THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

HOUSE OF ASSEMBLY

Tuesday, 24th October, 1978.

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

PRESENT

His Honour W. C. B. HINDS, J.P. (Speaker); Hon. L. S. CRAIG, (Minister of Housing, Lands and the Environment); Hon. C. L. BOLDEN, LL.B., (Minister of Communications and Works); Hon. H. deB. FORDE, S.C., M.A., LL.B., (Attorney General and Minister of External Affairs); Mr. D. A. C. SIMMONS, LL.M.; Hon. Miss B. A. MILLER, (Minister of Health and National Insurance); Hon. L. B. BRATHWAITE, (Minister of Agriculture, Food and Consumer Affairs); Mr. J. G. ODLE, B.Sc., (Chairman of Committees); Mr. M. C. C. WARD; Hon. H. B. St. JOHN, LL.B., (Deputy Prime Minister, Minister of Trade, Tourism and Industry) (Leader of the House); Mr. V. L. JOHNSON, M.A.; Mr. L. L. SISNETT; and His Honour E. E. ALLEYNE, LL.M., (Deputy Speaker).

Prayers were read.

Dr. CADDLE and Mr. SANDIFORD entered the Chamber and took their seats.

MINUTES

Mr. SPEAKER: I am advised that the Minutes of the Meeting for Tuesday 17th October, 1978 have not been circulated to members to give them adequate time for digestion and under the circumstances we are not giving any consideration to having them discussed today.

PAPERS LAID

Hon. H. B. St. JOHN: I beg to lay the following:

The Annual Report of the National Sport Council for the year 1977–78.

Report of the Audit of the Accounts of the Old People's Home at Golden Rock for the financial years ended 31st March 1975, 1976 and 1977.

On behalf of the Prime Minister the Rt. Hon. J. M. G. M. ADAMS, I beg to lay the following:

The Barbados Regiment (Service Pay) (Amendment) Regulations 1978.

The Barbados Regiment (Rates of Pay) (Amendment) Regulations 1978.

The Barbados Regiment (Training Emoluments) Regulations 1978.

GOVERNMENT NOTICES

Hon. L. S. CRAIG: I beg to move the following Resolution to approve the compulsory acquisition of land at Chalky Mount, St. Andrew, for Soil Conservation purposes.

Hon. H. B. St. JOHN: I beg to give notice of the following Resolutions:

Resolution to approve the Barbados Regiment (Service Pay) (Amendment) Regulations 1978.

Resolution to approve the Barbados Regiment (Rates of Pay) (Amendment) Regulations 1978.

Resolution to approve the Barbados Regiment (Training Emoluments) Regulations 1978.

On behalf of the Prime Minister and Minister of Finance the Rt. Hon. J. M. G. M. ADAMS, a Resolution to amend the number of an Item contained in Resolution

No. 42/1978 for Supplementary Estimates 1978–79, No. 5, passed by the House of Assembly on 3rd October, 1978.

Hon. H. deB. FORDE: I beg to give notice of a Resolution to amend the note to Item 5 – Vehicles, of Head 110 – Ministry of the Attorney General.

NOTICE OF BILLS

Hon. H. B. St. JOHN: I beg to give notice of the following Bills:

A Bill to amend certain enactments relating to pensions.

A Bill to amend the Hotels and Restaurants (Sales Tax) Act, 1974.

A Bill to amend the Landlord and Tenant (Registration of Tenancies) Act, 1977.

FIRST READINGS OF BILLS

On the motion of Hon. H. B. St. JOHN, seconded by Hon. H. deB. FORDE, the Bill to amend certain enactments relating to pensions was read a first time.

On the motion of Hon. H. B. St. JOHN, seconded by Hon. H. deB. FORDE, the Bill to amend the Hotels and Restaurants (Sales Tax) Act, 1974 was read a first time.

On the motion of Hon. H. B. St. JOHN, seconded by Hon. H. deB. FORDE, the Bill to amend the Landlord and Tenant (Registration of Tenancies) Act, 1977 was read a first time.

ORAL REPLIES TO QUESTIONS

Hon. H. B. St. JOHN: I beg to give notice that the Reply to Parliamentary Question No. 10 asked by the hon. member for Christ Church East is ready.

GOVERNMENT BUSINESS

Mr. SPEAKER: Item No. 9 is the instant Order of the Day standing in the name of the Hon. Attorney-General.

Hon. H. deB. FORDE: I beg to move the Second Reading of the Bill to consolidate the law relating to marriage.

Dr. CHELTENHAM entered the Chamber and took his seat.

Hon. H. deB. FORDE: Mr. Speaker, Sir, this Bill is part of the Government's law reform efforts and its purpose is to revise and update the law relating to marriage. The Government intends during this legislative session to reform the law relating to the family and in particular, we will be seeking not only to amend the Marriage Act, but to bring early in the New Year before the House, legislation dealing with the laws of divorce nullity of marriage, maintenance of families as well as custody and guardianship
12.25 p.m.

This therefore is the first in the packet.

You will recall, Mr. Speaker, that prior to the general elections of 1976 the former administration had introduced a Marriage Bill in the House which I believe was sent to Select Committee. At that time certain criticisms were made of the Bill and in particular I would like to recall the provisions which made it obligatory for you to register buildings in which marriages should be celebrated. These provisions have been left out of this Bill and some new provisions have been incorporated in the existing Bill.

I think it is proper that I should say to hon. members of this House that the purpose of any law of Marriage is to achieve certainty so that people who deal with persons who have changed their status should be certain that that change has occurred. There should also be a system by which people can easily be married, and I think we should also provide for some of the consequences that flow from marriages which are not valid. I believe that this Bill achieves those three main objectives.

We have had to provide in the Bill, Mr. Speaker, for residential requirement of three days before the issue of a marriage licence or a magistrate's certificate. The simple reason is that we have found that we need some administrative authority to consider the information which is put either before the magistrate or before the minister and on which they form their opinion as to whether a magistrate's licence or a licence to marry should be granted. In addition I think it is important that this country does not become the mecca for run-away marriages and marriages of convenience. The House should know that we have had some problems with persons who have come and within a couple of hours or within twenty-four hours got permission to marry in Barbados simply to beat the immigration law. We of course in my Chamber are working on specific legislation to deal with the question of marriages of convenience; but I think that this Bill particularly the provision in the Bill which deals with the residential requirements of three days would give the administrative authorities some measure of time to process the application for marriage licences.

In addition, Mr. Speaker, one of the main provisions of the Bill will seek to abolish actions for breach of

promise of marriage or seduction. Hon. members would have had an opportunity to have read the report of the National Commission on the status of women. They would have discovered that the majority of the Commission recommended the retention of the action for breach of promise of marriage. However because of the division in the Commission on this point, we had to give consideration to it and we could really see no strong social reason for retaining the action of breach of promise of marriage.

In most western countries, most commonwealth countries, that action has been abolished and we feel that it is proper that Barbados which has a much more liberal approach to these matters should follow this practice. The case for the abolition of actions for breach of promise of marriage has been well set out in the minority report in the separate statement which was put in by the Chairperson, Miss Forde, and in addition if hon. members has taken the opportunity to read the main paper dealing with the question of the law and women, they would have found that strong arguments were advanced on that paper. However I think the Commission was satisfied that the action for seduction should be abolished and we have accepted that recommendation, and this Bill seeks to achieve this objective.

Likewise, Mr. Speaker, we have removed by this Bill the question of fault as a factor in determining the right of the donor to recover a gift given in contemplation of marriage. This was an archaic rule of law which existed and I think it is as a natural consequence of the abolition of the breach of promise of marriage that we should reform the law in this respect.

Mr. Speaker, if I may advert generally speaking to the main provisions, in Part II of the Bill we deal with circumstances in which marriages are void or prohibited. In the first place we are saying that marriages celebrated between a man and a woman standing in certain degrees of consanguinity or relationship to each other would make these marriages void. This is in keeping with established christian practice, and section 3 of the Act deals with that sort of circumstance.

Dr. Haynes entered the Chamber and took his seat.

Section 3(5) permits the Minister to vary the Second Schedule but it must be subject to affirmative resolution of this House, and to that extent we have made sure that the usual Henry the Eighth Clause is not persisted in in the House that the legislature will have a say on any variation even of a Schedule.

In Section 4, Mr. Speaker, we have maintained the principle of getting consent. We have maintained the principle of marriages under the age of 16 being void, and this section must be tied in with the other principle in which we have made it obligatory for persons between the age of 16 and 18 to get the consent of their parents or of other parties standing in relationship of a guardian to them.

Let me state, Mr. Speaker, that in keeping with the Section 26 provision, the Government has been guided by the very strong views expressed by all of the Churches of this Island as represented through the Barbados Council of Churches and the Barbados Evangelical Council of Churches who have been fully consulted on the Bill as it developed, and to whom I am indebted for their very careful consideration of the draft Bill. The Government has accepted that position. I myself have expressed in this House a personal view of the Churches, but I belive that in keeping with this Government's view of open Government and participation by the people at large my personal view on the matter has quite rightly given way to the view as expressd by the bulk of the denominational churches in this Island.

I think most countries in the world, from what I can gather, who have dealt with the reform of the marriage law have certainly adopted the stand taken by the churches in this matter.
12.35 p.m.

However, there are other persons who perhaps are a little *avant garde* who have sided with my view and I think this is a matter on which in making my final recommendation to the Government I have agreed to accept the strong recommendations made by the churches in the matter.

We have also provided for other circumstances where marriages are void, where for instance persons solemnize a marriage without having banns published or a marriage licence obtained. We have made it much easier for a person to obtain a marriage licence. It is not only a Minister's licence but a magistrate's licence which can be obtained now, and you can also go through the publication of banns. So we have taken care of the formalities of marriage and there is no reason why people should have sham marriages. And it has been necessary to provide that where these essential formalities have not been followed, then the position will result in the marriage being void. Likewise we have provided that where a person is already married the marriage will be void. We have also provided that where the marriage is celebrated outside of Barbados that according to the law of the place where the marriage has taken place and the formalities of the *lex loci celebrationis* have not been complied with, that marriage is void. These provisions in Part 5(2)(b) have been necessary to comply with the conflict of laws position.

In Part 5(2)(c) there are some other principles that at the second reading I will refer to. They are important

principles, because for the first time we will be checking out the legal consequences of a marriage entered into where the marriage was obtained by duress or fraud, or the persons were mistaken as to identity or one of the persons was manifestly incapable of understanding the nature and effect of the ceremony performed.

If hon. members have had an opportunity to read some of the legal research which has been coming out of our faculty of law, and in this case particularly by Miss Norma Forde – we would recognize that one of the criticisms made of our existing legislation is that it left in doubt the legal consequences of marriages conducted in the circumstances which I mentioned a little while ago. We have therefore reformed the law in this respect, so that there should be no doubt any longer about the effect of the marriage where consent has been effected in the way I have stated.

In Part 3 of the Act we have provided for the appointment of marriage officers and we have ensured that there will be a definite system by which people are appointed to conduct marriages according to the faith or religion to which they belong. Obviously they must be resident in Barbados, except that for the first time we have allowed some discretion for the licencing of a person temporarily who might satisfy the other qualifications but might be in Barbados only at the specific request of the party to perform that particular ceremony. There has been no objection to that provision from the churches and I believe it is a much more up-to-date system.

We have also placed an obligation on the head of a denomination or the particular minister to notify all changes of residence or when a marriage officer is lacking, and we have also provided for the publication of the list of marriage officers in the Gazette annually. There will be no charge to the marriage officers for this.

The provisions in Part 2 have been discussed with the church and I think I have accepted with the exception of one point all of the recommendations made by the churches on this.

In Part 4 we have set out the preliminaries for marriage, and there are three ways that a person can satisfy these preliminaries – by licence from the Minister who in this case is the Attorney General. But I intend to delegate to an officer, the power to issue marriage licences. I think it is a waste of ministerial time for a Minister to sit down day after day merely signing marriage licences when this could be delegated further down the line. The second way is by publication of banns which at present exist in our churches. It was represented to me by the Barbados Council of Churches that it may not be necessary to publish banns, that that should be an extra frill; but I thought when looking at the sociology of Barbados there was still a lot of Barbadians who because of their deep religious convictions feel that the banns mean a lot to them, and we have decided to retain the publication of banns as another way of going through with marriages.

The third way, which is a new way, is that the magistrate of the district can issue a marriage licence; no longer will it be necessary to go the Ministry; you will be able to go direct to the magistrate of the district in which you reside and make an application. These are the three ways in which people can now go through these preliminaries.

If a licence is denied a person, we have provided for that person to have the right of appeal. In this legislation hon. members will see features which we hope to introduce increasingly into law, giving people the right to appeal to Judges where they feel that the exercise of executive discretion might be impinging on rights normally belonging to them.

In Part 5 we have made provisions relating to minors. I have explained this already. In part 6 we have made provisions relating to the solemnization of marriages. It will now be possible to solemnize marriages from 6 a.m. to 9.30 p.m., but it will only be obligatory from 9 a.m. to 6 p.m.

