have a certain respect for the aura of buildings and that kind of thing and where people cannot answer back to you.

Here the members of the Opposition can talk back to me, and here I invite them to tell the Government (since they did not do it when the Bill went before the Law Society and the Bar Association) if they have second thoughts now about the rightness of the Bill which they did not have at the time that it went before the Law Society. Let them now declare it or forever hereafter hold their peace.

So, our authority for introducing the legislation did not come from some flash of inspiration or intuition which I, as Chairman of the Cabinet, had on a certain Saturday morning on my way to the airport like Saul at the gates of Damascus. It came from the manifesto of the Party, from a Cabinet decision taken — from two Cabinet decisions taken in 1971 in January or February of that year, from an agreed policy with the Minister of Home Affairs in 1969 and made public by him in November, 1969, pursued by the Crown Law Officers between 1971 and 1973, sent before members of the Legal Profession in 1972, 1973 and 1974 and commented on by them during a period of time and precipitated by resolution from whom? Not from some Callow youths at the Cave Hill Campus of the University of the West Indies, but by the — I do not say Amazons — but the stalwarts of the Democratic League of Women at the Annual Conference, the supreme authority of our political organisation as recently as 1974.

And, Sir, once the Democratic League of Women have expressed their opinion, let no politician dissent therefrom. That is almost an unwritten law. Not that we would want to

dissent, because they were merely confirming something which they themselves did not even know at the time had already been the subject of a directive by the Government to the legal draftsmen to implement.

I understand from the National Organisation of Women — because I made some comment that they did nothing to assist — that this matter had been discussed by them before my disclosure of our priorities in May this year — that the National Organisation of Women themselves had been discussing how they could get the Government to make a move on legislation such as this.

The worthy gentleman is then like *Athanasius Contra Mundum* except that St. Athanasius was a saint. I think that that is the only distinction we can draw. He would know the allusion, and I have nothing further to say about him or about his pronouncements.

I think that we should get on now to the provisions of the Bill which have been published. I did not want to say anything before the first reading to this Bill was given and before the Bill was published so that members of the House could see what the provisions were. I am glad to see that even the legal members of the House, the members who are legally trained, refrained from making any comment until they had seen the provisions of the Bill. There are 106 Clauses in the Bill, and they did not rush in and make all kinds of ill considered pronouncements. They have waited up to now, and I presume that by today's date they have had ample opportunity to study the provisions of the Bill; and after I have sat down I will be prepared to listen to what reservations or restrictions or criticisms they have against the Bill.

Maybe they will tell us that we have not gone far enough in the Bill. Maybe they will say that this legislation is too revolutionary even for a Government Party that has brought about such a social revolution in Barbados, but I hope that I do not hear any of the kind of effusions that I have been reading in the Press from members of the Other Side because I would not consider it worthy even of them, whatever that means.

The Bill deals with a lot of things. The Bill not only deals with succession on intestacy. The Bill changes the laws, both Common Law and Statute Law relating to the devolution of real or personal estate. It abolishes the old Anglo-Saxon concept of primogeniture, and by that I mean the right of the eldest son to inherit all the realty on the death of his male ancestor to the exclusion of

all the other children in the family. That is a very ungodly concept, but in order to understand English legal statutes you have to understand English Social History and English Political History. In order to understand why this system of primogeniture which was transplanted to the colonial territories was ever accepted, you have to understand the feudal system of peerage and baronetage and subinfeudation all the way down to the bottom of the social scale of serfdom.

Without elaborating on it, everyone here who has been a student of English legal and social History will know that the preservation of the manor and the preservation of the large estate was the foundation of the defence of the realm, and the foundation of the taxation system of the UK.

4.45 p.m.

Therefore, if you have fragmentation, the collection of taxes will be more difficult. The raising of any army in times of the African wars without which they did not seem able to survive throughout all their history up to 25 years ago would have been impossible. You know about the Manor House, and all the way down the line in the feudal system a man had to contribute so many soldiers, so many horses and so on to the defence of the area in which he lived even for foreign wars and excursions, and, therefore, in order to preserve this system in fact, you could not allow women to intervene in this feudal system whereby they might even go so far as to marry somebody who belonged to the enemy and then you find that all the land in the kingdom of Essex, Wessex and Northumbria was alienated by virtue of marriage, so you preserved the integrity of the realm in the eldest son and heir and he carried on the traditions of the Manor and the sovereignty of the area, estate and everything else. All that is history, but it had no relevance to Barbados whatsoever. Whenever the English people arrived here, whether in 1625 or in another year, they brought all these systems with them. They brought all the common law and statute law with them and we accepted them, then they drafted all their own laws, they even brought the parochial system, the Local Government system, and all the other customs, and these are things we inherited in our laws.

Their values about legitimacy and illegitimacy had nothing to do with the principle of the extended family that has

been the preservation of African society, which is more what we should be leaning towards, where the whole community has a responsibility for the children wherever they come from. Whether they dropped out of the sky or whether they came by boat, the extended family is the responsibility of the total community, of all the citizens in the community. That is a concept that is alien to the European civilisation but is indigenous to African social organisation, and we get these half baked people, these unfinished gingerbread people coming to tell us that this is ungodly and this is vote catching and all this kind of thing. I am not calling any names. He that hath ears to hear let him hear. They should study their social history and find out where they have come from. I was number four, he was number one, I had no chance and I wonder what chances he had. The hon. Member on the other side is smiling. I know the hon. Member opposite does his research, but in my research I discovered that in the African language it is impossible to translate, for instance, the words "Leader of the Opposition", the closest they can get to it is "Chief Enemy of the People". There is no such thing in the African language as Leader of the Opposition. I am not suggesting that he is the chief enemy, he even supports the Government on some issues so he could not be the chief enemy but to be more serious, we should not take up ill-considered things just for the sake of popularity and throw them out, we should not be trying to divide the society, we should look at the society we live in and not be trying to exclude people from participating fully in the society, we should be trying to embrace everybody within the society itself and the object of our social legislation should be to get full participation, and full participation must connote the enjoyment of those social and economic rights that other people in the society can enjoy.

There is no point in telling me I have the right to vote if, as in a case that I know of, of a man who was living in the house with a woman and sending their five children to secondary schools at the time when you had to pay school fees in this island — I was then practising law — and some second cousin arrived from the United States with a bowler hat, as the hon. Member for St. Michael West would say, after the man died, delayed the funeral until the Sunday, and by the Monday

morning he had the lad and the five children out of the house and they had never seen him before. But he was one of these distant relatives like a mother's second cousin or something like that.

I have a case in St. John now, and I would not like to mention the case because the people on both sides vote for me and it may sound as if I am criticising them, in which a gentleman who was working with the Government had a lady in the house with three or four children — I was reminded last night how many children there were — and he left a will. He was supporting the children, one of the children was going to a secondary school, and in his will he left all his property to one of the wealthiest plantation owners in the constituency which I represent, and that woman was cooking and washing for him for 15 years. He knew no other help or succour, no other comforter in his illness or when he was in good health, nobody else was cooking for him and looking after his children, and she was turned out of the house. I am not going to call any names because the lady votes for me and the people who inherited the property vote for me. I am saying I do not think it is fair because the property was left for a wealthy plantation owner and she had to leave the house.

These are cases that I know of personally. If you want me to, I will take you outside and call the names, if you do not know the names already by reference, and I know you would know, Mr. Deputy Speaker. These are cases that I know of. Who is being ungodly? When we introduce legislation to stop that kind of thing we are told that this is evil being introduced into Barbados. By whom are we being told this? Any legislation I bring into this Chamber I am prepared to defend not only now but for all time, and posterity will be able to tell whether the kind of legislation we bring in here, the way that we have extended the rights of people to share in the benefits of the society, has been in the interest of the stability of the society itself or for its destruction, or in the way that other people are trying to destroy the fabric of the society in which we live.

The Bill makes provision, Mr. Deputy Speaker, that a man cannot disinherit his family, which the existing law allows him to do. By a simple process he will make a

will that he need not show to anybody at all, not even to a lawyer if he is competent enough to draft a will himself, he will get two persons to witness it, or do it in his own handwriting then seal it in an envelope and leave it in the Registry so that there can be no dispute that he made the will, he will take a receipt from the Registrar for it and go on living in the house with his lawful wedded wife and his lawful children for 10 or 15 years without them knowing a word. Then, after he has been called for his reward or wherever it is they call you to, and they go to the Registry and open the will, they may have to move out of the house the next morning.

4.55 p.m.

In our family provisions we are saying that you cannot disinherit your family. If you want to disinherit them, divorce your wife and make provision for your children until they have passed the age of your being responsible for them, whether it is 16 or 18 years of age. If your children are not under that age and you are not divorced from your wife and you have not made adequate provision, then, no matter what kind of will you make, we have provision in the law that, at least, half of the estate, in some circumstances, will have to go to the wife, if there are no children and no next of kin. In other instances, where there are children, one quarter of the estate goes absolutely to the wife, and application can be made to the Court for provision for the children until they reach the age where they can fend for themselves, and that may dispose of all the rest of the estate, depending on how much property the man left.

The difference between real property and personal property has been abolished. This is a distinction which sometimes is only known to lawyers. It is, broadly speaking, the distinction between movable property and immovable property. Land and permanent buildings are frequently described as real estate. Chattel buildings, money, bank deposits, clothes, furniture are personal property, because such things are capable of being carted about with you and can be moved from one place to another. The law relating to personal property and the law relating to realty has been different on testacy and intestacy. In the context of Private International law there is a distinction between real property and

personal property, but, in so far as succession is concerned, the Bill which we now have before us seeks to remove the distinction so that the assets of a deceased person are pooled and the right of the survivors of the deceased person relates both to the real property and to the personal property.