In Part 7 we have kept the provisions of marriages *in extremis*. Let me say, Mr. Speaker, there is very divided opinion on this. A man may be in his dying bed and he may not have the time to go through the formalities of getting a marriage licence, but a medical practitioner can certify that he is *compos mentis* and that he wants to get married; and in these circumstances we have kept the provisions. But we have tightened these provisions considerably, as you can see from Section 35 Subsection 5, and Subsections 2 and 3 as well. Honourable members will recall that a few years ago a will was upset in this country. I think the hon. member for St. Michael South Central gave evidence at the hearing of that case, because it was a marriage *in extremis* and unfortunately the proper formality seemed not to have been complied with. I believe the will was not upheld. We have taken account of some of the criticisms made in that case and have updated and reformed the law on this point.

Finally, Mr. Speaker, Part 8 deals with the consequences of flouting the legislation, for instance, by not making adequate returns, or knowingly solemnizing a marriage without due publication of banns, or falsely pretending to be a marriage officer or a magistrate.
12.45 p.m.

It deals with the making of false statements in order to obtain, for instance a licence to marry. It deals with a person who impersonates a priest and assists at a

marriage when really he is not duly qualified; and it deals with a person who refuses to enter details in the marriage register. It also deals with the abolition of breach of promise of marriage, gifts given in contemplation of marriage and the legitimising of children in certain circumstances.

It is intended that this Bill will be proclaimed not later than the first month of next year. It will be necessary for me to make some regulations under the Act in terms of section 46 where I have very limited powers to make regulations relating to fees and forms and that sort of thing; but by and large, the substantive law will be in this Act, and the Minister will not have wide powers.

Mr. Speaker, I will have to introduce in Committee some amendments to Clauses 2, 14(1), 28 and 35(1). They are mostly errors of printing and not errors of substance in this case. I recommend this Bill very strongly to the House as a necessary reform measure and one which would simplify to a large extent the system of the formalities of marriage celebrations; and more important it will make certain those areas of the law in which there has been some doubt for some time.

This, Sir, is the first in a series of Bills dealing with the reform of the law as it relates to the family. I am happy to say that it is one dealing with the unity of the family; and indeed it is necessary for us to have some form of proper recognition of one of the concepts well founded in the doctrine of our law discussed.

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

Hon. L. B. BRATHWAITE: I beg to second that.

Dr. CADDLE: Mr. Speaker, I have listened very carefully to the Hon. Attorney General; but no where in his address did I recognise that he made any mention of the fact that the Barbadian society has been undergoing changes in recent years in its composition. I am referring specifically to people who have for some time, in the last five or 10 years, and may be before that, who have been coming into Barbados to take up residence, but whose religious concepts or social and cultural behaviour and background is dissimilar to those of the traditional Barbadian; and while I appreciate the concern that the Attorney General might have, I have to throw it out to him that some consideration must be given to the changing features of the Barbadian society.

Sir, as you know, there are many people who come from Asia especially whose pattern of behaviour differs tremendously from ours, and whose line of thinking differs from the christian characteristics or the christian identity of the Barbadian society. I am quite aware that these people have different patterns of behaviour. They go about their marriages in a different way. They have different concepts; but the fact is that they live in Barbados; and somewhere along the line I get the impression that this Act has not taken into consideration this small element which is increasing in our society.

Let us take for example the age of 16. We in Barbados will have no quarrel whatever with making the age of 16 a reasonable age for marriage; but I would like to draw to the attention of the Attorney General that he seems to have been able to achieve what the United Nations have not been able to achieve for many years — and that is to get some uniform decision on what is the right age for marriage. Many countries in Northern Africa and mainly in the Far East and Near East have still gone ahead and persisted in having a marriage age of well below 16; and many of the people who now come into Barbados to reside hail from countries where women below the age of 16 can get married.

Many of these people do look to their Father Land or Mother Land although they are residing in Barbados, to get a wife when their marriage age has arrived.

So, Mr. Speaker, here we are likely to have a situation where the traditional Barbadian is told that either one of the parties cannot get married if they are under the age of 16, but then other people who may not be considered to be traditional Barbadians while these other people, because of their traditional customs, in their countries, customs religious, social and otherwise are able to engage in marriage where one of the parties is under 16; and then they come to Barbados where the law says that no person under the age of 16 should be a party to a marriage.

How are we going to reconcile these differences? These are real differences in the Barbadian society. Then we have other big problems. Somewhere in one of the Schedules to this Act there is a list of relatives among whom marriages are prohibited; but we do find in those other societies that this law is not observed, and if it is observed, it is observed more in the breach. How are we going to reconcile these problems within the Barbadian society? In a new Marriage Act you would look at what is going on in the Barbadian society. Not only does it affect the traditional Barbadian, but it affects people from other cultures and whose traditions should be taken into consideration. These are people of a different behaviour and who have recently taken up residence among us and have been seeking to become a part of our society.

While, Sir, it is refreshing to hear that the Hon. Attorney General has been having discussions with

certain representatives of religious groups, nowhere was it stated that he has had discussions with those groups of whom there are a reasonably large number of members within our society. It is a real problem, Sir. It is a serious problem in Barbados when we start to look at other aspects of our society, especially in terms of controlling or regulating the increase in the number of the population at a pace at which the Government can plan effectively and continuously for the welfare of all.

Sir, in Barbados among the people about whom I am asking these remarks it is the normal practice of getting a bride from the ancestral home. Many of the problems which these people have are not well known to the Barbadian. As a result of this ignorance on the part of the Barbadian, we find that there are many things which have occurred in the past and may well occur in the future which may tend to create certain difficulties in the society here.

We are saying, for example, somewhere in this Bill that people should know whom they are marrying. There are good reasons to know that the person to whom they are marrying is the same person; but in a situation where marriages are arranged and where the parties may not know each other until they meet face to face, how are we going to be able to guarantee that the conditions we set out for Barbadians are going to be upheld in the case of people who normally wish to be accepted as Barbadians while residing here and have to obey the laws in some respects? Are we going to have one law for the traditional Barbadian and another law for a different set of people?

One of the serious problems you have in a country where you have a large influx of immigrants has always been pressure by the immigrants on the people of the adopted country of residence to change laws so as to accommodate these new immigrants so that they can continue a pattern of behaviour which would not be in conflict with the social norms of that particular country.
12.55 p.m.

And realising what has gone on in some countries, particularly in Europe and North America, I would not want to believe that we are on the way to encouraging this type of development in Barbados, and I would like to say even before the Hon. Attorney General says it, that I do believe that it is not his intention either to encourage this type of development. I have to point this out to him because I feel that this is an important matter that we should be paying particular attention to in this particular Bill.

If you are introducing a Bill, you should be introducing a Bill not only for the traditional Christian Barbadian, but a Bill which embraces everybody who recognises as a Barbadian, and the people in this country, because you cannot have a Bill which put encumbrances upon the traditional Barbadian by making it easier for another person who when it suits him at his convenience to hop out to do so and I am hoping in his reply that the Attorney General will have some remark to make on this particular aspect that I have raised.

Dr. HAYNES: Mr. Speaker, it was difficult to see how the Hon. Attorney General has taken so long to introduce this particular matter, and we are a little concerned about this sudden rush of legislation coming down to this Honourable House from the Office of the Attorney General. There is one school of thought of the opinion that there is a feeling that he might not be in that position for too long and hence would like to get these things.....

Mr. SPEAKER: I take it that you mean that he will not be married for too long.

Dr. HAYNES: I was not commenting on that. I am dealing with the Marriage Bill.

Mr. SPEAKER: Now, please let us get on with this Marriage Bill.

Dr. HAYNES: Precisely what I am getting to. I am dealing with the speed and reasons why I am concerned about the speed with which this legislation is being brought down. It is true that you did not have too much difficulty because most of this particular Bill was drafted before he came into office and he has had the good sense of implementing what he found.

On the other hand, Mr. Speaker, judging from the comments from the other side one was really looking forward to seeing brought to this House at the same time a comprehensive family legislation dealing with marriage and a whole lot of other matters affecting the family and in particular an important development of a Family Court and it would have been of tremendous value to be able to look at these events in the overall context, but now as the other side looks around for less irresponsible leadership, the Hon. Attorney General, might soon find himself as leader of the Party. I do not say, Mr. Speaker, that this is the reason for the speed. I am getting back to marriage, Mr. Speaker.

Mr. SPEAKER: You are quite right because you will soon be getting to your seat if you do not get to marriage.

Dr. HAYNES: The question, Mr. Speaker, I want to raise is the whole question of family legislation. Now the previous Speaker, the member for St. Michael North Central has brought to the attention of this Honourable House certain citizens whose interest might not have

been impressed in this Bill. I notice that the Hon. Attorney General, no doubt, not wanting to interfere with certain particular interests failed to give any kind of recognition, bearing in mind the Succession Act to the fact that there are many people who cohabited in Barbados for many years and the Succession Act gives certain rights to their offspring and when we are looking at Marriage Bills I wonder if the totality of the Barbadian society should not have been taken into account. I do question, Mr. Speaker, whether the Attorney General would not want to offend anyone, not even children, but such people do exist in this particular society, particularly the way in which he ended his particular presentation.

It was interesting also to note that he included in this particular Bill a recitation, I think it is from the "Book of Common Prayer" which I do not know how valuable this is to be included as a matter in this Bill.

I question also the marriage of convenience. I am at a loss to see how the three-day residential requirement would obliviate this case. To the best of my knowledge most people come into Barbados for a 17-day period. This is not apparent to me but nevertheless I suppose when the Attorney General replies he will dare to tell us how the three-day residential requirement would affect this.

It is interesting to know that the question of fraud has been removed in a particular instance here, and indeed, if we had a comprehensive family legislation in front of us, we would have been able to detect and comment as to whether this concept of "no fault" in family affairs is something that would be going right through the whole range of family legislation and this is why I think it is probably not the most desirable thing to be bringing in this kind of legislation on a piece-meal basis particularly when we have been promised that we would be getting things like a Family Court and Comprehensive Family Legislation, but I have no quarrel with the removal of the question of "fault" but I would hope that this would also appear in other aspects of the family legislation which I think is a fairly progressive measure.

I question the marriage *in extremis*. I hope that this bit of legislation would prevent the occurrence of what took place in Barbados some years ago. I think it is perhaps the only case in the history of the British Commonwealth where the marriage was annulled by the Court in those circumstances, and I think the particular instance was where the person who died had a very substantial estate and was admitted to an institution here in Barbados and when the question was put to him, this is most important, Mr. Speaker.....

Mr. SPEAKER: What is most important is that in your second reading contribution, you should be dealing with the principle to the Bill.

Dr. HAYNES: I am dealing, Mr. Speaker, with the question of marriage *in extremis*. This is one particular aspect of it.

Mr. SPEAKER: I hope that the hon. member is not attempting to be rude to the Chair.

1.05 p.m.

Dr. HAYNES: Marriage in extremis. In that particular instance I just wanted to bring to this Honourable House how it can be a very difficult thing, and I think the precise circumstance as I recall was that just as the particular person was about to die, the question was put to him "would you have this woman to be your wife?"

Mr. SPEAKER: I appreciate all the hon. member is attempting to do, but he is not dealing with the principle of the Bill that is before this Honourable House.

Dr. HAYNES: Mr. Speaker, I am trying to illustrate how difficult it may well be to draft legislation to meet circumstances of this kind, and I am trying to describe the most difficult circumstance so that the hon. Attorney General when he replies would be able to tell me.....

Mr. SPEAKER: The hon. member may do so in Committee stage.

Dr. HAYNES: Mr. Speaker, if that is your attitude, I will cease at this point.

Mr. SIMMONS: Mr. Speaker, I have a very short contribution to make to this debate. I would first wish to compliment the Government and the Attorney General in particular for bringing this piece of legislation before the House even in advance of any comprehensive piece of social legislation dealing with the family, the establishment of a family court, divorce and all that. It seems to me, having heard the hon. member for St. Michael South Central, that he was aware that this piece of legislation in some form or other had been in the bosoms of the Democratic Labour Party for well over seven years, and the Attorney General should be complimented for getting it before the House in just over two.

What worries me about the contribution made by the hon. member for St. Michael North Central is that even though I understand perhaps his being placed in difficulty as a non-lawyer, it seems to me that his call for legislation to take account of the particular and special peculiarities of every interest group in this country could make legislation in future very cumbersome, certainly

unrealistic and certainly in its totality not legislation at all.

In this specific area of marriage, as I recall the law, where there is a conflict of jurisdiction or choice of law, where there is conflict because one person may be a foreigner getting married in another country I think the law is that the formalities of the marriage are governed by *lex loci celebrationis,* the law of the place where the marriage is celebrated. A foreigner's capacity to enter into that marriage is governed by the law of domicile of each party, and it is a matter for the court ultimately if the legality of that marriage is tested either on the basis that it did not comply with the formalities required or that the parties did not have capacity to apply certain rules.

This Bill does make some provision in Clause 5 of the Bill for conflict of law situations such as was posited by the hon. member for St. Michael North Central, but I cannot see that it is practical to draft legislation which would have meaningful effect to accommodate Indian marriages, Pakistani marriages, Lebanese marriages, Syrian marriages, Jewish marriages, all of them, every minority group that is in Barbados and that is non-Barbadian. It cannot be done, Sir.