There is another anomaly in the law which we also inherited from the United Kingdom, that is, discrimination between male and female. As I said before, Sir, the law relating to the progenitor, the right of the eldest person, is the eldest descendant, the eldest male to inherit the real estate by the deceased, but where a man left daughters only, the daughters would only inherit in equal shares as co-partners. Now, all children take, on intestacy, equal shares. Before I leave the situation where a man leaves a will and he is under an obligation to make some kind of provision for his family, I should like to say that the family can decide they will go along with the provisions of the will, but, if they do not consider that proper provision had been made for them under the provisions of the will, then they can elect to take steps under the law which we are introducing under the provisions of the Bill. We are not forcing people to leave any property for their wives or for their children. All we are saying is that, if they do not, then a wife has a right to go to the Court and say: "Provision has not been made for me or my children in this will, and I want to exercise my right under the law introduced by the Government in this country in 1975 for my one-fourth or one-half share of the estate."

There is another foolish law in Barbados. One of the first Acts that I had to deal with in here was escheat. A gentleman died, having a property in Bay Street. His wife is still alive, but, because she had no children and he had no next of kin, the former Government said that that property had to vest in them. I can call names, but I do not like calling names. The hon. member on the other side knows the lady. It is the second house after you pass the old Eye Hospital.

Now, this lady was incapable of working for herself. This was a solid stone building that belonged to her husband. Her husband was dead, but the Government had to take the property because she did not have any children. When she married that old man she was well stricken in years and had no chance of having any children. She started off behind the 8-ball, as they say, but she survived him. He was a retired seaman, and for 15 years she lived with him. (*Asides.*) I can give the gentleman on the other side the name of the lady, and I believe she is still alive. She is not capable of working, and the property had to go

to the Government because she had no children. That is the kind of foolishness we have to deal with. We are abolishing that. I would like to hear the Church on that. The Government are giving up their right. We say that we do not want anybody's property under those conditions. Where a man leaves a wife, whether she has children or not, he has no brother, sister, aunt, father, grandmother, or next of kin, 100% of his property should go to the wife. If she wants to gamble it out, give it out, sell it out, or eat it out, it is a matter for her. I have not heard him up there pronouncing on that.

Mr. Deputy Speaker, up to the day before yesterday, under the existing law, I had to waive the right of the Crown in a similar case because we have altered the Act now to give the Minister — I think that I am the Minister, because it is a matter for the Minister of Finance and, normally, the property would come to the Crown — the right to waive the rights of the Crown where property is being escheated to the Crown because there is no next of kin. Here is a case now where a man was living in a house with a lady. He leaves this property, but he was not married to her. The children are not his lawful children, but they have been living in the house. Under the existing law the property would go to the Crown Solicitor, perhaps, to be put up for sale. The only way they could save the property is if they had money to buy it. I waived the rights of the Crown, and I said that the lady must have the place. But that should not be left to any politician or anybody like that.

We say that where a man leaves dependants, whether or not it is his lawful wife who is living in the house and the man has children, they should get his property. How is the Crown or the Government more entitled to that property than the people that he was supporting, at least, all of their lives and most of his life? (*Asides.*) I will supply the names of the cases and you can go and check them out. I can give you the one in St. John, the one in Bay Street, the one I did yesterday and so on. I have to deal with these problems every day. This is not something that comes up once in every 25 years. These are problems that confront us as Ministers every day. 5.05 p.m.

I have to deal with these problems everyday. It is not something you have once every five years. These are problems that confront us as Ministers every day, human problems, problems of how the society is structured, how the law prevents the development of the human personality, the restriction of people's rights by a lot of antiquated laws that we have been

surrounded with for generations and which we have not had the time or the courage to change up to now. So, basically, Mr. Deputy Speaker, the purpose of the Succession Bill which we are discussing is to eradicate the social injustices and hardships caused by the antiquated principle of primogeniture that I have described, to provide for a more equitable distribution of property on intestacy that all the children should share, to restrict the freedom of the testator from disposing of all his property without making provision for his spouse and children without just cause. I want to say that it does not apply to the husband alone. When it comes to this business of making a will, it applies to the wife making a will and the husband having to leave the house.

This may be International Women's Year, but all the other years belong to the men as well as the women, and we say spouse. We do not regard it as some special year and all of us must get out of the country and let them run the country for this year and we can only have legal rights from next year. That is not so. Our rights are going on all the time, and we have preserved the rights of men in this Bill as well as the rights of women. I do not want to be dishonest about that. Nobody is putting me out of any house, I will tell you that; not the place that I helped pay for, and I am sure the other members on the other side feel so too. Not even out of this House either. I am leaving here voluntarily. They went all the way to Mexico and then had a man presiding over the meeting. There were 6,000 women and could not even find one woman to be chairwoman, and they are talking about women's rights. Even our delegates said they were not leaving Barbados unless they had a man to accompany them. They refused to get on the plane, yet they were going there to defend the rights of women. So don't mind all this talk you hear sometimes; they cannot do without us.

Anyhow, Sir, I would like to say also that in this restriction on the freedom of a testator, that is, a man who makes a will, to dispose of his property without making provision for his family — I think it is Clause 101 — we have also made a provision. You will find that he cannot get rid of his property for three years before his death, that any property that he disposes of three years prior to his death for the purpose of doing his family out of his inheritance, the Court can declare that null and void.

Now you can say that a man does not know when he is going to die, but a fellow

may know when he is getting close, and may decide he does not want his family to have anything because they are not treating him right. Well, there are remedies against that. Divorce the lady, tell the children they are over sixteen now, that they can fend for themselves, or give them a couple of shillings saying this is all there is for you, sign this document or whatever you like.

The Bill has 106 Clauses and it is not my intention to go through the 106 clauses, and even when we come to the Committee stage I hope that we will be able to deal with the Bill Part by Part, reserving of course the right of any member of the House to discuss it clause by clause at such a stage. I think that the second reading of a Bill is the appropriate time to discuss the principle and the provisions made in the Bill. The Committee stage is one in which one pays particular attention to the wording of clauses, but, apart from that, this Government is under no obligation to get into a public argument with anybody or make any apology for any legislation that we bring down here. It is as simple as that. That is the meaning of Parliamentary Government, and I will defend it as long as I am in this House. I have nothing more to say on the subject.

Mr. Deputy Speaker, since I have nothing more to say, I beg to move that this Bill be now read a second time.

Mrs. EASTMOND: I beg to second that.

Mr. ADAMS: Mr. Deputy Speaker, the Prime Minister has spoken much of the supremacy of Parliament and I welcome his conversion to these views at this stage. I would also like to say something about democracy, and I hope that the Prime Minister will take my speech as not being critical or severe but merely being in the nature of good tidings and a friendly chat directed towards the Government benches, because I do not think there is any necessity in here to treat this Bill as controversial, and I repeat that. I do not think that this Bill should be or is controversial as between Government and Opposition. This is not to say that we must disrespect the views of those who stand at one or other end of the spectrum of thought regarding the sacredness of marriage, the authoritarian position of the man in family life, the importance of primogeniture on the one hand or, on the other hand, the views of those who disbelieve in inheritance altogether, disbelieve in private property and believe that at death all property should revert to the State. For where the Prime Minister has

spoken of Parliament, I would like to speak of democracy.

As far as I am concerned, while I do not share certain views that have appeared in the columns of the press and which I heard reported to the full, yet I believe that respect must be shown for everybody according to his cloth who is put in a certain position to put forward particular points of view. Now it would be impossible for me in particular, in this House, to occupy the position of any of the targets at whom the Prime Minister has been shooting, because I believe that from the first day I entered this House I had spoken in favour of reform of the Succession laws. Back in 1965 Dr. Patchett was kind enough to send me his draft of a Succession Bill upon which I made representations and I believe that his draft was eventually rejected. I have spoken in here about promoting the rights of children born outside wedlock along with the member for Bridgetown. I believe that our voices have been heard the loudest on any of the Bills that have come up in the last eight or nine years in Parliament if it has to do with the register of births, all the various statutes on aspects of social policy which contain inheritance matters such as the National Insurance Act, and I believe that at all times the two of us have urged Government to assimilate the treatment of children so that no distinction is made between those born within and those born without wedlock.

I am not saying this as a matter of defence because I have nothing to defend. I am just setting the records straight, and, indeed, it is a matter of the policy of the Barbados Labour Party that there be no discrimination against children in matters of inheritance, in matters of social rights. They have the same social duty as everybody else and there should be no discrimination against them in the matter of rights. That is point number one — no discrimination against children.

On the other hand, we believe the state has a duty to support family life, and I do not necessarily mean married family life. The state has a duty to encourage stable social conditions. 5.15p.m.

The State also, I believe, has a duty to support family life, and I do not necessarily mean married family life. The State has a duty to encourage stable, social conditions.

The State also, I believe, — and maybe I am more personal here — has a duty actually to encourage marriage because the most stable of

social conditions is marriage, and more particularly I think and my party thinks that the State has a right to make divorce easier. All these points will arise during my speech on the Bill. That is why I have made these four points: No discrimination against children, support for stable family life, encouragement of marriage, but facilitation of divorce. This is not the whole view of our party or of myself on family law but these are cardinal points on a background of which our approach to this Bill is made.

Now this Bill is not a revolutionary Bill by any means. It allows an extremely limited class of illegitimate children to succeed to their father's property; the question of succession to a mother's property was solved as long ago as 1931, for at common law an illegitimate child is a *filius nullius* as far as I can recall, with no rights of succession as an ancestor by or through ancestors, namely, his mother, and if he was himself unmarried, no rights of transmission on intestacy. So that in the case of an illegitimate unmarried person his property could only be taken by the Crown, as I understand it. This was changed a very long time ago in respect of mothers but the law when changed, restricted the succession to a succession merely between the child and its mother. This is the Legitimacy Act of 1931, by section 9(2) of which an illegitimate child not being a legitimated person, if it died intestate in respect of all or any of its real or personal property, its mother if surviving shall be entitled to take an interest therein to which she would have been entitled if the child had been born legitimate.