I have never come across any legislation in England for example – not that I am using this as a standard – but when I was sojourning and learning and working in England for ten years particularly in the period 1967-70 with the onset of Powellism, all kinds of allegations were made against black people. The Indians and Pakistanis were criticised on the grounds that the curry they cooked you could smell downstairs. Do you mean the health authorities in England would have to make special legislation to deal with the curry cookers? West Indians were accused of coming into the country and having better homes than the Englishmen or having a car having only been there for five years, because West Indians tended to be more thrifty and wanted to improve their social mobility, but no specific laws were made to take account of any particular idiosyncrasies of foreign people.

There was a question which arose in the courts concerning the marriage of a child in Ghana who was then 13. I think it was the vase of Mohammed Knott and the National Assistance Board, and there was another case of Iman Dan. These are two cases that I recall, one from Ghana and I think one from Nigeria where the question for the English Court was to determine the legality of a marriage contracted by a girl aged 13, and the court had to recognise or not recognise that marriage, and it is there in the books of 1968 when I think the case of Mohammed Knott was, that if it was acceptable to the law of the domicile which was Ghana, the English Court recognised it on that principle. So that if foreign people come to Barbados and want to marry in Barbados, if they want to marry according to these Rules, they have to marry according to what obtains as the formalities and the requisites of our laws. There is nothing to stop them from contracting a valid marriage according to their own system of law outside Barbados, and I am not sure that this Bill in fact prohibits them from contracting a marriage in Barbados say, two Indians marrying in Barbados according to their Hindu, Moslem or whatever rites. That marriage may be valid for this purpose and may be recognised by the courts of India, but if they want a marriage recognised by Barbadian law, then they have to comply with the requirements of this law. So I think the hon. member for St. Michael North Central is perhaps asking the Government at this stage and perhaps for a very long time to come to do something which is perhaps superhuman, and give recognition to various countries' or various persons' idiosyncrasies and special modes of operation he could probably have been talking about Talac marriages. When we come to divorce, what are we going to do? Does he want us to include in our divorce laws the phrase that perhaps some people in the Middle East used in divorcing themselves by saying "I divorce you, I divorce you, I divorce you", and that is that. You say it three times and you are properly divorced. Well a lot of money would be taken out of the lawyers' pockets if that were the way to do it. You would not have to go to court and go through a whole set of petitions and leading of evidence; but a lot of marriages also break down too.

A lot of people are getting concerned that you only need in some jurisdictions to say the words three times and that is the end of it. I do not believe that divorce should be that easy.

There are certain noteworthy features of the Bill, Mr. Speaker. An attempt is made to take cognisance of problems and the stigma which attaches to illegitimacy, and I am sure that in the foreseeable future – and I am not talking about 1981 – I am talking about a period of time before that – certain distinctions will be removed from the law of illegitimacy, and to some extent the call from the hon. member for St. Michael South Central to place illegitimate and legitimate persons more or less on an equal footing will be realised. I am not on the front bench, so I cannot tell you the details, but I have that in the back of my mind as something I am sure this Government will attempt.

Mr. TAITT entered the Chamber and took his seat.

1.15 p.m.

And I am sure that in the future certain distinctions will be removed from the law on illegitimacy and that to some extent the call from the hon. member for St. Michael South Central to place illegitimate persons more or less on equal footing will be realized.

I am indeed pleased to see that the archaic actions for breach of promise has been removed. Its usefulness has always been in doubt. I believe if one were to do a survey of the last twenty five years one would hardly find an action for breach of promise if marriage prosecuted to conclusion, and although I believe that the National Commission on the Status of Women did suggest its retention, I am glad to see that the Attorney General has not acceded to that request. I think there are other ways of dealing with this situation without having a specific legal action which has fallen into desuetude centuries ago. Indeed it may be a relic from colonial days and ought to be abolished.

In Part 2 of the Act there is specific legislation dealing with void marriages and my concern is that since the drafters saw it necessary to deal with the circumstances rendering a marriage void, I would have thought that opportunity would have been taken at the same time to deal with the circumstances under which the marriage was rendered voidable. It could come in another piece of legislation but I wonder whether it would not have been neater to do it in this legislation. As far as I remember the old Chapter 218 did not in fact spell out the grounds on which a marriage could be declared void – this is subject to correction as I am speaking from memory. This legislation is now seeking to give the circumstances under which a marriage can be declared void, and yet wilful refusal to consumate the marriage, or impotence – two well known accepted and legal grounds for declaring a marriage voidable are not covered in this legislation. There may be a reason which the Attorney General can give and I will be very grateful to hear the reason. It can hardly be subsumed under that part of the Bill dealing with the giving of real consent. If it is to be subsumed under that head of real consent in Part 2(5) then I can see a field day for lawyers on that aspect of the voidability of marriages.

Apart from that concern, Mr. Speaker, I shall lend the Bill my wholehearted support and I will not tire the House with the problems which confront lawyers on a day to day basis.

Before concluding, Mr. Speaker, although it is not directly germane to the question of marriage but rather to divorce, I would consel the hon. Attorney General in his over-view of family legislation and with a view to liberalizing the divorce laws to consider the position of a Barbadian woman married to a foreigner and the foreigner subsequently taking off and leaving her in Barbados. At the moment she is attracted to his domicile which may be outside the jurisdiction of Barbados. I do not see any specific provision in the Status of Women Report to deal with this except to say that there should be separate domiciles; but I feel there have been too many cases where Barbadian women in that situation have suffered hardship and have no recourse to the courts because the courts in Barbados cannot assume jurisdiction as her domicile is tied to that of the husband's, and since the husband is not domiciled in Barbados the Barbados courts cannot adjudicate. We want a liberalization such as was done in England in 1937 and 1950 and is now section 40 of the 1955 Matrimonial Causes Act in England, to allow Barbadian wives who find themselves in that position to be able to petition as of right and without any question of their domicile being tied to their husband so that the court can pronounce on their situation.

Mr. JOHNSON: Mr. Speaker, I believe that first of all we should remember that marriage is a religious ceremony and secondly perhaps a social or civil ceremony. I have listened to all that has been said in respect of the Bill and would like to congratulate the hon. Attorney General for seeking the advice of the various religious bodies in the Island and giving them the opportunity to put in into the content of this Bill their own particular views from their own particular biases. The Democratic Labour Party which had the first opportunity to look at the laws relating to marriage did not believe that religious consultations with the various religious bodies was essential to a successful and workable Bill, and as I listen here as the hon. member for St. Michael North Central criticised the Attorney General for the dichotomy that appears to exist where on the one hand Barbadians were given a set of rules and regulations, whereas other minority or ethnic groups in our midst were not bound by these same rules.

Dr. CADDLE: Mr. Speaker, the hon. member has said that I criticised the hon. Attorney General for some dichotomy. I take objection to that as I in no way criticised the Attorney General. I said I was drawing the attention of the Attorney General to certain features of Barbadian society.. I do not see how the hon. member can interpret that as criticism of the Attorney General.

Mr. JOHNSON: I hope the hon. member for St. Michael North Central is not getting too sensitive, because I do not think that criticism is a harsh or wicked word. I meant he was taking issue with the fact that on one hand Barbadians were free to follow this convention here whereas other ethnic groups were able to marry at what would normally be regarded as minority ages, and I heard the hon. member for St. Michael South Central saying that the Attorney General had the good sense of implementing what he found.
1.25 p.m.

I do not know where that leaves us. On the one hand you get the hon. member for St. Michael South Central who says that the Hon. Attorney General had the good sense to implement what he already found. I am wondering what to do from here. (Mr. GREAVES: Sit down.) When I need the advice of the hon. member for St. Lucy I will certainly seek it; but by then I am sure

he will be no longer in this Chamber. (Mr. GREAVES: Twenty-five years from now.)

The first part of the Bill deals with provisions for residence, a requirement of three days before the issuing of a Marriage Licence. Within recent times Barbados has had a spate of marriages which appear to have been arranged for reasons of convenience; and this indeed is a problem in every society where aliens regard that the society in question offers better opportunities for them than they had in their own place of nationality; and I think that looking at this myself I am a little bit perplexed; and I hope that the Hon. Attorney General has formulated and carefully worked out this three days provision in a way that will obviate the possibility of foreigners flocking to Barbados to engage, for whatever reasons they may have in marriages of convenience; because, Sir, Barbados is a relatively good place to live in and we do not now have the social problems that other societies have to contend with; but I fear that unless we are extremely dilligent in this aspect of the Bill, we will have problems in the future. I would just urge the Attorney General to make sure that he has carefully worked out a formula which would control any incidence of this sort of thing happening.

In looking at Section 35 contained in Part VII of the Bill, that deals with Marriages *in extremis*. I am a little bit at a loss to understand why a man who has been adjudged to be on the point of death will want to hurry to get married; because they certainly cannot be a lot of justification for people who are dying to be seeking to have the court give them opportunities to marry without passing through the necessary provisions that are set out for that purpose. I know that in this particular case it is likely – because I know that while medical practitioners are able sometimes with some degree of accuracy to say how long a fellow might have to live, I am sure that the medical practitioners among us can point to cases where they themselves have given a fellow 30 days and he went blissfully for 30 years. So it would appear to me that this could be an opportunity or avenue for people who are absolutely determined to beat the provisions contained in the registration requirements; and they could pretend to be ill.

I know that when you do not want to join the army in the USA, all you had to do was to get your blood pressure elevated by engaging in some practices that were not altogether legitimate; but you temporarily elevated your blood pressure and you would be debarred from going into service. So it would appear to me that a person, if he is absolutely determined might be able to feign death or dying to some extreme extent in order to be able to get a medical practitioner to tell him, well, Sir, you can get your marriage to be arranged without having to go through the provisions. It might seem to be a very strange type of situation that I am putting here; but what I am pointing out is that these things are entirely possible, and people have gone to further extremes than this to beat the regulations. All of us know that if you put yourself in a suitcase in the belly of an aircraft for the sake of beating emigration laws, that you are likely to die. There are people who put themselves in the belly of an aircraft and who wind up at their destination dead. They are so bent on getting around the rules and regulations.

Another aspect, Sir, of concern to me particularly is the absence of credentials necessary for performing marriages. I recently had a constituent of mine who complained that he had made representations to have permission to conduct marriages, but that he was constantly being turned down. I would hope that within these Regulations – he belongs to one of the Evangelical Churches. The Act says that the Church must be properly established, and I would hope that the question of permanency is sufficiently clear so that people of his ilk would be able to know whether or not they qualify and are able to get the requisite permission to perform marriages.

Finally, Sir, I am also reminded of a recent situation where a young lady called me and complained that she had given up her house where she was living. That she had bought furniture and that she had moved into a bigger house, and gone through all the preparations for getting married; and during the week of the appointed ceremony the boy's former girlfriend appeared from the United States and the marriage was called off. I do not know if the Attorney General would remember, but I called him and asked him what she should do. I asked his advise and at that time the law relating to breach of promise was still operating. Well, I hope that there is some mechanism to deal with a situation like this, where a man or a woman, for some unknown reason deliberately fools people and make them go to the point of buying things, getting into debt or setting up a home upon a promise of marriage only to discover after going to all that trouble that the marriage has been called off. I know that this can create a great deal of suffering in our society; and I would hope that if the old principle did not work, we are not just abolishing it without finding some means to let young men and young women – particularly young men – know that they cannot go and play these cruel tricks upon women. I believe that those are the principal points I would like to raise; and I hope that this is only part, or the beginning of what will be a co-ordinated series of Bills dealing with the question of the family in Barbados.

1.35 p.m.

Hon. B. A. MILLER: Mr. Speaker, Sir, I feel that as a person representing a minority in this Honourable House, I must get up and represent the view of a majority of this Honourable House. I am the only member of this

Chamber who is not, or has not been married. I am in a minority situation in here Sir. There is, Mr. Speaker, however, a majority of people outside of this House and I feel that I have to speak on their behalf.

I would join other hon. members in complimenting the Hon. Attorney General for bringing this consolidation of laws relating to marriage before this House, but, Mr. Speaker, having said that, I will say this, I consider it an elitish choice because marriage is still a majority status in this country. The majority of people in this country who live together in unions, live together in non-marriage unions, and I do not say that it is not true. It is so.

There are a lot of popular beliefs, Sir, which are quite wrong. It is just like illegitimacy. It is in the majority in this country. Illegitimacy is the norm in Barbados, not the abnorm, and it is time that these things are said and it is time that people's rights and privileges must be protected, and I wish to call on the hon. Attorney General to bring at a very soon date before this Chamber legislation which will protect the rights and privileges of people living in non-marriage, whether you want to call it common law union, visit union, I do not care what it is called, but this is a democracy and these people are in the majority and it is time that the law looks after their rights and privileges and I am calling upon the Attorney General to bring such legislation before this Honourable House.

I am pleased to see that there is some, I regret I have to use the word "some", but there is some equating between the status of legitimate and illegitimate in this legislation, Mr. Speaker, but I should like to think that the time has come now for us to feel that any distinctions of that kind are no longer necessary. It is time for one status in this community. As I say the illegitimate out-number the legitimate anyhow.