Now these are legal words which when read out do not convey their full import, and in their full import is contained the first criticism which I would make of this Succession Bill, for it is a fact not always known by young lawyers but soon learnt by them after their fingers have been burnt, that there is no succession to the property of an illegitimate brother or sister in Barbados. You cannot trace the ancestry back through the mother for the reason that if she is dead, no right of succession arises, and if she is living she will get it; and many persons have died in this country leaving women who have lived with them faithfully for many years, leaving illegitimate children — I am talking about male persons — leaving brothers and sisters, and none of those classes of persons have been able to take the property.

This Bill will cover the gap in the case of the spouse, wife or some children but it will not cover the gap in the case of brother and sister; and this is the first criticism I make, for when

you get deep down into the Bill you will see there are references to parents and brother or sister, but in fact the draftsman should have known that reference to parent only includes legitimate father, and reference to brother or sister means lawful brother or sister. The draftsman should have had a look at the Legitimacy Act of 1931, or 1930, whichever year it is, and assimilated the position of the mother entirely to the general law. That I take to be a serious flaw in this Bill. That is one of the things that I mean when I say that the Bill is not a revolutionary one by any means.

We have been taken all around the common law countries, we have been taken around the earth, and there is a long history, Sir, to this matter of legitimacy and illegitimacy. I do not want to detain you with history quite the length of the Prime Minister with a little mistake here and a little mistake there. I do not want to make the same mistakes. He was wrong when he said a woman could not alienate property.

Eleanor of Aquitaine alienated the greater part of France and indirectly caused the hundred years war by marrying an Englishman. Little out points that the Leader of the Opposition in African languages can only mean chief enemy of the people. That is a cheap joke put forward by one of the tin-pot dictators which has no validity upon a proper examination of African languages; but never mind that, Sir. A good joke is a good joke whoever says it, and it was amusing the first time I heard it, which was many years ago. It has lost some of its amusement now, but being polite to the Prime Minister I would still laugh.

I must say I enjoyed one part of the Prime Minister's speech, Sir. The Prime Minister delivered himself of these words: 'I do not want to be dishonest about that.' (*Aside*) Exactly. I have to wonder what it is; perhaps in other circumstances the Prime Minister might wish to be dishonest about; but anyhow Sir, I do not believe that any of this, I repeat, is a matter of party controversy.

The Bill is not revolutionary. The fact that primogeniture preserved the feudal system in Western and more particularly in North Western Europe is well known to all legal historians. Its demise has been greeted without regret in nearly all the common law countries. I hardly know of anywhere beside Barbados where the system of heirship at law prevails. It was abolished in England in 1926. I would not like to tell you how long ago it was abolished in the more progressive jurisdictions as for instance, Australia and the United States, and, we are 50 years out

of date with that; not five, not ten, not 15 but 50 years out of date with that. That is nothing new. I myself actually believe that the position of illegitimate children has declined over the last 150 years — not improved — as the Church of England became an essential component and an essential arm of imperialism; so it seems that it enforced a certain Puritan attitude towards illegitimacy in the countries immediately under its sway.

When one looks even at 18th century European history one realizes that Marshal Sachs, perhaps the greatest French General of the age, was one of 84 illegitimate children of Augustus the Strong of Saxony and had no difficulty being accepted by his father, other kings and princesses — the lady whom he eventually married — had no difficulty being accepted as such; and when one thinks a little later back in the history of Barbados and thinks of the Duke of Monmouth rebellion which caused the population of Parts of St. John, so it is said — the Duke of Monmouth was an illegitimate child of King Charles II who sought to obtain the Throne, and indeed I am told that in the case fully 20% of the present English Dukedoms, the titles are derived from the illegitimate children of Charles II, you will realize that illegitimacy did not always carry quite the same stigma; and to say Charles II is to be speaking about a long time ago.

5.25 p.m.

The Earl of Munster who I imagine will be well known to the Prime Minister — he was Under-Secretary for the Colonies about 15 years ago — he is the only great grandchild of an illegitimate son of King William IV. Perhaps these little titbits of history might be introduced to those who see illegitimacy in terms of brimstone and fire, not in any hostile spirit, but in a spirit perhaps of the free exchange of ideas.

As to the Bill itself, I have pointed out what I think is the most serious defect, the defect that illegitimate brothers and sisters and fathers still do not have the same rights in the estate of a deceased as the spouse or the children; but these are by no means the only defects.

It seems that having embarked on what appeared to them to be a revolutionary course, the planners of this Bill then diluted their revolution on every concept with a good deal of bourgeois watering down. Now we are today debating whether a woman who has lived seven years with a man shall be entitled to a part of his estate.

Earlier this year in the English Court of Appeal, Lord Denning awarded a woman who

had helped a man to build up a house and so on although they were not married — she changed her name to his, but they were not married — Lord Denning awarded her a quarter of the house, a revolutionary decision indeed, and one which if it had been available to lawyers in Barbados, I can assure you that the Courts would have had a good deal more litigation in the last 10 years.

But that is not enough. Today the English House of Lords is debating — certainly this week the English House of Lords is debating whether or not a woman who was living with a man at the time of his death and who was maintained by him should not get a share of his estate. It will pass. It is Government policy.

As regards the question of seven years, in Britain I think the exact words of the Bill in connection with the right to get something out of a man's estate, is any person who immediately before the death of the deceased was being maintained either wholly or partly by the deceased; and "maintained" is defined as was making a substantial contribution of money or money's worth towards the reasonable needs of that person.

I would like to hear what certain people who are in the pulpit or otherwise would say about that because it amounts to saying that a man might be married and might have a girl friend on the side whom he is supporting and she may have children for him. He may be married and have a "keep miss", and in England if the House of Lords passes the Bill this week the "keep miss" will have to get something out of the estate too as well as the children.

That is what I would call revolutionary if the Government really wanted to take a step; because in relation to a person who has lived with a single man or a widower or a man who has lived with a widow for seven years you are doing next door to nothing.

Hon. Members who are presently or who have belonged to the Legal Profession will be aware that you do not have this defect in Scotland, because in Scotland, until 1940 when, as many people say, the law was changed for the worse, in Scotland if you lived with a woman in a house and set yourself up as man and wife with that woman, by Scottish Common Law you were married and if you left her you had to get a divorce. That is a concept which I believe if enforced in Barbados would mean that instead of having 70 per cent of the children born outside of wedlock you might

find that it would be nearer 90 per cent born in wedlock. We know that that would not be popular in Barbados, and I am not advocating that a system so foreign to us would suit here. I am not advocating that although I believe that in Jamaica, Jamaican theorists have been feeling for many years in that direction.

The philosophical basis is that marriage is a civil contract entered into between two parties, and if two parties enter into an agreement to set up house together, perhaps to buy a house together and live in it and have children, that agreement contains all the ingredients of human marriage and therefore all the rights of human marriage attached to it.

That is the philosophical basis of the Scottish Law, and many people did feel that the Scottish doctrine — *ductio in domo cum matrimonii affectio*, or something like that — taken into the house with the intention of matrimony — when that was abolished many people did feel that it would relieve a lot of men from responsibilities from which they should not be relieved.

Sir, we had an opportunity to do something more than has been done in this Bill because the requirement of living with a man for seven years before he died can work extremely onerously in certain cases. What happens when a boy of 24 or 25 who has been living with a girl for three years gets killed? What happens in circumstances like that?

Is it being said that you can only show your real attachment to a woman if you live with her for seven years? In that case you should say that a wife should not share unless she had lived with her husband for seven years. The two arguments would be of the same moral weight when you really get down to it. This definition is there and I think that it is a bad definition.

I will tell you what else is wrong with the definition as I am persuaded. "Single man" does not necessarily include a divorced person. This is perhaps a Committee point more than otherwise, but it fortifies the argument I am making because I want this Bill to go to a Select Committee. "Single man" does not necessarily mean a divorced person and therefore the use of the word "divorced" should be introduced in Section 2(3).

I would be prepared to go some of the way with the new English legislation. It is called

the Inheritance (Provision for Family and Dependents) Bill, 1975. I am prepared to say that if a man has a woman whom he is supporting on that basis, even though she may not have children that woman has some right. If he had six women and all had children for him and he is giving money to all, they should all have a right. That is my opinion.

We believe that we are radical. I have known Lord Denning personally for many years, at a great distance once and closer at hand, and I assure hon. Members that by the political standards of us in here he is a Conservative. I am sure he votes Conservative. He speaks in the Conservative interest. He is in favour of hanging and all the good Conservative causes. Yet in a fatal accident case where illegitimate children were entitled to some of the share of a man who had been killed, but not their mother, Lord Denning said that it was a great pity that the woman was not entitled and he proceeded to make awards to the children which the lawyer for the Insurance Company thought were too generous and that the mother was going to spend some of the money on herself. The lawyer said: "If you pay the whole light bill in the house you will be giving the mother a lot of advantage." Lord Denning said: "Do not bring that argument. Do you want me to make an order that will say that you must not pay the light bill because when the children go to bed the mother must go upstairs and turn the lights off? That she cannot watch the T.V. when the children are sleeping?"

That is the kind of situation that you meet when you are too restrictive in these attitudes. An attitude more generous than any I have seen taken in Barbados Courts was taken again by Lord Denning in the direction of giving compensation, giving a share of an estate to a fund for maintenance of persons whom a deceased — a deceased man it usually is, but it could be either — whom a deceased had put in a position to expect those contributions.
5.35 p.m.

When you put a woman in a house to have children for you she expects you are going to support not only the children but her as well, and if you are carried off by death in the middle of such an arrangement in my suggestion she deserves something. We are not dealing in my view with the laws of God at the moment, I was elected in here to deal with the laws of man and these are my views. Nobody has accused me of attacking the Church so I do not have to put out a disclaimer as yet, of course where a particular churchman is concerned my view of the whole

situation of the vehemence of hon. members on the other side, it is when somebody who was formerly in your bosom decides to shut the door you really feel the sting. I had no expectation therefore I was not disappointed, I saw no reason to join in the general assault.

I would like to go on record in saying that there are a good number of provisions apart from the ones I have already mentioned which I do not think go far enough. For example the Prime Minister says that they are assimilating the rules of succession to real estate to succession of personal estate, yet down in the middle somewhere in the Act which goes back to the 1840s when the English Ecclesiastical Courts said you made a separate will for real property and personal property, I think a much greater consideration should have been allowed. This Bill has about 10 sections of language I could not understand when I was a law student, I could not understand when I was not such a busy practitioner, I cannot understand it now and certainly at the weekend and last night when I was studying this Bill I still could not understand, language relating to entailed estates. Is it really necessary to waste the Government Printery's time in printing section after section about entailed estate? In Barbados in some way it has got in the realm of folklore, seed to seed land. It used to be of great hardship in England about four hundred years ago, why is it necessary in this day and age when no practitioner to whom I have spoken has ever seen a will with an entailed interest in it in Barbados? Why is it necessary to carry it on? A moment should have been taken by the draftsmen not to copy out what they saw in earlier Acts but to see if better language exists in modern legislation. If we turn to section 2(2) (b) I can assure any hon. member that if he can understand this he should be teaching law and not sitting down in the House of Assembly. It reads as follows:

"(b) Where a deceased person's estate or any share therein is to be distributed *per stirpes* among his issue any issue more remote than a child of the deceased shall take through all degrees, according to their stocks, in equal shares if more than one, the share which the parent of such issue would have taken if living at the death of the deceased, and no issue of the deceased shall take if the parent of such issue is living at the death of the deceased and so capable of taking;"

The thing about this section is that it actually applies to many situations which arise in Barbados. That is the unfortunate thing. It is a

part of the old statute of distribution, a statute of Charles II, a restoration statute, I do not think it applies in Barbados, maybe it is a re-enactment of something that does apply and I have never in over 20 years been able to understand what the phrase "through all degrees, according to their stocks" means and I would challenge anybody in the legal department of Government to explain that phrase. Perhaps there are one or two Judges on the Bench who might explain it because they have been paid to explain it, but we want modern language, we do not want any "*per stirpes*" or any "degrees according to their stocks". It should be explained to simple run-of-the-mill lawyers like me who can understand when you use English.

Getting down to Part X this is an important thing I would like hon. members to pay attention to because there are certain things which you say that are very liable to misinterpretation. A mistake of approach has clearly been made by the Government in saying that all wives or spouses are entitled to a one quarter share in the estate unless certain eventualities have taken place. The only circumstances in which a spouse cannot succeed is if there was a judicial separation for failing to comply with a decree of conjugal rights. I brought a case years ago of conjugal rights. The public servant employed Sir Theodore Brancker as his Counsel. Sir Theodore did not appear and the Chief Justice, then Sir Kenneth Stoby, advised the persons to seek the services of the hon. member for Christ Church West. Eventually the order was made and so on and I remember him having to ask the hon. member if he did not go back to live — he did not say with his wife he used an epithet — if he would have to go to prison. As far as I know we are the only two barristers who appeared in such a case and yet they are going to legislate that that is one of the ways in which a wife is going to lose her right to share.

5.45 p.m.

This is foolishness. The whole point is that such a provision giving a one-fourth share of an estate to a spouse can only be reasonable if you have divorce law reforms. You cannot, reasonably, introduce such a provision unless you change the divorce laws as well. All countries of which I know that have such a generous provision allow for easy divorce. How is it reasonable for a man and a woman living apart for 40 years; he left her and got somebody else and lived with her for 40 years; he cannot get a divorce because she does not want to give him a divorce, and at his death, by law, she must get a quarter of the estate? She might have been living with a man for all of those years herself. How can that be reasonable?

I do not mind who is offended by my saying so. It cannot be reasonable that a man who has left his wife, or a woman who has left her husband, and lived apart for X number of years, to arrive from New York, England, New Zealand, Australia, and be entitled to a quarter share of the estate! You must make divorce easier.

Mr. Deputy Speaker, the framework within which similar provisions operate in other countries is that divorce exists by consent for two years where the marriage has broken down, or whether or not one party has been guilty of anything the parties have been separated for 7 years. If you are apart for 7 years you should be able to get a divorce, subject to the rights of the children. You must permit people who have made a mistaken marriage in early youth, but are prevented by archaic divorce laws, to protect their property while making a life with somebody else in other circumstances.

Bear in mind, Sir, that a man will not be able to leave all of his property for a woman who lived with him faithfully for 30 to 40 years if, before that, he had a wife who spitefully refused to divorce him or to let him get a divorce. I do not see how this can be right. This part of the Bill, in my respectful submission to the House, should not become law until the Government is prepared to amend the Divorce and Matrimonial Clauses Act to allow people to protect their property against such an eventuality.

There are not many of us in here who are really old people, Sir. I do not know if anybody in here is in the position to which I have referred, but all of us know somebody who has been separated from a wife or a husband for many years. All of us know people who have made a life with others who have lived together and obtained property and a home for children. Where something has come to an end, the law must allow those affected by it to end it. There is no urgency in the law before this Bill. Speaking for myself, I would be very dissatisfied to know that I was separated from a wife for 30 years, made my life with another woman, and was not allowed to leave all of my property for the other woman. I would feel very unhappy to know that. The divorce laws must be amended before such a step can be taken.

I believe that my arguments are logical. I do not want anybody to say that I am saying on the one hand it is too difficult for people to get the share, and on the other hand saying that some should not get the share. All that this Bill has done is to give a blank permission to a spouse to do certain things when there are circumstances

other than those mentioned under Section 100 which can deprive a spouse of her share of the estate. Of course, the Bill does not go anywhere at all in talking about the rights of children to share despite the provisions of a will. All that this Bill gives to children of a testator is the right to be maintained until they are 18 years old.

You will find, Sir, that in neighbouring Martinique, for example – I have relations living in that place – I have recently discovered that the law is that you cannot disinherit the children – adult children too Sir. A family must get a certain share. Of course, the High Court in England now has the right to give to any child, legitimate or otherwise, whether a man or a woman, a positive share in the estate of that man or woman, irrespective of what may have been said in the will of the deceased. I think that some provision, even in this direction, could have been accepted and considered by members of the Opposition in looking at the principle and the mischief sought to be covered.

Sir, whenever I come in here dealing with legal matters which, eventually, I may have to handle professionally, I find myself in two minds. An Act is produced to deal with something; I see a loophole in the Act, and I wonder how far my duty to the House says that I should reveal the loophole, and how far my duty to my pocket says that I should keep quiet and charge a lot of money to tell it to the first man who comes to me. Despite all the efforts made, there is still a loophole in this Act which would allow a testator to avoid giving his wife anything. Of course there is more than one loophole in this Act. (*Asides.*) The Act deals with that. If you sell the property the wife's rights to the sale money are transferred to the sale money, and it can be followed through the Bank into whose hands you give it. You will find that it is a very difficult matter to try to hide \$40,000 in Barbados.

There are at present provision, for example, for chasing a bankrupt's money, as the First National City Bank is discovering in respect of an absent hon. member. There are ways of finding out where money has gone, who is holding it, what are the terms in which they are holding it, and making them cough it up. All of these things can be done. This Act has threatened to stop sales of property. It attempts to restrict a man's right to sell his property. It is a matter of common sense. It happens, Sir. It is in the nature of life and a property-earning democracy that for most people the most they ever own is a house. At their death the largest single item in their estate is a house or a house and land. Very few people leave cash money anywhere near the value

of the real estate and the house property which they leave. In respect of a very, very small number of people in Barbados, people exclusively composed of the plantocracy, they leave share in companies. Although the value of what they leave is great, the amount of people involved is not great.

5.55 p.m.

Nearly all of us in here, to my belief when we die the most of what we are going to leave is going to be real property, is going to be something put in the ground – bricks and mortar when you really get down to it. It may be a business place and a house, or it may be a house or two or three houses, or it may be an estate or a plantation; but the important thing is that it is likely to be something immovable which you are not willing to sell during your life time. Very few people for the sake of defeating the right of their wives to get some of their property would sell a house over their heads and go and live somewhere else. They would go to a lawyer and try to find some other way of dealing with the matter. And, of course, Mr. Deputy Speaker, the one or two very helpful and friendly asides I may say which are being made during the course of this debate are very psychologically revealing because all that I have heard relate in some way or the other to beating the provisions of the Bill in respect of spouses. So it shows that there is a concern in hon. members' minds about this aspect of the Bill and a view that despite the publicity given to what is only really a recognition of what is good and decent, or what should be good and decent in society, which is the right of illegitimate children to share in estates of their parents – despite the publicity given to that part of it – it is the other part, (we are all property owners in here) the restriction of a man's right to do with what is his as he likes that seems to be occupying hon. members. I hear an hon. member saying "and women too"!

I am constrained to repeat the words of Winston Churchill when a similar aside was made to him in the House of Commons. He said: "As far as I am concerned, man embraces woman". Hon. members may take my remarks in that light. Throughout the Act they say "his"; you are not going to find "hers" anywhere; you will find "his". Wherever you can use "his" or "hers" or "its", you will see "his". "His" covers "hers" in the circumstances of this Act.