I am not going to say any moral, religious, or any other kind of judgment, Mr. Speaker. I am speaking from the civil point of view, Mr. Speaker. People are entitled to their religious beliefs. People are entitled in any free country like ours to follow whatever moral station they feel to, but as far as civil law is concerned I think that the time is long past now where we must go on in this kind of social legislation to go on legislating for minority groups and I think, as I said, I am a minority in here, that I am speaking, I believe, for the great majority outside.

I think, Mr. Speaker, that it is time we stop looking around to see what happens in other Commonwealth countries, in countries of other ethnic backgrounds and decide for ourselves in Barbados how we are going to deal with matters of status in our society.

The Attorney General points out, Mr. Speaker, that what I am saying is all contained in the Report of the Commission which enquired into the Status of Women. I beg to differ, Mr. Speaker, it is not all in there. I am asking the Attorney General to go a little further than that Commission has recommended. Well, I ask to do away with the abolition of this distinction between the legitimate and the illegitimate in our community, and I think I am going many steps further than the Committee has recommended. Certainly, I am speaking to the main principal of the matter before the House, Mr. Speaker. It is time, and long since time that the Attorney General must bring to this Honourable House similar consolidating legislation in respect of that minority of people in our community who live in a common marriage status, and I am not going to pass any kind of moral or any other kind of judgment, Mr. Speaker, because as I said, I belong to that group, I belong to that majority, and I would be happy if the hon. Attorney General would, during the course of his reply, find it possible to give hon. members that kind of assurance.

Rt. Hon. E. W. BARROW entered the Chamber and took his seat.

Mr. SANDIFORD: Mr. Speaker, we have had both types of contributions, those complimenting the Hon. Attorney General and those which were critical of the Attorney General. I would like to say, Mr. Speaker, that this Bill that is before us, contrary to what might have been implied before, is not a creation all anew. It is good that this particular Bill to revise and consolidate the law relating to marriage is before us today and I do not think that there is anyone on either side who would be necessarily voting against this, even though there have been comments that it does not go far enough as far as the institution of marriage in this country is concerned and as far as the totality of the people residing here may be concerned.

I think we have got to admit, Mr. Speaker, that from time immemorial, man has sought unto himself a woman, and women have from time to time sought unto themselves men. I think this is at the very root of the matter. Of course there have been times too, when men have sought unto themselves more than one woman. I believe the Pope, I think it was, in a poem entitled "Absalom and Achitophel", if I may recall the words, my memory fails me somewhat:—

> "In pious times, e'r man before Priest-craft was invented,
> E'r one to one was, cursedly, confined:
> Before polygamy was made a sin,
> King David (and this now a free translation)
> Scattered his image (that was Charles II)
> throughout the land of England."

1.45 p.m.

Of course the society today recognises that marriage is at the root of the social institutions and it recognises

that in a variety of forms. The form that we are witnessing here is one such form that is recognised in most christian societies, and Barbados has been termed a christian society. There are those who may dispute that, but I think basically we go through the forms and we follow the practice.

I think what the hon. member for Bridgetown was getting at was that whereas there are some marriages which are solemnised in the churches or by the civil power, there are many more unions which are not so solemnised which are not necessarily recognised in the same way, and I personally believe that certain forms of union should be recognised in a particular way by the State and certain other forms of unions should also be given recognition, but there may be a difference in the type of recognition, although not to the detriment of the offspring or of those who are in a kind of pre-contractual relationship. I believe as long as there is man, as long as there is woman there will be varieties. Some people will want to go through the ceremony and others will say "you will not drag me into that ceremony even if you put a rope round my neck." There are those who even go to the extreme of agreeing and then, as we heard from the hon. member for St. Michael West, they at the last moment back out; that is not for them. This raises a matter, Mr. Speaker, which I would like to refer to.

In a variety of places in this legislation certain duties are imposed upon the Registar. He is required to publish the names of those persons who will be termed Marriage Officers, and I notice the hon. member for St. Michael West started out in a very religious manner. I do not know if he is a candidate for the post of Marriage Officer. I am certain he will perform any such duties well. *(Asides.)* He is one already? I see. But a number of duties are imposed on the Registrar, and I am hoping, Mr. Speaker, that with the imposition of each new duty that the requisite staff is provided in order that the Registrar can carry out his functions effectively. There is some feeling that you can just assign an additional duty and it can be taken up in the slack or can be accommodated. We know that there are certain functions now which are supposed to be performed at certain times, but which because of pressure of work or the work-load or the facilities or whatever there may be are not performed in the way they should be. We talk about the publication of change of addresses and so on of the Marriage Officers. We should know the vital statistics, we should know the statistics relating to marriages and the breakdown of marriages; all of these are supposed to be published, that type of information, if that is the truth, to follow the social dynamics of this society. We try to follow these things, but the vital statistics have not been published or certainly have not been laid in this Chamber for I believe a few years. I am not certain when the last one was.

Hon. H. deB. FORDE: I can assure the hon. member that the last one was laid. I think there are four years now unpublished and indeed not submitted to me, and I have minuted asking that they should be sent up. I can give him my assurance that those up to 1976 are available and 1977 is being done, because I came into office to find they had not been published for about four years.

Mr. SANDIFORD: I am merely drawing it to attention. I am not being critical of the Attorney General. I hope he is not getting too touchy on this matter. I am merely making the point that in this particular piece of legislation we are imposing additional duties and whatever the reason may be, existing duties are not being done. I am not certain if it is the fault of the Registrar, I cannot say that, but the point is that we are expected to see these documents laid in the Chamber and they are not laid. I know the officers are very helpful; if you seek information they will give you the information, but still we like to know that the information is available.

Mr. Speaker, I really do not wish to take up the time of the House any longer on this particular matter. I wanted to make the point that this particular legislation while it is a compliment to the Attorney General, we must recognise that any Attorney General however competent he might be, has to work on the basis of what has gone before, and I am certain in his reply he will be the first to admit perhaps contrary to what the hon. member for St. Philip North might have been implying, that he did not create this thing all anew, but that there was a considerable amount of spade work done by the previous administration, and in 1975 legislation was brought down to this Chamber. I believe the Bill reached as far as the Committee stage, but then other matters I believe overtook the progress of that legislation and that is now past history; but lest we fail to recognise that whatever may be the law reforming activities at the moment, in this particular measure and in the other measures there is a solid groundwork that has been laid, and if in two years the Attorney General can bring this particular matter before us, it is an indication that there is a solid foundation which has been laid there, and that he is the successor of a very good tradition as far as the whole question of law revision and law reform may be concerned.

We will get back to these matters because today may be a lawyer's day. There is a lot of legislation on which I am certain the Attorneys-at-Law will be speaking. That is the first one, but as a whole that indicates that the work that has been done has been solidly done, and this country is on the way to reforming the law, but the law must be reformed as I think the hon. member for Bridgetown was trying to indicate in terms with the social realities that persist, exist or subsist in this society.

Rt. Hon. E. W. BARROW: Mr. Speaker, I am aware of the time and it is not likely that I will conclude before the allotted time; but I am ready to start.

Mr. SPEAKER: I would advise that you let us take the break now.

Rt. Hon. E. W. BARROW: You will ordain that the break be taken.

SUSPENSION OF SITTING

Mr. SPEAKER: The time is now 2 o'clock.

This Sitting now stands suspended until 2.45 p.m. today.
2.00 p.m.

On resumption:

Mr. SPEAKER: This Sitting is now resumed. It is now Question Time. The hon. member for Christ Church East his Question No. 10.

Dr. CHELTENHAM: Mr. Speaker, To ask the Rt. Hon. Prime Minister and Minister of Finance and Planning: 1. When last has the Income Tax Appeal Board sat? 2. How many cases are at present before the Board? 3. If it has not sat within the last year, will the Minister state why not; and further what steps are being taken to ensure that the Board sits at a soon date to deal with the backlog of cases?

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, the Reply to Parliamentary Question No. 10 is as follows:–

"1. 27th November, 1975

2. Nine cases

3. There has been no meeting because a time convenient to all concerned could not be arranged, owing to charges in Counsel in some of the cases and the unavailability from time to time of Counsel for the Appellants.

A meeting of the Board was however held on October 6, 1978 and another on October 16, since the asking of the Question. Every effort will be made to ensure that the interests of appellants do not suffer through repeated adjournments, and the matters raised by the Honourable Member have been conveyed to all concerned."

Mr. SPEAKER: This brings us to the end of Question Time. It is now Private Members' Business.

Mr. GREAVES: Mr. Speaker, I beg to move that Item No. 1 standing in my name be taken at this point.

Hon. H. B. St. JOHN: Mr. Speaker, I do not want to interfere in any way with the hon. member's right to request that the Resolution be taken, but it has been drawn to my attention that the Resolution at the present moment does not comply with the rules, so the hon. member may have to take a certain course of action with respect to the Resolution. I would like to draw to Your Honour's attention that three months have expired since the tabling of the Resolution.

Mr. GREAVES: Mr. Speaker, I am sure you are aware that the three months period included the recess which, as I understand it, is not counted in the time of the Resolution.

Hon. H. B. St. JOHN: I will be grateful if Your Honour will make a ruling on the matter.

Mr. SPEAKER: I am having the matter investigated before giving a ruling. In the meantime we might go on to Item No. 2; Item No. 2 is the instant order (A Pause) I am advised that the House was in recess from 1st August, 1978 to 19th September; consequently the Resolution can be entertained.

Hon. H. B. St. JOHN: I am very grateful to Your Honour for the ruling, because it was a moot point.

Mr. SPEAKER: Item No. 1.

RESOLUTION CALLING ON GOVERNMENT TO GIVE CONSIDERATION TO THE ESTABLISHMENT OF A HOUSING DEVELOPMENT IN ST. LUCY

Mr. GREAVES: Thank you, Mr. Speaker. As was pointed out, this Resolution was given notice of on 11th July, 1978 and it reads as follows:

"WHEREAS the provision of housing in a country is a basic human need and is crucial to any rural development programme;

AND WHEREAS any rural development in Barbados must take into consideration the parish of St. Lucy;

AND WHEREAS Government already owns a sizeable portion of land in St. Lucy;

BE IT RESOLVED that this House calls on the Government to give consideration to the establishment of a housing development in St. Lucy."

Mr. Speaker, this Resolution has come about as a result of a need which I have recognized in the constituency which I have the honour to represent, and this is a need, as you will probably realize, in the area of

housing, a need which has developed over a period of time and certainly which within recent years has manifested itself in more than one way. I was able to impress upon the last administration the need for establishing a housing development in the parish of St. Lucy, and an area was earmarked for this purpose at Nessfield. I believe that if you were to allude to the Manifesto of the Democratic Labour Party you will see there was a commitment on the part of the Democratic Labour Party for this purpose. Unfortunately, as far as the Democratic Labour Party was concerned we were not returned to power...

Hon. L. S. CRAIG: Mr. Speaker, on a point of order. I would like to let the hon. member know that I will be visiting Nessfield this month and will give him an assurance that the matter will be given priority in my Ministry.

Mr. SPEAKER: Your point is well taken.

Mr. GREAVES: To continue, Sir. *(ASIDES)* Because I have a right to and not only you.

Mr. SPEAKER: Are you addressing the Chair?

Mr. GREAVES: I am sure, Mr. Speaker, that you have given me permission to speak and that is why I am speaking, in spite of the rude comments from the Prime Minister.

Rt. Hon. J. M. G. M. ADAMS: Mr. Speaker, the hon. member has asked for a housing area to be established in St. Lucy and the Minister has said that he will look into it. And the hon. member says that it is rude for me to intervene. I submit that the remarks are improper.

Mr. GREAVES: Mr. Speaker, if one were to look at the physical development plan laid in this House in 1976 one would see very clearly that some provision was made in that plan for this purpose, and it is interesting to hear the response coming from Government benches now, because I think you will remember that it was in November, 1976, I believe, that I asked a question on this same matter, which was during the last Session.

Hon. L. S. CRAIG: On a point of order, Mr. Speaker, the hon. member has made it very clear that he did not get any place during the Democratic Labour Party regime. As the Minister of Housing I assure him...

Mr. SPEAKER: I appreciate the Minister's point, but the Minister must understand that he has an occasion during which he can reply.

Mr. GREAVES: I am making the point, Mr. Speaker, that it was in November, 1976 that I asked a question on housing in St. Lucy during the first Session of this Parliament.
2.55 p.m.

I was told then by the Deputy Prime Minister who was replying on behalf of the Government that he had carried out an investigation into the need of housing in St. Lucy; and based on applications, it was discovered at the National Housi .g Corporation that there were only 58 at that time, and that the Government did not see the need for housing in St. Lucy at that time. I do not see why the Minister is getting so hot around the neck. That was a decision of the Government then; and I am glad to hear him say that the position of the Government has changed and that the Government has now recognised that there is a need and will be going along in support of the Resolution for a housing development in St. Lucy.

So now that we have got that particular point clarified, it is apparent to me that there will be unanimity on this Resolution; and there is no point in going on with it much longer; but let me make a point, as I said, that the Government has a number of areas for one reason or another – I want to make this very clear. The Government does not see it fit to establish a development in the Nessfield area. I would like to draw to the attention of the Minister of Housing that there are other areas in St. Lucy which are owned by the Government, as for instance, an area of land which was bought for the cement project. I do not know what the plans are now, but they may not need all of that land in the Checker Hall area; this is an area which could be looked at. Of course the Government also has a number of different spots which belong to the Spring Hall group of estates which can certainly be developed and used for this particular purpose.