Now, Sir, I should say that many people in Barbados have considered alternative means of

devising a system of equity between the property owning rights of men and women, married couples especially. I would like to have seen some signs in this Bill that the Government had considered, apart entirely from the spouse and one-quarter share, some slightly more far-reaching provision, some statutory provision which could give positive written effect to all the judge-made law which relates to what happens when a husband and wife are married and working together. Very generally the judges tend to say, certainly in England, perhaps less so in Barbados and exceptionally so in the United States, that husband and wife working, divide the property between the two of them. I think it is a little undignified and degrading to do what lawyers so often have to do. The hon. member for Christ Church West can give you chapter and verse on this. You worked for \$1,242 a month and the wife only worked for \$607; so you have to divide \$1,242 by 607 and subtract the mortgage money and then you will find out that she is to get 672nds of the house and so on. I think that is undignified. It wastes lawyers' time and the time of the courts.

The Legislature of California where notoriously matrimonial problems have come to occupy the attention of the Courts to the exclusion of other more suitable matters, the Legislature decided to finish with all that. They did away with alimony and they introduced community of property. They said that all property acquired after marriage even if the wife did not work or the husband did not work all belong to both fifty-fifty, and if they can't agree, at death the Court orders a sale and divides the money. There is no more or less to it than that. So all the film stars now do not have to go to Court for \$1,000 for each child per week and \$1.5 million settlement for the wife. They do not cut all the property in California, the palace at Beverley Hills, down the middle with a sword. Either they agree on it or they sell the house and divide the money — a simple and reasonable solution in many ways.

Right there in St. Lucia if you marry a woman without an anti-nuptial marriage contract, there is community of property. Your property and her property are all thrown into the community and belong to you both. I am not sure what the new law is now that divorce is permitted, but since marriage was for life and you could never be divorced, that meant it belonged to you for always, because you could never be divorced in St. Lucia until last year. I think some effort should have been made in this Bill to deal with that particular aspect of family law.

The Bill says it would amend and consolidate the law relating to succession. Even if it is thought that this should just be a Succession Act and that there should be some other Act dealing with matrimonial policy, I would welcome a statement of policy from the Government indicating that at least after-acquired property should in the absence of other evidence or specific provision be regarded as the property of both husband and wife, and I speak, Sir, as a man who had nothing when he was married; so you can believe me that I am not speaking against my interests. Such real property and so on as I may have acquired since I would be perfectly happy to see governed by such rules as I am suggesting.

Now, Sir, there are one or two small things that I would like to mention at this stage. For some reason they have abolished the right of a soldier and a sailor to make a will. I know this is a very small aspect of the law. Barbadians do not expect to be soldiers and sailors although there are still a number of Barbadians serving in the British Army, but there are one or two things which I think that rather than Government deciding to restrict them should have given them a wider ambit. The old Roman Law — I see the expert of Roman Law, the Hon. Minister of Communications and Works, and he can bear me out if this is true — always said that a soldier going to war can execute a will without any of the formalities required by the law. He can tell his Commanding Officer "I may die tomorrow, please see that my shield and my sword go to Quintus Icilius, my house in Rome goes to my wife for life", and the Commanding Officer, one presumes if he survives the battle, would report this as a will and it would be dealt with. More recently we had cases of the young officer kissing his fiancée and saying goodbye. He was only 18 years and could not make a will even if he had written it down with 100 witnesses. He kissed his fiancée goodbye on the platform at Victoria Station, was killed, and the last words he said to her were "darling, if I stop a bullet all is for you." And the boy's father was malicious enough to seek to get the boy's property, but the Court said "this boy was taken away to die for his country, his last wishes must be respected, and gave the fiancée the property. These little stories perhaps belong to the realms of romance rather than the realms of day to day activities, because it seems to us we may never have to deal with them, but there are other points involved as well. For example, a soldier who is killed, his family does not have to pay death duties on his estate. The hon. member for Christ Church West and I think this may still be the law of Barbados. It is certainly the law in Great Britain. The reason: you

send a man abroad and he meets death in the service of the Government through no act of his own. It is not an accident, he has been put by the Government to die; so it is unreasonable to collect death duties on his estate.

I think that far from merely abolishing the Wills (Soldiers and Sailors) Act, that they could have looked at what is the general law of succession to the property of a soldier and sailor, asked who preserves the peace in Barbados and given some thought perhaps to the relatives of a policeman killed on duty. Suppose a policeman is murdered in Barbados, do you think it right his family should pay death duties on his estate? Suppose he is killed while apprehending a criminal, the Government ought not to think of collecting any death duties on that man's estate. These are little aspects of the law which, what I hope the House will accept, which means sending it to a Select Committee which might be able to give thought and observation and see whether they should not play some part in a Bill dealing with succession.

Now, Sir, I have spoken for a long time, but I still have to take hon. members back to Part VI to remind them of something which I said earlier. 6.05 p.m.

Section 51(1) deals with parent, brothers and sisters. At the present time if an illegitimate child dies intestate — I am repeating this — his brothers and sisters cannot take a share in his real property. As I understand this Act, this situation will not change. If the draftsman can convince me that I am wrong I will bow my head but I know 'brother and sister' means lawful brother and sister. This came up last year in connection with a matter in the Bay Land in which the Chief Justice granted administration to an unlawful brother and then had to revoke the administration even before the man could take up the papers. I know the case well.

Unless I am very mistaken, a petition from the particular person — you will have to say spouse because she lived with him for 19 years and has big children (*Aside*) No. No, rather, she has children 19 years old; must be 21 years or 22 years since he died, so she lived with him longer than that — the spouse, I believe, is now petitioning to the Government.

Now these are things that happened. These are not things that are up in the air like the soldier in Victoria Station and are unlikely to happen to us. These are day-to-day things; and before I can vote for that Clause I must have either reassurance backed up by cases — and I am

told by the hon. Member for Bridgetown that there is a recent case of parents, meaning lawful parents. I am aware of the fact that the hon. Member for Bridgetown has recently appeared in a case in which it turned out that the Infants Act — the Minors Act — does not apply in many respects to illegitimate children. It applies to children of divorced persons who long after they have been divorced can apply to the court for access of the child, and so on. It applies to them but it does not apply in all its provisions to illegitimate children.

Now, Sir, I have not dealt at any length with the aspect of the definition of child. I believe other hon. Members want to deal with that; but remember what the Act is saying; that a child shall include a child in respect of whom an adoption order has been made under the Adoption Act, and an illegitimate child in respect of whom a person has been adjudged by the Court or a Magistrate's Court to be the father, or a person has acknowledged himself to be the father — that means that he went down to the Registry and signed — or a person has by an affidavit said that he is the father of that child. Now this is more restrictive than the present law of fatal accidents or the present law of national insurance.

Tomorrow morning I have to appear in the Supreme Court in a case in which I am appearing — I think it is ten or eleven illegitimate children — for a gentleman who was killed when a lorry ran off the hill in Ashford Road, St. Thomas. I am not advertising, Sir, in saying this; at least I hope I am not advertising. I do not have to prove that the man was adjudged by the court to be the father or that he acknowledged himself to be the father or he swore an affidavit. He was taken out of life suddenly before he could do all these things. It will be sufficient — and as far as I know it is not even denied that the man lived with a woman in the house with those children, acknowledged them to be his children, and supported them.

So why are we passing a Bill to produce succession to property in which we make the rules of proof of illegitimacy more difficult than the existing law? Even in my own family I have proved the legitimacy of members of my family based upon what was said by their father in a will. He spoke of them as his children in a will, and that was sufficient for the Registrar to accept that indeed they were his children and were legitimated *per subsequens matrimonium*, Sir. Why are we

defining legitimacy so restrictively? You see, Sir, that is what happens when you concentrate on too small an area of a subject. You concentrate on legitimacy; the people get afraid because they hear the pulpit trembling, and the Minister of Communications and Works fulminating and they have watered down the provisions.

You must have the courage of your convictions if you are taking a step socially revolutionary in nature. You cannot have half measures. You cannot give with one hand and take back with the other. Sir, references to a child shall include a child. I do not even know what that means. Whether it means that there are other ways of a person proving illegitimacy. Again I want to hear from the draftsmen what is the meaning of the phrase 'shall include.' Does that mean in fact shall exclude children other than, or does it mean shall include these and you might have in others. I do not think it could mean that. It must be an exclusionary use of the word 'include.' *(Aside)* Yes. It includes and it excludes together. It must, because they have defined the class and it would not be open to the courts to extend that class. I am sure of that now; now that I have given that a more analytical consideration assisted by my learned friend on my left.

Now do we really want to pass that? Do we really want to say that a man can get killed in an accident and all his illegitimate children can get something from the insurance company but they cannot get anything out of his estate? That would be madness; that would be actually madness to say that they are his children for the purposes of his getting knocked down but not his children for the purposes of sharing in the house in which they were born and brought up. That would be legislative madness in the circumstances, and that is why we want a Select Committee, Sir.

The Law Society, the Bar Association, the lawyers, the great brains can go over an Act over and over again and they still would not see everything or come up with everything. The Solicitors are concerned with the administration of estates; they are concerned with the rules telling them how to hand out money — the money of rich people when somebody dies. We have to be concerned with humanity here in respect of this matter.

Well, Sir, I trust that the burden of my speech will convince all hon. Members that the Opposition is true to the principles it

enunciated fully ten years ago supporting a reform of the law of succession in Barbados. No man is perfect and no Bill is perfect. Sometimes we have seen the Government taking a rather authoritarian view towards legislation which it is seeking to get through Parliament, but in this particular matter, where the mountain has laboured and produced, I am glad to say on this occasion, at least a hill — at least Mount Hillaby it has produced even if not Mount Everest — where the mountain has laboured for so many years I think it is only reasonable to allow hon. Members to labour for a few months more in the confines of a Select Committee which would improve and clear up one or two of these Clauses and incidentally save us a good deal of debating time in here today, for I cannot promise any hon. Member, if we have to debate this in here tonight, I cannot promise any hon. Member so to restrain my views as to allow this Bill with 110 Clauses to pass easily. This is not a threat; this is just a matter of commonsense.

6.15 p.m.