So that there are a number of other alternatives available to the Government in this particular area; and I am particularly glad that my Resolution has had the effect of raising a responsible and positive chord in the heart of the Government. I am hoping that with the development of the housing project in St. Lucy, we will not only have house spots provided and houses to be built, but that there will be an opportunity for people to have a properly planned and developed housing area in the parish of St. Lucy.

I think that this will have the effect of reducing the growing urban drift which I suppose is one of the problems in which the development programme of this Government would want to assist in reducing in order to ensure that development takes place as quickly as possible in the rural parishes across the island. I simply want to commend this Resolution to hon. members for their approval.

Mr. TAITT: Mr. Speaker, I beg to second the motion for the passing of the Resolution, and I reserve my right to speak.

Mr. SIMMONS: Mr. Speaker, I have a few comments to make on this Resolution. It is indeed interesting to find that the hon. member for St. Lucy in supporting this Resolution seems to be taking a line slightly different from his party leader in 1976, because the by-election in St. Philip North caused the establishment of a housing area in St. Philip North, something rebutted by the then Prime Minister who said that he was giving no housing areas in the rural parishes; but now we find the member for St. Lucy wanting a housing area in St. Lucy. Presumably St. Lucy is a rural parish like St. Philip.

Since the House has accepted, Sir, certain assurances from the Minister, I will not prolong the debate except to say that only about three weeks ago the National Housing Corporation and the Ministry met on the preliminary plans for building in 1979; and without at this stage disclosing those preliminary plans, I may state that the Corporation and the Ministry only about three weeks ago agreed to take in the island as a whole and look at the need for housing throughout the whole island.

We want to assure the hon. member for St. Lucy that just as St. Philip, St. Michael North Central, St. Michael South West, St. George and St. Joseph, and St. Peter, Mr. Speaker, will be looked at in the course of our investigation, and St. Lucy no less especially because of the fact that there are already areas of land under the aegis of the Government in St. Lucy. We will pay attention to the needs of St. Lucy. I cannot at this point say whether St. Lucy has a higher priority rate than other areas; but since the Resolution ask that we give consideration to St. Lucy, we will give consideration to the establishment of a housing area in that parish, Sir.

Dr. CADDLE: Mr. Speaker, I would like to welcome the remarks of the Minister responsible for housing when he stated that he would be going to St. Lucy and that he would be looking at Nessfield. I do not know what will come out of his looking; but I would like him to take it a little further than mere looking. St. Lucy is a relatively large parish. It is not densely populated like some other parishes, but some of the remarks made are worthwhile repeating. Some areas are really sparsely populated, and then there are great difficulties of movement from one area to another within the parish and even going to Speightstown or to Bridgetown. There are problems for the people who live in St. Lucy, including bad roads, inadequate water and the absence of street lighting and things of that sort; and part of the reason may well lie in the effect of the attitude of the owners of plantations in the sense that they are not concerned about development of the areas; but one also has to look at the fact that the terrain which you find in some of these districts might make it rather difficult to bring in the type of facilities which you find in other parts of Barbados; and therefore I feel that it is the responsibility of any Government especially one which holds itself up as being progressive and concerned with the people, take a careful look not only at St. Lucy, but at other parts of Barbados; but as we are dealing with St. Lucy they should take a careful look at that parish, and see in what way, while trying to solve the problem of housing, they cannot also solve the other problems of people living in these areas.

3.05 p.m.

It comes to my mind readily that some sort of housing scheme in some parts of St. Lucy may do well in removing people from some of these isolated districts and putting them in a position where they will be served properly with water, lighting, good roads and other facilities, and also where they will be in close proximity with the other people.

Sir, if you look in certain parts of Josey Hill, or Mount Gay or Hannah's, you see people living in the back, away from the main roads, and it is very difficult for people to get in and out of their homes, even when it is dry, due to the bad drainage and when you look at the question of trying to carry facilities to these people, a very heavy cost will be involved. When you look at all of these over-riding factors, I think the answer may very well lie in putting up a proper housing development in some part of St. Lucy where it is easier to bring water to people and also carry the other facilities.

Some time ago, the Government spent a large amount of money in putting a reservoir at Archer's Bay in St. Lucy. That is only catering to the needs of people in a certain part of the parish but when you go through the area and you look at places near Lowlands, Josey Hill, and those adjoining areas, and Lamberts, you find that the problem of adequate water supply is still there and then the Government has to look maybe to build again at another location another reservoir which will entail further expenditure, but I have been reminded that it has been completed at Lamberts.

I think Sir, if you look seriously at the needs of the people of that area and take into consideration all of these simple topographical features, one could very well come to the conclusion that the development in St. Lucy will be served by having an area for housing where all of these needs can be done efficiently and effectively and maybe at a lower cost than trying to service all the individual areas I have mentioned.

I also want to point out that while it is true that a large number of people in St. Lucy have not made requests in the past for houses, there are a large number

of people in that parish that required land for their houses and in such an housing development one would believe that land would be made readily available to such who require it for houses, and one of the interesting features in Barbados today is that people are finding it more and more difficult, as time goes by, to get land on which to put a chattel house. They might find it easier to buy land on which to build permanently, but people who have a home of their own and want to find land for rental on which to site their home find it difficult and this difficulty is always on the increase.

You find that maybe there are some problems relative to certain restrictions we have on the removal of tenants off land that have sort of accelerated this problem, but it has become, or it is becoming the responsibility, as time goes by, for Government to find land for people on which to put their houses. In the parish of St. Lucy there are a large number of people who now live on plantation tenantries, and in those areas which are difficult to manage, when it is dry would like to move out, but have no way at present to put their houses I would like to point out to the Minister responsible for Housing that in looking at the question of a Housing Development in St. Lucy, I do not think it is enough to say I will pay a visit in this week, I think it is better to pay a visit to some of the particular areas where these problems exist, and become aware of the difficulties which people in those areas have, and set about to do something for the benefit of the people in those areas and also, maybe, by setting up a Housing Development in St. Lucy, he may very well spare himself the necessity of having to look for development in those small areas which are very difficult to get to and bring in facilities.

Mr. SANDIFORD: Mr. Speaker, I rise to give my support to this particular Resolution. It was very thoughtful of the member for St. Lucy to have brought this Resolution to this Honourable Chamber and to give the expression of the needs of those constituents within the total context of the housing development needs of this country.

I think developmental planning in this country calls for a total look at the resources of the country and the availability of central areas which may be developed and which may form the bases by which human settlement in a very broad sense may be developed. Human settlement in which a variety of services, as my colleague, the hon. member for St. Michael North Central has indicated, in which these services could be provided in order to raise the living standards and general amenities of people in the country. Nessfield in St. Lucy represents such an area. It is at the cross roads, as it were, of some of the roadways in the North. Also, there are certain facilities there which could form the nucleus of the type of integrated development of which other places in the country could also form.

I think places like the Six Cross Roads in St. Philip, Belleplaine in St. Andrew and Gall Hill in St. John and Holetown in St. James, these are areas where in accordance with some physical development planning practices, human settlement can be developed and the living standards of people may be raised, so I think it is of considerable precedence on the part of the member for St. Lucy to bring this particular measure before us.

While on this matter, Mr. Speaker, I do hope, of course we will not forget the requirements of St. Peter. This is also an area which may call for certain developments and of course you know of the Development Plan which you have been promised for a long time.

Mr. SPEAKER: Whenever you attempt to go North, St. Peter will come first.

Mr. SANDIFORD: We hope, Mr. Speaker, that this is the priority which you may get. I hope so. I mentioned Holetown, but this is the type of development which was envisaged and I do hope that no narrow political belief or political objective might divert the planners from the sound programme of development in this country.

I am certain the Minister, and I know that he will pay attention to the background information that is submitted to him, would realise that there are certain areas which have been identified for development and I stress again, less it is forgotten, that St. Peter was included in that particular development and Oistins was included as well.

I do hope that with the centrality of that particular area as far as the North is concerned, with the Post Office in the Benthams area, with a school, the St. Lucy Secondary School in the area, with a Primary School in the area, with playing fields in the area, with a health facility, whether that will be upgraded into some other development which certainly could be a kind of a satellite facility as far as the St. Peter facility, the Maurice Byer Clinic is concerned.

3.15 p.m.

No doubt too, we must point out for the religious in this community and who may be among us now that there is a long established church in the area; so it has all of the requirements for an integrated development. Now we are talking about these areas that may be developed, but I hope that in such development older areas will not be neglected, and I am certain you will pardon me, Mr. Speaker, if I call for the upgrading of housing facilities in the older housing estates as well, such as the Bayville area in the constituency of St. Michael South. I say no more and I thank you for your indulgence.

Mr. SPEAKER: Before the Minister replies, is there any hon. member who wishes to speak?

Hon. L. S. CRAIG: Mr. Speaker, it is all right. You have the President there waiting to wind up and the Secretary on his right.

Mr. Speaker, first let me start out by making it abundantly clear that as Minister of Housing I have a commitment to this country and to my Party. One of the basic needs of a human being is shelter. The other two you can deal with. We will deal with the food after this Resolution. That is why I said the basic need, because there are three: shelter, feeding and clothing. We will deal with the feeding after this one; a very interesting debate I can assure you. The member for St. Lucy started off.....

Mr. SPEAKER: The hon. member.

Hon. L. S. CRAIG: The hon. member for St. Lucy started his speech by saying that for a very long time during the Democratic Labour Party regime he was trying to get a housing development in St. Lucy, and apparently he failed. I tried to short circuit his speech by giving him the bold assurance that this Minister and this Government would examine the recommendations since the Resolution asked to look carefully at housing in St. Lucy. But not only in St. Lucy am I prepared to look at housing, but across the entire country. I will make St. Lucy a priority since it starts in the north which is at the top, unlike the other administration who did not see it at all. I would even go further. I am going to give hon. members on the other side the assurance that a pledge which they made in 1961 not only to house the people but to provide for them recreational facilities at the seaside at a very cheap cost for the workers of this country will be honoured. Even in St. Lucy I am giving that consideration, maybe a place like Archer's Bay or Maycock's where you can get the breeze off the Atlantic. That is what I am going to assure him so he has not got to worry about his Resolution for housing in St. Lucy. He is even assured of having seaside houses in St. Lucy for the people of Barbados.

Mr. Speaker, as we come from north along the coast line, St. Lucy obviously would also be carefully looked at. The hon. member for St. Michael South skipped from St. Peter and dropped into Oistin. Now he bypassed all St. James through St. Michael and dropped in Oistin. Well as Minister of Housing I am starting at the north in St. Lucy coming along the coastline bringing us to St. Peter, and obviously I will have to say hello to St. James.

Mr. SANDIFORD: On a point of elucidation, I do wish to point out that I did mention Holetown because I will have to mention it for the hon. member.

Mr. SPEAKER: Perhaps he did not realise that the hon. member might have been fishing.

Hon. L. S. CRAIG: Sir, the Holetown was so soft that I could hardly hear it. I was listening for St. James, but he picked out a particular area in Holetown. Well if he is interested in setting up a restaurant there, he has all my wishes, there is no doubt about that.

Mr. SANDIFORD: On a further point of elucidation, I may point out that I have no intention of setting up a restaurant in Holetown. We will take care of the hon. member in other ways.

Mr. SPEAKER: No present intention, I believe.

Hon. L. S. CRAIG: All right, Sir, or maybe a City College in the town of Holetown. However, I must take issue with the hon. member when he talks about upgrading. Now for fifteen long years they ruled this country and went into the Pine, in Bridgetown, St. James and St. Peter and told the people that the Barbados Labour Party during their regime had built houses that had one door, you had to put up curtains, you had to go outside and use toilets in the back. That is what they told the people we did then, and they came into power from 1961 until 1976 and did not rectify that situation. I invite hon. members now to go to Princess Royal Avenue and see where we have two families living upstairs and two downstairs and we now have set out, some two weeks ago, to make sure that the quality of life in the same areas which they had criticised over the past fifteen years is improved. We are going into Bay Land too because there are about six of them out there, but you will have to answer this charge as a former Minister of Government, because you were in Cabinet and were critical of the conditions during those dark years between the forties and the late fifties. You said how we built houses by Crowe. .

I remember hearing the Leader of the Opposition in his own style telling them how one door was off, they had to go out in the yard and the rain would wet them, and for fifteen years with all the $200 million that he and the hon. member for St. Michael South Central talked about never saw fit to improve the quality of life in those very years. Now we have tackled it. As a matter of fact, I have tackled it in one month. and it took fifteen years to be critical of something and fail to rectify it. The people in the housing area in Princess Royal Avenue and in the Bay Land will be able to use the toilets inside with a shower, and there would be two families instead of four. When it was difficult for us to put our hands on money, we provided shelter in our little way, but the criticism came then from between himself and Patsy Springer, his buddy, the wealthy Patsy Springer that he made wealthy overnight. They talked about how the doors were falling off. All of these things I heard and in fifteen years they never saw fit to improve the quality of life of these people. So I want to assure the hon. member for St. Michael South that he has not got to be

worried about the quality of life in the Bay Land. I think there are six or eight houses out there where there are four families living in one block, two upstairs and two downstairs. That is now being tackled. There will be a two-family home and we have not got to take fifteen years to honour a commitment of that nature. I am doing it in two months.
3.25 p.m.

Secondly, I would like to deal with the hon. member for St. Lucy. It is always very difficult to understand him – at least difficult for me. But he would perhaps say that I did not go to a university so I would not be able to understand. He has asked that the Government give consideration to this matter. I am assuring him that as long as I am Minister of Housing I am going to give St. Lucy consideration; I will give a lot consideration to the needs of St. Lucy. I will take a trip out there to give it consideration. The member can be assured that his Resolution will not fall to the ground. Furthermore, I believe I will give it priority.

I do not think that there is much more I would like to say on this matter of Housing because I am hopeful that during Estimates time next year we will have a full-dress debate on housing even if I have to initiate it myself. because I have seen a report by a man called J. W. Henderson, and it frightens me when I read what used to go on at the Ministry of Housing under the Leader of the Opposition as then Minister of Finance and ruler of the country, the Napoleon of the country. And now the hon. member for St. Michael South Central, the second most powerful Napoleon. I cannot spell Napoleon because I do not have a great kind dog; but thank God I was not born in a prison either, so I would not be able to spell Napoleon. You were born in Bequia prison.

Mr. SPEAKER: The hon. member must withdraw those remarks.

Hon. L. S. CRAIG: I withdraw. But I will fight him anywhere at all, and will deal with him in the next Resolution. I want to assure hon. members on the other side that whatever their housing needs be they need have no fear. Telephone me or come on Saturday mornings like the others and I will see them. Put your housing needs to me and I will take care of them; have no fear. Hanschell Land, I will examine that too. All the interests that you all have – Bay Land, Carrington Village – I will give them all the consideration you want. I don't want to go on any further with this but I am hopeful that at some future date we will have a full-dress debate on housing and I will tell the Opposition some things that I have seen that they themselves would be ashamed to know that they were members of the Democratic Labour Party; how for instance they were employing a political taxi called X–1 to go about and assassinate people....

Mr. SPEAKER: Is this a new type of house?

Hon. L. S. CRAIG: No, Sir. But just as they have MF–37 and MH–9, there is X–1, a taxi for hire; the hon. member for St. Michael South Central owns that taxi; pay $5 and go anywhere at all. We will deal with that in the Resolution coming up, but I am hopeful that I will see a real debate on housing in here. The Leader of the Opposition I hope will be in here because the others do not know anything about housing; they were not in it; we will have a real showdown.

Mr. Speaker, let me reaffirm my assurance to the hon. member for St. Lucy that I am going to give his Resolution all the consideration that is necessary; he can rest assured that I shall.

Mr. TAITT: Mr. Speaker.....

Mr. SPEAKER: I am only going to entertain the hon. member for St. Lucy at this stage.

Mr. TAITT: Mr. Speaker....

Mr. SPEAKER: Please take your seat. Before the Minister made his speech I asked if there was any hon. member who wanted to speak.

Mr. GREAVES: Mr. Speaker, having listened to the reply given by the hon. Minister of Housing, it would seem to me that I have been rather fortunate in being able to bring this Resolution here; and even though the Resolution, as he says, calls for giving of consideration to the establishment of a housing development in St. Lucy, as he who has had much experience by his long years in this Parliament would recognize, a private member has to couch a resolution in this manner because obviously he has to avoid putting it in a manner which would call for a charge on the Government. So we appreciate what he has said that he will give the matter consideration, and I hope that he will go beyond the impression one gets about giving consideration and seeing that the consideration is implemented by the establishment of a housing development in St. Lucy. I therefore beg to move that this Resolution do now pass.

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

Rt. Hon. E. W. BARROW: Mr. Speaker, I want to make a point of personal explanation....

Mr. SPEAKER: The Standing Orders make ample provision for members who want to make personal explanations; they must first obtain the permission of the Speaker.

Rt. Hon. E. W. BARROW: I am asking for permission, Sir.

Mr. SPEAKER: I do not know what the matter is about, so I cannot give permission; it is contrary to the Standing Orders.

RESOLUTION REPUDIATING CERTAIN STATEMENTS IN THE HOUSE BY THE HON. MEMBER FOR ST. JAMES

Mr. SPEAKER: The hon. Minister of Communications and Works whom I do not now see in his place was speaking when the time for Private Members' Business expired. Is there any other hon. member who would like to make a contribution?

Hon. L. S. CRAIG: Mr. Speaker, it would appear as being unorthodox where a Resolution is brought by way of censure against a member of Parliament for him to get up in defence of himself and of the Resolution.
3.35 p.m.

I have listened, Mr. Speaker, to six members on the Opposition bench. I have listened to approximately four from the Government bench. Let me start out by saying that they say that two wrongs do not make a right. From the Opposition benches, Sir, I have been condemned and rebuked; and there is no doubt in my mind that a measure of that nature would have brought some hostility from the Opposition benches; but not only from the Opposition benches, Mr. Speaker, but it brought a degree of eyebrow raising not only within this area but as far as North America and within our neighbouring territories.

My grandmother many years ago always referred to the dog that would bark and did not bite; but the most dangerous type of dog is the one that would bite and does not bark. On this side my colleagues put the case of the biting dogs that do not bark, of the dog that is toothless and only barks. I have made my position abundantly clear in here on the floor of the House because I felt, Mr. Speaker, that it took the courage of a big man, and I know that history is going to record that I took a statesmanlike attitude. My friends in here in this Chamber will be able in the evening of their years to say that the member for St. James was not only generous but over generous as a man.

I go further. I hope that those same members on the Opposition benches will remember when I had the privilege during my years as a life insurance underwriter of having them in my confidence. They put me in their confidence. One of them was the member for St. Philip South; and I am glad that God moves in a mysterious way and that my signature was not affixed to the member for St. John. Of the others, five had me in their confidence to discuss their future, and I was able to give them the idea of how helpful I could be in my former chosen vocation.

Life plays some very funny tricks. Why take a sledge hammer to kill an ant? That is what this Resolution is all about. Not one of them who were then in Government condemned any of the utterances made on the floor of the House by their colleagues. It was not because they could not do it, but they did not have the courage of their convictions to get up and challenge the then Prime Minister; and I am going to deal with the mover of this Resolution on this. They got in here like lambs until the lion puts his paws out and brings them to their senses.

I have the courage as a statesman and a man who has a bounden duty to help the under privileged of this country because of my own personal upbringing. I have cut canes in Florida in 1946. In 1976 I returned to Florida as a Minister of Government. That is an achievement that any person can be justly proud of. I have also had the privilege of having a panoramic view of the countries up there by being acting Prime Minister of the country in which I was born.

One of the problems that I have always had was because of my generosity to the poor and under privileged of this country; that is why the Prime Minister of my country chose me to be Minister of Community Affairs. It was young people whom I had to work between. It was like bringing them from the womb to the tomb. It was dealing with the young in the day care centres to the graves of the aged. That was my lot. It was in the Ministry of Community Affairs that I was able to see the sufferings of the people of this country; and I vowed in 1961 in my personal life that if there was one thing I was going to do before I die it was to be able to assist Sir Grantley Adams in bringing back this country to a degree of respect when he was heckled by the other side in the Market Square.

Mr. Speaker, there is no doubt that my position was made abundantly clear for their consideration; but I have the guts and the courage and the manhood to challenge my own Prime Minister and to say that if you feel that I have failed you, your party and the people of Barbados, the instrument is yours. It is at your dispensation. That was courage. On the other hand if the Prime Minister is still a Minister of Government, and I said that I was going to do something, and he goes on the radio and says that it could not be done, he has the instrument. *(Aside)* That is why I know that you are not anything. The member for St. Michael North Central reminds me of what I saw in the "Nation" – an old lady calling for a tin of carrots, and when she opened it she found beans. You are neither fish, fowl, nor pork. In his bag right now he has a letter drafted to the Democratic Labour Party to

resign; but he does not have the courage. I would have had the courage. If the Prime Minister had rebuked me publicly, I would have resigned.

Now he comes in here with a dog eared half baked Resolution which will be defeated. It is only an exercise. I would hope that the Prime Minister makes sure that sooner or later he allows the debates of this Parliament to be heard on the radio rather than having members of the Opposition, or some of them going around the country maligning people and their families; and it is really pathetic. I have tapes of their meetings when I realised that while we spend millions of dollars on Education, people will go and stand up and listen to whose wife has divorced and who killed whom. *(Asides)*

Mr. SPEAKER: Order.

Hon. L. S. CRAIG: I am submitting now that if it was possible for a surgeon to take a surgeon's knife and open the hearts of every single member on the Opposition benches, and it was possible to find that they themselves believed the accusations which they make against my colleague at home and abroad, they would have a negative answer in their hearts.
3.45 p.m.

I know God moves in a mysterious way and I am not over boastful about this. Suppose you bring 9,000 Resolutions in here you cannot bring the St. James seat. Make that abundantly clear. I know that is a fact. If you did not do it in 1971 when the then Prime Minister had taken over Orange Hill with over 1,000 votes to topple me, and I was able to survive with a bigger majority, and also in 1976 I was able to win a majority. Now I am a Government Minister, I was around too long, if I do not know what to do.

I am particularly perturbed, Mr. Speaker, that in this Parliament for the past two years in any debate on the economic policies of the Government they have run away from that, and the unemployment policies they have run away from that, but what we have now is a condemnation by the Leader of the Opposition rebuking 20,000 young people in this country when he said that this country is now plagued with a generation of lawless young people He has to answer that charge. I could have him prosecuted. I have done it successfully and I shall do it again, and I have the ability to do it. He has to answer that. Twenty thousand young people will be coming out on the Election List in 1981 and the Leader of the Opposition got up here and rebuke them and called them a generation of lawless young people. We were only in power for two years. Now, tell me, what lawless young people at two years old you will find going about and stealing and so on. You created it and we have to correct it.

I have worked in Community Services with young people who are hungry for an opportunity within the past two years. The 4-H Clubs, have you looked at the Regiment? Have you looked at AYPA, the Methodist Youth Group, the Barbados Youth Council with a 135 Clubs participating, do you call them lawless young people? I do not think so. He has caused the division, if there is one in this country. What I would think is this, if he had said, Mr. Speaker, they were a few lawless young people, which is a problem, I would understand but do not condemn all the young people in Barbados. Are you going to tell me that at the Carifta Games....

Mr. SPEAKER: I take it that you are giving an indication of certain statements you intend to repudiate when the time comes.

Hon. L. S. CRAIG: Yes, Sir, and all of this was the pattern of the Leader of the Opposition's speech because lawlessness eliminates a part of my statement, that is what I think Sir. Are you going to tell me that the young people, 214 marching at the Stadium were lawless young people, winning a silver medal at the Pan Am Games, would you say they are lawless? Oh no. You have a bunch of lawless young people calling themselves the Young Democrats. That is what is lawless, and you always live in that home of lawlessness. That is your part, talking about division.

I remember well, and leaders must set the standards, when the Leader of the country could refuse to go to the funeral of one of the greatest old men in the Caribbean, who was considered to be a National hero. That is what you are asking the young people of this country to do, Sir? I do not accept this Sir. When the Trade Union boss can tell a man who founded the social revolution of this country, and an economic one that this is true, because he had a difference of opinion, that is the division in the country.

I said they should not eat. I have made my position clear on that. They are people who are now working in my Ministry and my former Ministry whom I beleive were or are supporters of the Dems. Right in my Ministry. I have a letter on file which says; "We were proud to work with you." If you want to know that the statement affected me, get a vote, a referendum in the country and you will see the turn around of votes. Even the Dems would walk about the road and say, "Craigy, my boy, I was in the wrong Party." That is what they will say, "my boy, it was the wrong Party."

What is really hurtful to me is, and I cannot understand how the mover of the Resolutions got pushed into this. Did you arrange this hoping to be President? That could not be so. You should have known better than that. You have already been set up over there. There is a division. It is the Leader of the Opposition there

now. You pushed out Weekes. Look where you drifted to? Nobody has pushed you down, it is your conscience and your guilt. Look where you are, away down. Forty votes or fifty something votes, that cannot be the BLP. No way. Whenever I put up my name, it is a force to be reckoned with. That is the respect they have for me and my family and you are bringing a Resolution to repudiate my remarks?

After I made my explanation before the House, you should have had the courage to get up and say "that is a Statesman," and Mr. Speaker, he should be able to say "I beg to withdraw the Resolution in the light of the member's utterances and his statesmanlike attitude." How many people throughout the entire Commonwealth when they have blundered or erred ever attempted to apologise to the nation? Would you apologise to a nation? I would not even apologise to my wife furthermore to a whole nation. You know why I apologised? I had them at heart, I respected them, and for that I had to do it, but what do you get, just all that cheap nay nay politics – buses turning over in St. Andrew, garbage remaining on the streets, etc., what cheap politics! Members of the former Cabinet, politicians, buying a house this place and that place, just cheap politics. You cannot come in here with a full economic policy and baffle the Prime Minister or challenge his wits. Let me hear you on this.