I have mentioned enough points for hon. members to know that they are going to be discussed either in here or in Select Committee. I am earnestly recommending to hon. members to try a Select Committee with this Bill at which the attendance of the Drafting Officers can be requisitioned along with their authorities and their assistance on the meaning of words in what I think for most lawyers is the most difficult branch of the Law — the succession and devolution of the property of deceased persons.

Mr. FORDE: Mr. Deputy Speaker, I believe that the very constructive and learned discourse given in this House by the Leader of the Opposition has been edifying in its erudition and in its incisive and analytical approach to Family Law, and of course of the Social History of Barbados. It is the type of speech that I welcome and that I would hope that other members of this House would emulate from time to time and maintain at all times in this House.

I think that it is significant that the heat of the discussion surrounding the Bill has already subsided and has been watered down, and the reason is simple. I think that the Leader of the Opposition put his finger on the correct hole when he said that there is nothing really revolutionary about this Bill. This is one instance in which I must agree that the Press and the Church have built up the Bill into some significance that it really does not deserve.

If I was offering a criticism it would simply be that it has taken too long to reach the stage which this Bill has now brought about; and I would have expected to have heard from the Press and from the Church and from the Women's Organisations detailed criticisms of the Bill showing the way in which the Bill could be liberalised rather than kept so limited in scope as this Bill is.

I would like, Sir, with your permission to quote from a recent article in the MODERN LAW REVIEW for May, 1975. It is written by a Fellow Pembroke College, Oxford, Mr. J. M. Eekelarr who is an undoubted authority on Family Law and also on family structures, family security and family breakdown. I quote from Page 241:—

"It is obvious that the present is a time of exceptional activity in family law reform. There have, of course, been similar upsurges in the past. These have been associated with the transition from ecclesiastical to secular administration of family law and the reduction of the husband's legal domination over his wife. On this occasion, however, the criticisms of the reformers seem to strike at the most basic assumptions of our family law system. What point is there of a marriage law if parties may be granted immediate divorce on joint application and if children born out of wedlock have the same status as those born in wedlock? At the same time the marital family as an institution has come under severe scrutiny. It has been urged that, at most it is damaging to its constituent individuals and at least that it should be considered as only one of a number of possible social units."

I believe that that brief quotation in a nutshell explains the different attitudes taken by the Church itself and the Government in relation to the reformation of the law of succession, and also of the provisions which this Bill now brings before the House. I think that one must understand that the Church has a very innate duty to be concerned about family structure. Indeed most of the jurisdiction over matters of the family rested in the Church and since then the State has intervened progressively as social attitudes to the family have changed.

When I hear very learned clerics speaking on this matter I do not take umbrage at the attitudes which they express or the views or opinions which they express, because understandably, they are concerned to maintain the family structure and their concept of the sanctity of marriage.

Rt. Hon. E. W. BARROW: On a point of order. Is the hon. member suggesting that this Bill destroys the family structure? Is the hon. member saying that a member of the Church is entitled to say that the Prime Minister is running out of ideas and that he is vote catching? Does he consider this Bill contrary to the preservation of the family structure? The hon. member is trying to play off both ends against the middle; but he either has to be in favour of the Bill or against it. If he is against it he must come out and say so.

Mr. FORDE: The persons whom the hon. member is entitled to tell that they must be in favour of anything are his Ministers but not me. I will speak in this House according to the rules of the House and express my views. I am very sorry for the hon. member if he is not following. If he would merely listen to what I am saying perhaps he would understand it. It is no point of order and I do not intend to answer those questions.

The point I am making is that it is understandable that the Church should take this attitude towards what it considers to be whether legitimately or illegitimately, an attack on the institution of the family.

Rt. Hon. E. W. BARROW: Again I ask the member if he considers this Bill an attack on the institution of the family. Otherwise what he is saying is completely irrelevant and should be struck off the record because it has to be relevant. Therefore if he is saying that the Bill is an attack on the institution of the family and therefore the Church is justified in criticising it, all that he has to say is that the Bill is an attack on the institution of the family and therefore he cannot support it.

Mr. FORDE: The hon. member cannot tell me what to say. I will speak as I want to.

Rt. Hon. E. W. BARROW: He can speak as he wants to that no other member of this House can speak in the same way that he speaks, that is out of both sides of his mouth at the same time.

Mr. FORDE: I have learned that from the Prime Minister in no uncertain terms, except that he has his feet and hands in it as well. He must understand that. The point I am making is that the Church is entitled to express its views. The Prime Minister does not understand that people can have a varying view or a view which is contrary to his views regardless of whether it is based on logic or justification. He must clearly understand that people are entitled to their views on this matter.

Rt. Hon. E. W. BARROW: The viewpoint has got to be based on facts. First of all the hon. member stated that the Church is entitled to express a view on what it regards as an attack on the institution of the family. Therefore, if the Church is attacking the Bill he has got to say that the Bill is an attack on the sanctity of marriage. That is all I am saying. It cannot be a view on something that does not exist. What kind of view is that? A purblind view?

Mr. FORDE: That is the Prime Minister's view of a view expressed. Perhaps the Church attacks his view as a purblind view as well.

Rt. Hon. E. W. BARROW: I do not have any view independent of the views of my Party. That is the trouble with you all, you see.

Mr. DEPUTY SPEAKER: Let the hon. member continue.

Mr. FORDE: The hon. member will be getting up every minute because the more he interrupts me the more I will reply. So he had better sit down and keep quiet, if he wants us to proceed.

Mr. DEPUTY SPEAKER: The Prime Minister has the right to reply.

Mr. FORDE: He is not telling me what I can say. I am one person that he cannot tell what to say and he knows that. Get that straight.
6.25 p.m.

The point I am making, and if he will listen he will understand what I am saying, is not a strange point of view. What the article is saying is that in the reformation of the family law there are two trends of thought involved. There are persons who believe that you should move from the social strictures that existed before past all ecclesiastical views regardless of whether they were justified in logic, in equity or in justice to a more liberal approach towards reforming family law, and they are the people who believe, as ecclesiastics they believe that in doing so they are undermining the very structure of the country. That is the point of view which has been expressed by a member of the Church. I repeat that he is entitled to express his view in public regardless of whether his view is justifiable or not. For the benefit of the hon. Member, if he would listen, I have always been an advocate of the reformation of the family law without paying regard to the ecclesiastical attitudes on certain aspects of this

matter, and I do not believe that legislation which progressed out of feudal concepts in any way undermines the social structure, and indeed in Barbados and in the West Indies the social structure has been such that from time immemorial alongside legal marriage has existed a system of concubinage, and that the law should recognise the inequalities which have existed between the classic attitude taken by the ecclesiastical person and the attitudes which have now come to be accepted in society.

Mr. Deputy Speaker, that is not talking out of one side of one's mouth, I am quite capable of committing myself if I want to, to my point of view, but unlike the hon. Member for St. John, I am tolerant of other people's points of view and I can understand when they put forward their points of view, and I can differ from them. I do not always think they are right, nor do I always think I am right. He thinks he is always right. This Bill, were it not for the speech made by the Dean of the Cathedral, I contend that this Bill would not have got the publicity that it has attracted. It is a Bill that was around the law courts for several years being discussed from time to time, it had no specific relevance to any particular Party policy at the time, and indeed those of us who have practised in the law courts or who have followed the history of family law and the attitude to the social structures in the West Indies and have read widely on these matters would understand that reformation of this nature took place several years ago in other West Indian and Commonwealth countries.

Let me start with the Inheritance Family Provision Bill of the United Kingdom in 1938. Since 1938 in the United Kingdom it has been possible for a wife who has been disinherited by the will to go to court and ask for protection on behalf of the children and herself. Prior to 1938 in Sweden and in the United States of America the same has been possible. When it comes to the updating and the administration of estates in Barbados our Act is now in 1975 following provisions introduced into the English law since 1925. What is revolutionary about that? What is so progressive about that? All that happened is that Barbados as usual has been slow to react to developing attitudes towards a greater sense of social justice and equity.

Let us deal with the question of legitimate rights, because we are told that this

is the charter which equalises the rights of the legitimates with the illegitimates. For the benefit of the hon. Member this is not so, it only partially equalises their rights. People who are knowledgeable on this matter would know that our Act is following only to a limited extent the Family Law Provisions Act in the United Kingdom of 1969. Mr. Deputy Speaker, in 1964 on the 11th February the Rt. Hon. Lord High Chancellor of Great Britain appointed a committee to report on the law of succession in relation to illegitimate persons in England. That committee reported in 1966 and that committee's report in England became legislation since 1969. The 1969 Family Law Act in England goes much further than this Succession Act which we are now debating in this House in 1975. As a matter of fact, I will bring the Prime Minister up to date with the current thinking on these matters. I will make the report of the committee a document of this House if hon. Members want it, because they would be in a position to understand that the ideas this Bill contains are in no way revolutionary. I hear this long discourse about this being a matter which came before the Party in 1969 but which has been talked about before then. I was in practice in 1959 and there were people talking about reforming the law in this respect from time immemorial, indeed before I was in practice. When the hon. Member was practising at the Bar — and I have practised for some time with him, both against him and with him — I have heard him speak critically of the law of the primogeniture, because anybody with a social conscience would recognise that the law of primogeniture is unfair law.

When I am speaking on this Bill I am not defending the views of the Church or the particular cleric on the provisions relating to legitimacy and illegitimacy, but like the Hon. Leader of the Opposition I am tolerant enough to recognise his right to speak even if he is speaking nonsense and speaking wrong at the time. That is what I am saying. I do not see that because he has made a speech everybody should get up in arms. There are times he has praised the Prime Minister, like the Hon. Senator who said he is the best thing for all time. He has praised him at times. I have not taken umbrage when he has praised the Government Party, but we must be more tolerant in this society and we must educate people who are wrong in this respect. What I would have liked to see happen after this Bill was published in the Official Gazette is that the Church itself, that the National Organisation of Women and other social groups

had taken a legitimate interest in it so that they could give proper analytical criticisms on how we can improve this Bill to make it more acceptable to the community at large. I have just had an intimation that it will be sent to a Select Committee and I think the Government has taken the correct attitude on this.