Even the country can trace you and you were up in Carrington's Village. You would know that you and Haynes do not have any company in Carrington's Village. I do not mean the member for St. Michael South Central. I mean Haynes. It could be Reggie Haynes, John Haynes, all the Haynes', and you went up there keeping a meeting.

I have always been a big man. I would not divulge certain things about a man's family even if a machine gun was at my head. I do not deal with politics that way. I would not go on a platform and try to assassinate a man's family, no way. I heard the member for St. Michael South Central reflect on the Leader of the Opposition's mother and father in a way that even Gearbox would have rebuked him, and it would have been a different job for the member for St. John to rebuke him but even the Leader of the Opposition did not know who his father was. Those utterences came from a man who has benefitted from the taxpayers in this country.

Then he goes further Sir, in the evening. This is the end of the debate. There is nothing coming back and the member can only reply now. This is the end. The Resolution will be passed today. The Resolution goes into the waste paper basket today, as I sit down.
3.55 p.m.

The Leader of the Opposition had the gall, and I am going to warn him now because this is the tenor of my speech to get up in here and say that the members of the Opposition were helpful to my family. Has he ever seen a picture of my wife and I? It has on "the Queen and I". Three children, Sir, justly proud of them and the lady of the world. That is how it is, and he reflected on my family. This is all I want to warn him; this is my warning to the Leader of the Opposition. I am a politician; I am subject to parliamentary or public attacks but if he ever misses and mentions, even sneezes a single word about my family, it will be a different ball game in here or out of here. I have never made an utterance about anybody's family on the other side. I go into public or come here and try to score my points. In here is a parliamentary talking shop. You score your points in here, but coming on to one's family, you cannot help.

Mr. Speaker, leaders set examples. The hon. Leader of the Opposition, the hon. member for St. Michael South Central, Eric X. EX – 1, that is his car number. You see the three of them? The same blood. The difference is the ages and the heights. All of them are the same kettle of fish. The air being foul, the taxpayers of Barbados' money, millions of dollars from 1961 when they had free secondary education. Sometimes I look around and see some civil servants whom I consider intellectuals, the professional men, standing up. Are we going to allow party affiliation to reduce our own intellect to that standard? Oh no, Sir. Look, I am a party supporter, I am not easy to move. In 1969 DaCosta Edwards and Cameron Tudor held me in the room there when the Speaker's Chair was in that position and said to me "you can join the Democratic Labour Party and you can make great demands on it", and Cammie told me to take a cup of Ovaltine that night and think about it and bring back the answer, and I said "it needs no Ovaltine for this nigger. If Sir Grantley Adams is going to be President or Chairman of the Party and he joins, you have got me too." That was the end of it and they went for Doc Husbands. So how have I become all this villain now when in 1969 you wanted me? I was like the Untouchables Eliot Ness, and since you have 1981 that is all you are worried about.

The Opposition can get up now and see something come out and say 1981 and the Prime Minister will call an election. Are you so power-thirsty or corrupt-thirsty? Which? Let me give you a part of the barometer, only a look in like the weather man. You have a long time waiting around and you had better believe it. Take a tip from a guy who knows. You are going to grow beard there. The next Prime Minister of this country will come out of the back bench. There is a bundle of young ones in here. If according to the barometer it is fifteen years fifteen, fifteen, you will be sixty plus and they are finished with you. These will be forty plus. It is simple. You don't worry about that. You will be there for a long time, like there is a song called "Just Give Me One More

Dance With You". There will be one more generation with you over there.

Sir, I have made my position clear with my explanation. I consider it one of manhood and the record will prove if the historians consider it a statesman-like act or not. I have heard from this side the defects. I only regret one thing. Some of them came to me and were asking for forgiveness. A man cannot forgive me, only God can. Some of them spoke in that vein, carried away. On the other side it was half-baked and water-washed.

Finally, Sir, let me compliment the hon. member for St. Michael South. You can always tell a different breed. Note carefully he has never taken part in the debate and he is listening now to me in the evening of the resolution, and he himself still has an opportunity to speak. I have always held him in great respect. He chooses his subjects well and this is one which up to now he has not decided to speak on.

Mr. Speaker, I want to thank my colleagues for the stout defence they put up, and on the other side I can categorise them one by one. The mover of the resolution I regret to say is not the same person I believe I drove out to St. Lucy and walked around with. Two Carrington Village boys together. You should hang your head in shame and let another person bring it. You have always been a backer of the small man. I happen to be one of them. Whether I am in the wrong party or the right party you profess to be a supporter of the small man, and you have been pushed and manoeuvred into a position to bring a Resolution asking the Prime Minister to remove me from Cabinet, a man whom when you look around the Cabinet you see among nearly eight or nine lawyers and three small men. You will go down in my record, in the chronicles that you are neither fish, fowl nor pork.

Dr. CADDLE: Mr. Speaker, it was rather refreshing to sit here and hear all the excuses put up by the other side, and to recite briefly, all the excuses add up to one contention: two wrongs make a right, or anything that this side has done they intend to do and do it just as badly.

Now, I would like to make it quite clear that nowhere in the world the principle or the assumed principle of two wrongs making a right is accepted. The fact that they can quote that certain members of the Democratic Labour Party have made statements in the past which should draw as much criticism as that of the hon. member for St. James does not hold water.

I would like to begin by asking where now is Cameron Tudor; where now is Frank Walcott; where now are Mr. Edwards and the people that they have mentioned as having made remarks which were in need of condemnation? Sir, this Resolution deals with a matter which I consider and many people of this country consider an effrontery to the dignity and traditions of this House. The fact that one has stated or attempted to make an excuse that if it had been said outside maybe it would have been seen in a different light, stems from the fact that on the political platform in the public there are certain latitudes or longitudes which the Barbadian people are prepared to put up with, but when you come to the Honourable House of Assembly those latitudes and longitudes which exist outside in the public do not exist here and it is interesting to observe that in all of the criticisms or attempted criticisms hailing from that side, not one of the members on that side has stated or will ever state that he would do the same thing.

4.05 p.m.

You know why? Because they, like myself, believe that that type of behaviour is not benefitting the House of Assembly. They, like myself, believe that it is a let down of all hon. members of this House. I go a step further, Sir, and remind hon. members that it has been repeatedly said that there are certain members on that side who would never make such remarks. And I would support that contention; leave it for certain people, and taking the attitude I have always taken that the man at the bottom has as much right to rise to the top, I consider it a let down of the people at the bottom when an hon. member such as the member for St. James who boasts of his humble upbringing to permit himself to behave in such a manner. Is he trying to convince people of the old adage that the more a monkey climbs the more you see his tail? Let us make no mistake about it; when the hon. member made these remarks on July 11, he made them with calculation; it was not a slip, whether of the mouth or mind. And when the argument is put forward that the man was driven by criticisms coming from this side, are they trying to say that other hon. members on that side are not affected by the criticisms coming from this side and only the hon. member for St. James is so volatile and sensitive to react in that manner? I do not accept that, and I will remind the hon. member that nowhere in the Resolution has there been a call for his removal from office. Yet they get here today with certain remarks, wonderful in their opinion, condemning people on this side. That is not making the situation any better.

The hon. member and other members of his party during 1976 carried a campaign to the people of this country criticising members of the Democratic Labour Party for certain positions and postures and behaviour which they put forward – and people believed – were unsuitable to the character of the Barbadian people. The people of this country accepted that and set about to put this House in order – I do not mean this House of Assembly but the whole country – by removing those limitations and difficulties and all those infelicities which they claim were done by the Democratic Labour Party.

And the people of Barbados expect you all to behave better and to set a better example. If you say that standards had fallen under the Democratic Labour Party, the people of Barbados expected you to lift the standard higher, not commit the same breaches under the guise that members of the Democratic Labour Party did this or that so what are you to do. If that is your claim you are no better than the people you condemned, and if this is the case there is no hope for this country because it would be a situation of six of one and half dozen of the other. There is no hope for this country if you are going to behave in the same manner and do the same things which you condemned and made the people of this country believe were iniquitous. Therefore it holds no good to get up here and seek to take refuge behind people like Cameron Tudor, Joy Edwards, Frank Walcott or Erskine Sandiford. What are we coming to? The position that whatever we can do you can do better, good or bad? Are you trying to put in perspective that two wrongs make a right? That if the Democratic Labour Party did a wrong it is your opportunity now to do the same wrong and so wipe out the wrong done by the Democratic Labour Party? No, for then there are two wrongs that the people of this country would have suffered when you behave in this manner. And that is what I want you to think about, because from the time you took over the Government of this country, rather than get down to the task of delivering the goods, you have set about to wreak havoc and pass judgment on the people of the Democratic Labour Party. And I am saying to you all here today that if there has been an upswing in the fortunes of the Democratic Labour Party, in the fortunes of the hon. member for St. John, it is not due to our doings, but to your doings. If you had set about the task in a different manner it is quite likely today that people would have forgotten about the Democratic Labour Party and its Leader. If they still hold the Democratic Labour Party in their breast, if they still hold the leader of the Democratic Labour Party in their breast, it is due to the way you have conducted the affairs of this country.

Wether you vote for or against this Resolution is a matter for you to decide; the people of this country will judge you, as they judged us. I would like you to know that if you believe that the hon. member was right in getting on the floor of this House and making these remarks, not as a slip but as a calculated remark, if you think he is right why don't you get up and say so and say that you support him in what he said? Not one of you has said that you support the hon. member or that you would say the same thing. And I say openly that I doubt any one of you over there would ever repeat the words the hon. member said, however hot you got.

It is nice to support people. In the type of adversary politics that we have, we have to support fellow members when opponents criticise; but in this instance the people of this country expect a little more. We do not expect you to get up and condemn the hon. member; that would be asking too much. But we do not expect you to get and hold forth that what the hon. member said on July 11 is the right and proper thing for any hon. member to do in this Honourable Chamber.

In your replies none of you have dealt with the Resolution. I see it as an attempt to undermine the provisions of fundamental rights of this country. The fundamental rights in Chapter 3 of the Constitution of Barbados protect people against inhuman treatment. I contend that if you all set about to ensure that people do not eat then they will starve to death, and starvation is a form of inhuman treatment.

I have spoken about the dignity and traditions of this Honourable House. I know that there have been occasions in the past when they have fallen and I have deplored them like some of you on that side. I have not heard one of you get up and condemn the behaviour of the hon. member on that occasion as not in keeping with the dignity and traditons of this hon. House; no effort has been directed towards a raising of the tradition or a return to the traditions and dignity of this House which you all claim the Democratic Labour Party had taken away. And as regards remarks about letters, I want to make it quite clear, Mr. Speaker, that if at any time I had to write a letter advocating that someone got a job, I would do it. You know why? It is unfortunate that the position in Barbados is such and has been so for a very long time, that people have always had to look to somebody to get something; they have not been able in so many instances to go forward and get things on their own, whether it be a job, a loan, a house or whatever; the "massa" mentality has been inculcated in the minds of the people of this country for many years and unfortunately it still exists.

4.15 p.m.

This is the "massa" mentality which has been inculcated in the minds of people of this country for many years, and unfortunately still exists; and when you look around to see who are the people from which it emanates, it is people who take pride in referring to themselves as Anglo Saxons. It is a sad reflection on the state of affairs in this country that a person cannot go and get a job on their own efforts; and they have to go about nowadays to get some politician to advocate that they get a job. It is insulting to these people that having tried every avenue and failed to get a job that they have to come back on the plea of their party affiliations to get a job. That is an insult to the dignity of the people of this country.

I have no apologies to make for raising this in here. Whatever I can say to the hon. member who brought the letter, it is exactly to the point that the

lady did not get the job. We find that the lady did not get the job although it is 1978; and in 1979 she will still want a job. What is unfortunate is that the situation of unemployment in this country is such that people have to resort to such efforts to get employment. That is what we should be deploring; because when a member can come into this Chamber and read out a letter with the name of the under privileged person, you are holding up yourself without realising it, to ridicule by other people in this community. I am a professional man, and one of the reasons why I work.....

Mr. SIMMONS: On a point of elucidation, Sir. I wish to point out, since I was the person who produced the letter, that the intent was not to hold anybody up to ridicule. The intent was to show that the mover of the Resolution himself was guilty of political patronage in so far as he underlined twice that the person was, and her family, ardent supporters of the Democratic Labour Party.

Dr. CADDLE: Mr. Speaker, that is what the hon. member would put forward. What I want to draw to the hon. member's attention is that you will expose underprivileged persons in this country to ridicule when they apply for jobs and cannot get jobs. Sir, as I was saying, I am a professional man. One of the reasons why I work, and I believe other professional people work, is to ensure that their children do not have to subject themselves to that type of humiliation, going around and begging for jobs.

I want to tell Your Honour that there are people of higher status in Barbados who get jobs politically even now. You will never hear about that on the floor of this House because of their status; but you will hear about the poor and underprivileged person who sets about.....

Mr. SIMMONS: Mr. Speaker, only about two weeks ago that side castigated Mr. Somersall a lecturer at the University of the West Indies, who has been seconded to the Ministry of External Affairs; they treated him very badly in here, Sir.