6.35 p.m.

There are a few features of the Bill that I want to deal with, and I would mention them so that the Select Committee should look at them. I want to deal with the position of a divorced wife. In my view this Bill, without proper provision being made for family law reform in general, discriminates seriously against the married person, man or woman, who is divorced through no fault of his or her own. As it stands, although a divorced wife may be entitled to a periodic payment that periodic payment will cease on the death of her husband. Although she is divorced through no fault of her own, it means that unless by agreement she can make with her husband a provision for all time, she is worst off than the wife who remains married to the man and refuses to cut the link in his favour.

I think Section 100, in particular, contains provision that are discriminatory against a section of women. This is one Section of the Bill that should be left out. It is not only the divorced wife, Mr. Deputy Speaker, that the Bill discriminates against. It discriminates against the common law wife who lives in concubinage with a man, but it is a permanent union for less than 7 years.

Now, I would like to commend to this House what I consider would be model legislation contained in a Bill passed in British Columbia since 1960, where it is provided that the Court can make an allowance out of an intestate estate to illegitimate children and the concubine if at the date of the death of the deceased the woman was actually being maintained by him or under his protection, or if he dies leaving surviving any illegitimate child or children under the age of 16 years, reputed to be by him begotten of any woman, and at the time of his death maintained by him or under his provision.

At the present time in the United Kingdom there is before the House of Lords a Bill to bring the United Kingdom legislation up to date at this point. If I may again with your permission, Mr. Deputy Speaker, quote

from the *Sunday Times* of July, 13, 1975, page 9. The headline is-

RIGHTS FOR MISTRESSES

The English legal system is taking its first tentative steps towards according a man's mistress equal status to that of a wife. Two separate developments, one in Parliament the other in the Court of Appeal, suggest that in appropriate circumstances a mistress may apply to a court for maintenance from her lover's estate and can qualify for a share in the house in which she has been cohabiting.

Parliament's intention to recognise a mistress is contained in the Inheritance (Provision for Family and Dependants) Bill which is due for second reading in the House of Commons next week, and is expected to become law before the end of the present Session. While the Bill in no way amounts to a "mistress's character," one peer of the realm, the Earl of Mansfield, was quick to observe during the second reading in the House of Lords: "So far as this Bill is concerned, lovers are given a much fairer crack of the whip than ever before."

It is Clause 1(i) (e) that provides that a mistress is entitled to apply for financial support from her dead lover's estate. At present only a spouse, former spouse or children can apply. But in future the court's discretion will extend to "any person..... who immediately before the death of the deceased was being maintained, either wholly or partly, by the deceased."

I believe, strongly that if a man or, indeed a woman wants to go and enjoy the benefits of another woman's or man's society he or she should be made to pay for it, according to the law. It is unfair that he should be allowed the benefit of concubinage and then completely dispossess the woman with whom he has been living for a period of time. I will strongly recommend, Mr. Deputy Speaker, that the Select Committee take note of that point and adopt the provision contained in the British Columbia legislation as well as contained in the legislation now before the British House of Parliament.

I should like to say further that likewise there are provisions of this Bill that should be tightened to prevent people from dispossessing their wives or former wives in circumstances

where they have made settlement. Despite all the Government has said, we can, as lawyers, in the space of a minute, tell you how to beat the provisions of this Bill legitimately because it does not protect the wife or the children in the way in which we thought we were doing. The Bill only makes null and void dispositions made three years before death in which the interest of the person does not cease on his death. If you create a settlement for life and you give away all of your property to someone else, despite all of the provisions and speeches in the Legislature today, you have nullified the complete benefit of the Act of Parliament.

Since the Opposition strongly believe in family law reform, which is expressed in our Manifesto, we have a strong sense of feeling of justice on this point and we are glad to see the Government have the same. We would recommend that the Select Committee look seriously at tightening of that sort of provision to give women, in particular, who are the depressed section of the community, a greater protection. I refuse to accept any view here that women are very well off in this community. They work hard. Their contribution to services, to the gross national product, if measured in money terms would be very significant. Every woman we leave at home employed in our houses every day to look after our children, to upkeep our clothes, to scrub and wash for us, is making a contribution in money terms that should be properly recognised in the laws of the land. It does not matter to me if you are married to the woman. If you are living with her and have any degree of permanency for a year or more, you have a responsibility to her and you should maintain her both in life and death. That is my view on the matter.

I believe that this male-dominated society cannot come into the Parliament with half measures when we are dealing with women's rights. You either come with full measures, or you do not come at all. To that extent, I think the Bill is defective. It should go much further, and the Government should hurry up and bring down reform legislation dealing with the rights of wives and of women in general and making adequate family provision for them. I believe my time has expired, and the other points I would hope to deal with before the Select Committee, if I am given an opportunity to appear before them.

Mr. WALCOTT: Mr. Deputy Speaker, I will not be long. The hon. member is very strong on the woman's part. I do not know

how many women there are in his constituency, but he has been beating this question in season and out of season. I think too much has been made of this whole question, Mr. Deputy Speaker, because we pay too much attention to personalities.

6.45 p.m.

I do not consider that the Dean was knowledgeable on this matter, so I dismiss what the Dean has said quite easily because in the end he said he had been appointed by God. Well how are you going to argue with any person that has been appointed by God? You do not argue with the Almighty and the apostles; so what are you going to do? Are you going to continue arguing with such a person?

I agree with the Leader of the Opposition and the hon. member for Christ Church on divorce. What they have to bring their minds down to — and this is one of the dangers of lawyers and people who have been educated in England — is that they are not living in an English society. You have 71% illegitimacy in Barbados. Out of every ten children you see in Barbados, seven have been born in this way and the priest is saying he would not baptise them or he wants to make a difference. You are not realistic. The reverse is what is going to happen in Western Europe and those countries. You are going to find 30% in the other way; so you will find it is a minority of people. It is the middleclass people who have used marriage in these parts. Marriage is a middleclass institution; it is not an institution that is spread far and wide among the masses of people in the Caribbean. If you get that straight you will know where you are. If anybody has failed, it is the Church. The Church was here all the time, and have not been able to change it, because the social and economic position gave rise to this thing.

Mr. Deputy Speaker, we are talking about a social matter, not just about a matter that relates to the sanctity of marriage. The father of the Hon. Leader of the Opposition had a long discussion many years ago with Father Bessant who was a brilliant man, on the question of divorce. You are getting divorced now even in Italy; they have come to the understanding that separation from a woman or a man is not anything that is ungodly. I agree with the Leader of the Opposition that when you go into Select Committee you should make divorce easier. Lawyers make a big thing out of divorce, but divorce is only writing up a lot of forms; but you carry a Q.C. one way and he carries along another back stop; so you get a lot of people going to Court and it costs \$2,000 for writing up

a piece of foolish paper. A divorce is not worth more than about ten shillings. This is nominal especially in cases where they have agreed to go through and are ready to part. I saw in the papers last week that a woman was married to a man and in nine days' time she said she was finished with that. You say you do some free work; you have some friends that you would be doing them both a service by going and representing them freely and letting them unlatch themselves from the encumbrances rather than killing each other.

What I am worried about, Mr. Deputy Speaker, is the emphasis that was placed on this that it is something to do with the sanctity of marriage. It is the reverse. What we are talking about here is the child, and I want the hon. member for Christ Church West and the Leader of the Opposition to examine this. We in the Trade Union movement have more of these problems because we see them, and this is what I spoke to Aubrey Frazer about, because you find cases where a child is not a child, a brother is not a brother. All my wife's children are mine. If I am away and somebody steps in at me, that child is mine and there is no question about it; it is not illegitimate. You can have a case where you will say a man's child is not his, yet he is the woman's husband. It is a legitimate child, it is his child; but if he goes out and gets a child from a woman that he acknowledges, that child is illegitimate, and that one that is not his at all is legitimate. You get this nonsense going on because you cannot prevent a woman from doing what she want to do under this liberation movement, and as time goes on, women are going to be freer and are not going to regard love as this big thing that the Church regards it. They would regard love as love, and therefore with this idea of freedom of action and freedom of movement, people will do as they feel they want to do.

What we are talking about however, Mr. Deputy Speaker, is the children. Do you want to tell me that a child sends a letter to either of its parents, mother or father, and asks them to bring him into the world, or tells them to get married or not to get married? Are you going to say that the reason they can inherit anything from their parents in an estate is based on what the parents did before they came into the world or after? I do not subscribe to that. I am too revolutionary for that nonsense, and we have to make all the children in our society children of the state. Far from that, we should pass a law saying that every child born under whatever circumstances should inherit everything from his parents. It is even difficult sometimes to establish who is your

mother, because nowadays where children are born in hospitals and a nurse does not have the right tag, she can bring back the wrong child to the mother, not the father, and you can go out with a possession that is not your own, and unless you carried out a blood test there and even then you would not be much wiser. I do not subscribe to the view that there is a problem with the Church making a fuss about the sanctity of marriage.

Now the hon. member spoke about family life. Family life is based on family living. The institution of marriage in itself is not the only method of family life by our standards. That is a formality. It is more than the formality of going into a Church or going before a Priest or a magistrate and saying that the two of you have got married and you say "I will" and sign the register. That in itself is not family life. In so far as family life is concerned it goes deeper than that. It is the relationship between them like in tribes. Tribal life is not based on which Church you go in; it is based on how you live from day to day, and I am too revolutionary a man to believe in this sort of business where the Church is concerned. I am revolutionary because I do not subscribe to this Anglo-Saxon law and religious concept that was meant to suit their time. If the priests in our time have not been emancipated from the Anglo-Saxon days and still went to preach Anglo-Saxon methods in a society like ours, then they may go on doing it; but all of us do not have to think that we are going to be leaders of new generations, and think that this Anglo-Saxon phobia is something we are going to carry on all the days of our lives. It is not going to work. It is not even working for the society from which we are copying it, because they are revolting against it. In Europe they are revolting against it, and we have this sort of copycat business in trying to bring these things over here.

Mr. Deputy Speaker, what the Dean and other people said about family life is nothing to do with that. What is serious in our society is that we have to create laws that would make the people understand that where you have a 71% birth rate among people who are not married, your laws must be made to deal with that as a fact, not escape it. You cannot go on pretending that this is not a fact. You have to say this so that lawyers do not have a problem or a paradise in cases as cited by the Hon. Leader of the Opposition. I know of a case now where there are two brothers. The father had a first wife and he married a second wife; the brothers would be regarded as brothers at law because the father was married to both women, but the children are not related by mothers; but if the father had had a

second child from another woman and was not married to that woman, they would not be brothers at law.

6.55 p.m.

But the children are not related by mothers, but if the father has a child — the second child — from another woman and was not married to that woman, they would not be brothers at law. Now that is something I cannot understand. They would not be brothers any more. At law they are not brothers because at law they say the child of a father from an unmarried woman is not a child in truth, it is something between a cross — at law it is not a child because it does not have any father.

This is what the professor at the university pointed out to us; a child that is born of a woman and man who are not married, the child has no father, at law. (*Aside*) You see you get these fatherless — in our society where you have 71% of the people in Barbados are like that; not 10%, not 20%, not 25%, but 71% of the people in Barbados are like that. This is a serious matter.

So you cannot begin to study the social and economic problems in this way. The relationship between man and woman is one that we all realize is something you cannot pass any laws to control. I think that the step that the Government made — the hon. Members on the other side say they did not disagree with the principle of this but I think the hon. Member for Christ Church West was speaking in terms that he did not disagree when it came to dissent; it was not a matter of dissenting with the Dean. The Dean was talking utter nonsense when he made the statement that this was sort of vote catching; that this was a sort of catching votes and all that nonsense.

It was improper for a man to get in a pulpit with a subject like this if he does not know. If you do not know anything about this subject do not talk about it. This is a simple matter in which you are saying that if you die and you leave children it is a question of who should inherit your estate.

Now the hon. Leader of the Opposition made the statement that it has loop-holes and he would like to see the loopholes stopped. I want to tell the hon. Member this. Suppose you were dealing with a man like me, that, if I make up my mind and I had family who did me something and I said nobody is getting

any of this at all — so I am not going to wait till I feel I am going to die. I will start off from now and lick through; when I come to close the innings, stumps knock down, so you do not have anything to pick up. So what are you going to take up then? You are not going to get anything.

There is no law that says that a man must save something for somebody else, so it is only that people are prudent and those of us who have family and have responsibility to our family realize that we have to carry out our responsibility, but if you reach the stage where your family does not have responsibility to you and you realize that you are playing one-wicket cricket and you are batting at one end, therefore you are not running with anybody else; you hit the ball and run, and when you get run out your hand is finished. There are people like that. I do not have to call any names, but you all know a man called Back Freight. He decided he would sleep in a tree here, cool breeze anywhere, decided he was not working for any man, God nor the devil; finished with that. Done. He made up his mind. Done with that.

So people can get disinherited in your lifetime without your reaching the stage of saying you are going to do anything, and so they can get worked out however you like; but that is not the real issue here because as the hon. Member said, the majority of people, what they are going to leave is really a house. That is the substance of an estate in Barbados — a house, — very few people have a lot of cash to leave. In this, I said to myself last night when we were discussing this, it is going to be more money now for the lawyers because if you are multiplying the litigation you must be multiplying the fees, because more people now will be seeking — but we are not looking at it from that point of view. We are viewing it from a social point of view.

I agree with the hon. Prime Minister when he said that you owe a social responsibility to the society in which you live. That is why have death duties. I feel that when a man has a family, he has a wife and children, those children should not be left to the community for the community to bear the social and economic costs when this man has some contribution and some estate. Now if the hon. Member said that there are loopholes in this that the man can get out through, then the women can get through them too, because after all there are some women who have some money to leave for the husbands and

therefore you are going to get some instances where a woman would feel that the husband was a lazy, good for nothing, worthless man and she is not going to leave anything for him, and she is going to think of ways of disposing of her estate too; but it is only people do not think about dying and people are usually afraid to die and they always try to hold on to the property as long as they can, and the psychologists know this, that as people hold on to life long and they hold on to property long, for that reason they hold on to their estates.

I was amazed, Mr. Deputy Speaker, to see that this thing was blown out of proportion by the newspapers. Now it comes to be dealt with in the House, as the Opposition said, there is no Opposition to this as a matter of principle; nor can there be any opposition to anybody who dissents, but this was a mischievous statement that was being made. It was mischievous. Dissent comes and must operate from the basis of where you have some facts and you lay down a premise from which you are going to dissent. You cannot say I dissent because I have the right to dissent. That would be a nonsensical way of saying what dissent means.

I do not think anything was propounded by the Government on which you can complain. Far from something being propounded at short notice by the Government, the Government said four years ago that this is one of the planks they had. The Opposition say that in their platform they put forward their views about family life, so if you are talking about family life in one breath and we are talking about inheritance in another, therefore both are agreed that you are going to have some common policy on this question of inheritance.

7.05 p.m

I think that all the lawyers who practise in Barbados are aware of the iniquities. As I have said in this House already, you get a man who leaves something and you find a far removed, 49th cousin coming back from somewhere that you never knew he was. A person has gone to the great beyond and the children are right there in front of your face and you tell me that they cannot inherit any of the estate. This creates a lot of problems. Some people will get violent.

While I agree with sending the Bill to a Select Committee now that this law is going to be introduced, I believe that you should find a means of helping these people who have problems

of getting a divorce and getting it easy because I think that the lawyers know this better than I do. There are hundreds of people in Barbados who have not been legally separated, but their ignorant belief is that because they have not been living together — I think the hon. member for the City was one of the lawyers, but we had a case where a man had two sons working on a ship, and those two sons used to live with their mother. The father and mother were separated, as Barbadians would say for donkeys years. The two boys got killed in the U.S.A. The mother had raised those two boys, she supported them and cared for them; but when the court came to dispose of the estates the court said that because she was married to the man they were the man's children and not hers.

The husband never lived in the house with the woman. He said the reason why he was keeping the money was because the woman was living in the house with a man and he was not going to give the other man any money, because the other man was a younger man and he was not going to let this younger man "lick out this money". You get these things happening. That is where the lawyers have got to see the things that we want redressed. She was the virtual mother of the children and she did not get one cent from the courts because the court said that the money had to be passed on to the father. We were very surprised ourselves, and when we called in our lawyer he told us that there was nothing he could do about it.

These are the sorts of cases that the general public of Barbados do not know about until they run into them and then they become violent and want to kill somebody.

There is no point talking about divorce having been discussed 40 years ago. At that time it was discussed purely on an academic plane because neither one of them had power. The hon. member's father did not have any legislative power to pass it. He was propounding a view that he had and Father Bessant felt strongly about it as a priest. It was not on any narrow basis because you could not catch any votes in those days on divorce. The hon. member's father could not look for divorced people in St. Joseph to get a vote from because the people who would vote for you in those days up there were about 60 people and they did not get divorced up there.

What I think was vulgar about this thing is that the Dean reduced it to something of a political character; because nobody outside this Chamber is going to cast a vote for us based on how we vote on this Bill. Every member can take

his position and vote as he feels. None of us should be stupid enough to deny any child. I am not saying that a child should be denied something because his father and mother were not married and that therefore if the father has something the child should not inherit that property.

There are other difficulties that will arise in the Bill which I hope will be dealt with in the Select Committee. The hon. member for Christ Church West talked about women. Do not worry too much about women. Women in Barbados are very liberated. If you want to know how liberated they are, come across Nelson Street and you will see. What the hon. member should tell women is that they must assume more responsibility for the things they have to do, and when they do this I hope we will not have different talk. It is just like before somebody comes into your neighbourhood to live saying how you like these black fellows; but when the black fellows begin to live in your neighbourhood you see how far you want to get away from them.

Mr. FORDE: On a point of order. The hon. member is casting aspersions on my *bona fides*. The hon. member knows that I was brought up in circumstances where a woman was the power in the house, and therefore I genuinely have had the influence of women all the time, and I love them.

Mr. DEPUTY SPEAKER: Point made.

Mr. WALCOTT: I have never questioned the hon. member's love for women. He says that he loves them badly. I cannot say how I love them. I do not think that loving women is anything that we do not share. I think that that is something that we all share, and we share it abundantly. Sharing them is a different thing.

But, Mr. Deputy Speaker, I hope that the men will not get afraid the day when the women really start taking their places alongside men.

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

Hon. P. M. GREAVES: Mr. Deputy Speaker, we propose to send this Bill to Select Committee. I have consulted with the Leader of the Opposition who has given me the names of those members who will represent that side on the Committee. I move that this Bill be now sent to a Select Committee, and that that Committee should comprise the hon. member for St. Michael

South Central, the hon. member for St. Michael North Central, the hon. member for St. Lucy, the hon. member for St. Michael North East, the hon. member for St. Michael North West, the hon. member for the City of Bridgetown, the hon. member for St. Thomas and the hon. member for Christ Church West.

Mr. FORDE: I beg to second that.

The question that the Bill be referred to a Select Committee and that the Committee should comprise of those members named was put and resolved in the affirmative without division.

7.15 p.m.

ADJOURNMENT

Hon. P. M. GREAVES: Mr. Deputy Speaker, I move that the House do now adjourn until Tuesday, 22nd July, 1975, at 12.00 noon.

Hon. L. E. SANDIFORD: I beg to second that.

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

7.17 p.m.