Dr. CADDLE: I will repeat what I said. You will always hear about underprivileged people when they set about, due to the peculiar circumstances which surround them, and when they fail to succeed, somebody exposes them to ridicule. That is the society in which we live. It has nothing to do with the Democratic Labour Party. It has been so for a very long time in this country, long before the Democratic Labour Party or even the Barbados Labour Party came into power. There are certain peculiarities in this society which tend to make the people of this country less than what they should be.

We have to address ourselves to this. It is no point getting in here and harassing one another because whenever we are finished, the problem still lies unsolved; and it will be only a matter of time before the people of this country lose respect for all of us regardless of which party we are in and set about to find their own solution to the problem. Sir, my contention has been – and no attempt has been made to disprove it – that when the hon. member made the remarks that he made on that particular day he did not hold in mind the dignity of this House of Assembly or the dignity of its members. He showed scant respect for the position of this House and for the constitutional proprieties which we hold high in this country. I go further and say that no attempt has been made by either one on his side to justify him making those remarks.

I beg to move that this Resolution do now pass.

Mr. TAITT: I beg to second that.

A division was called for.

The question was put and resolved in the negative, the House dividing as follows:–

Noes: Hon. H. B. St. JOHN, Hon. L. S. CRAIG, Hon. H. deB. FORDE, Hon. C. L. BOLDEN, Hon. L. B. BRATHWAITE, Hon. Miss B. A. MILLER, Dr. CHELTENHAM, Mr. WARD, Mr. SISNETT, Mr. SIMMONS, Mr. BRADSHAW and Mr. ODLE – 12.

Ayes: Rt. Hon. E. W. BARROW, Dr. HAYNES, Mr. TAITT and Dr. CADDLE – 4.

Mr. SPEAKER: I declare the Noes have it.

4.25 p.m.

RESOLUTION NOTING THE REPORT OF THE NATIONAL COMMISSION ON THE STATUS OF WOMEN

Mr. SPEAKER: Item No. 3 standing in the name of the hon. member for St. Philip North to move the passing of a Resolution noting the Report of the National Commission on the Status of Women; thanking the Commissioners for their outstanding Report; congratulating the Government for their vision in pursuing a policy of true equality of the sexes, *inter alia* and urging Government to implement at the earliest opportunity the Commission's recommendations.

Mr. SIMMONS: Sir, I beg that this matter be deferred for further consideration.

Mr. SPEAKER: You are not yet ready to proceed?

Mr. SIMMONS: No Sir.

Mr. SPEAKER: The hon. member is not yet ready to proceed, and we go on to Item No. 4.

RESOLUTION URGING GOVERNMENT TO IMPLEMENT AT A SOON DATE A NATIONAL APPRENTICESHIP SCHEME

Mr. SPEAKER: Item No. 4 standing in the name of the hon. member for Christ Church East to move the passing of a Resolution urging Government to implement as a soon date a National Apprenticeship Scheme for the benefit of the young people of Barbados.

Dr. CHELTENHAM: I am not ready yet.

RESOLUTION EXPRESSING PROFOUND REGRET AT THE LOSS OF LIFE AND HARDSHIPS SUFFERED BY BARBADIAN CREW OF INTERNATIONAL SEA-FOODS LTD

Mr. SPEAKER: Item No. 5 standing in the name of the hon. member for St. Michael South West to move the passing of a Resolution expressing profound regret at the loss of life and hardships suffered by Barbadian crew of International Seafoods Ltd's vessels and calling on Government to guarantee the welfare of Barbadians serving on those vessels.

Mr. TAITT: Mr. Speaker, Sir, in the belief that this Item would not come up today, I did not bring my papers and I am therefore asking that the matter be deferred.

Mr. SPEAKER: You are not in a position to proceed today?

Mr. TAITT: Yes, Sir.

Hon. L. B. BRATHWAITE: Mr. Speaker, I take it that this is a matter of great public importance and there are a number of matters involved in this. The reasons given by the hon. member for not proceeding are not adequate.

Mr. SPEAKER: Let us have some order.

Hon. L. B. BRATHWAITE: One is not to assume, Mr. Speaker, that the proceedings of this Honourable House will not go in accordance to plans and that one should not come in here not prepared to proceed. As the Minister responsible for International Seafoods, we are ready to proceed and the Government is quite anxious to proceed.

Mr. SPEAKER: The only problem in this instance is that the Resolution does not stand in the name of the Hon. Minister.

Hon. L. B. BRATHWAITE: Yes, while I respect Your Honour's information on this, but as much as it is not in my name, it is a matter of great public concern and the member who moved the Resolution. I hope it is not a fraudulent point.....

Mr. SPEAKER: ... Is entitled to express his opinion as to whether it is important or whether it is serious or not.

Hon. L. B. BRATHWAITE: Yes, Your Honour, I regard this matter as a matter of such importance that I have been quite prepared to make a statement to this Honourable House on this matter, but I thought that I should not seek to pre-empt discussion on this matter today.

Mr. SPEAKER: If the Minister wants to make a statement to this Honourable House, all he needs to do is to inform the Speaker of his intentions so to do. He does not have to seek the permission of the House. Inform the Speaker and he is entitled to make his statement.

Hon. L. B. BRATHWAITE: Your Honour, I am quite acquainted with my rights as far as that is concerned. What I am concerned about and what I think the country is worrying about is that members of this House should come in here from time to time and seek to indulge in cheap politics.

Mr. SPEAKER: What is the Minister speaking on at this moment?

Hon. L. B. BRATHWAITE: I am talking about International Seafoods and the Resolution ...

Mr. SPEAKER: But International Seafoods is not now before this Honourable House.

Hon. L. B. BRATHWAITE: Mr. Speaker, the member has asked to have this matter postponed and I think I am entitled, because of the nature of this Resolution, to press to have this Resolution dealt with and speedily get off the Order Paper and I am objecting, Mr. Speaker, to leave being granted....

Mr. SPEAKER: If the member in whose name the Resolution stands is not in a position to proceed, that is the end of the matter for today.

Hon. L. S. CRAIG: Sir, the hon. member should be ready by next Tuesday, Sir, because he indicated that it was a public matter.

Mr. SPEAKER: I believe that the hon. member in whose name the Resolution stands will communicate to members privately. That is not a matter for the House at this moment.

Mr. TAITT: Mr. Speaker, Sir, on this question of the...

Mr. SPEAKER: The hon. member is not in a position to proceed and that is the end of the matter. This brings us to the end of Private Members' Business.

GOVERNMENT BUSINESS

Government Business is the Instant Order of the Day.

MARRIAGE ACT, 1978

Mr. SPEAKER: When the suspension was taken the Hon. Leader of the Opposition, the hon. member for St. John was addressing the Chair or about to address the Chair.

Rt. Hon. E. W. BARROW: Mr. Speaker, when in the U.K. about ten years ago, there was a Bill engaging the attention of the Parliament of the U.K. to amend and revise the law relating to homicide. There had been a considerable amount of agitation for the abolition of the death penalty and the first Bill which was introduced in this regard did not abolish the death penalty, but it did in a large number of cases, except for offences relating to a killing of a policeman in the execution of his duty, and also to any killing which involved the use of firearms.

It also made a great step forward which has been followed by the legislation in Barbados in introducing the principal of the Minister's responsibility which I think probably is more applicable to situations in societies such as ours, even in the U.K.

If I may return to the provisions of this Bill, death by shooting was still considered something to be visited by the extreme penalty so that the wits in the legal professions refer to the Bill as a law against noisy murderers.

What they were trying to say, so it appeared from the provision of the Bill, was that it was alright to cold bloodily plan the extinction of a fellow human being by poisoning or by some other subtle means. If we use our firearms which give off some element of noise, then you would expect if found guilty to pay the extreme penalty. 4.35 p.m.

The analogy which I want to draw between that Bill and this Bill engaging the attention of the House today, which according to its short title is a Bill to Revise and Consolidate the Law relating to Marriage, introduces no new concept at all, but when one examines the provisions of the Bill and what the Bill has done, what it has emasculated, what it has taken out and what changes there have been introduced in the Marriage law of Barbados, one comes to the conclusion that this is a Bill in favour of early marriages and against hasty marriages. That is all that there is in the Bill except one or two little legal difficulties which I will try to point out at a later stage in my address. This is not law reform. The short title of the Bill itself says it is a Bill to consolidate and revise the law relating to marriage. The only revisions in this Bill is that the marriage officer can now solemnise the ceremony of marriage from 6 o'clock in the morning until 9.30 at night instead of from 8 o'clock in the morning until 9 o'clock at night. That is the big leap forward, although section 27 of the same Bill has a proviso, that although he now is enabled, the marriage officer, to perform the ceremony earlier than 8 o'clock in the morning as was in the old Marriage Act, I think it is Cap. 218 – the old Marriage Act said 8 o'clock – you can now do it at 6 o'clock, nothing in this new amendment shall make it obligatory for a marriage officer to perform the ceremony before 9 o'clock in the morning.

Now this is what is engaging the attention of this House today. This is the great sweeping reform that we are having in our marriage legislation. As a matter of fact, Sir, I am in the unfortunate position of having taken part in a ceremony of a friend of mine, and I am not going to call his name even under duress, and I am sure you will put no pressure on me, Sir, and of a friend of the Learned Attorney General before 8 o'clock in the morning. I blame the Priest because he should have known he had no authority to solemnise a marriage at 7.30 in the morning. But I took part in the ceremony although I am a lawyer, and the gentleman at whose side I stood was also an eminent lawyer, a Q.C., and the Priest as a marriage officer should have known. Well now if he got married under this new Bill, I hope that this legislation is not retroactive and is not specifically introduced to legalise that particular ceremony in which I participated. I will tell the hon. member quietly afterwards. I think he knows who it is. He is a great friend of the hon. member and somebody that we both respect very much, a leading member of the profession. I took part in the ceremony, but the whole idea of fixing a time within which marriages should be performed is to prevent, as the marginal note in the old legislation would disclose, clandestine marriages; that you could not sneak off at three or four in the morning without banns being published and that kind of thing and have a ceremony performed. So the one great revolution is now that you can get married after 6 o'clock in the morning and before 8 o'clock. So this is a law in favour of early marriages; it also says it is a law in favour of later marriages too, because the time is now extended until 9.30 in the

evening, although the same amendment stipulates that the marriage officer is not bound to perform the ceremony after 6 o'clock in the evening.

I have been to several weddings in which the wedding was supposed to start at 5 o'clock and the bride did not turn up until after 6 p.m. I used to have an office next door to a church, and I remember one member of this Honourable House that did not turn up until well after 6 o'clock, and the lady very wisely sat in the car around the corner and did not get out of the car until she was certain that the bridegroom was in the church. He was delayed. That is all I can say. I do not think he had cold feet at the last moment. I have to give the hon. member the benefit of the doubt, and I know he would probably get highly incensed if I even gave a hint of who the hon. member was; but a lot of people are delayed on these occasions. Some of the bystanders did not think so, but I am more charitable. Happily now we can go until 9.30 at night but the marriage officer is not bound to perform the ceremony after 6.00 in the evening.

We are looking at what has been brought about, what new features have been introduced by this particular Act. Why are we introducing this in the same kind of atmosphere that we are dealing with the law of property reform and that kind of thing, which reforms are now bringing us up to date with the 1926 English legislation? The English law Property Act of 1926 we now have laid before us and we have had the first readings of these bills, but this is not *sui generis* with the law of property legislation at all, because in 1925 and now in 1978 in Barbados this is the great change from the 19th century conveyancing and matters of that kind.

The other thing that it has in it is a law against hasty marriages, and that is the three day residential qualification. You will see in the Objects and Reasons that the Bill would revise and consolidate the law relating to marriage and *inter alia* provide a residential requirement of three days before the issue of a marriage licence. The position in law before was that people could get off a ship or an aeroplane and apply to the Ministry of Home Affairs for a special licence and be married on the same day. Well inevitably they were people who were not residents of Barbados, and I do not think any great harm was done. But I have recently been hearing that people are being brought into the country for illegal purposes and immoral purposes and when they are served notice to leave, let us say that they are served notice this morning at 9 o'clock that they have to leave the Island by midday, by the time the first plane is available they have gone and persuaded some Barbadian male to marry them for a consideration. This is, I suppose, the rationale behind the amendment, now making it impossible for a person to get a special licence to be married on the same day on which they apply for the licence.

I do not think that the average Barbadian is really concerned about that because most Barbadians do not get married so hastily or at all, and certainly when they decide to go through the thing they like the banns, bands, the veil, the bridesmaids and the wedding presents, and full notice is given. So I do not think that any of us on this side or any hon. member of this House is going to say that you are taking away a right from the Barbadian citizens by insisting on the residential qualification of three days, especially if the Government is trying to stop this kind of marriage of convenience which is taking place or has been taking place, they say.

4.45 p.m.

I have no proof of it, although I note that some of our members have been warning that it would be one of the natural corollaries of the introduction of certain gambling measures in this Island that you will have that kind of activity going on. I am not therefore surprised to read that this kind of thing has been happening, because a lot of our contract workers in the United States of America who have jumped their contract have found it a matter of convenience to get themselves allied with a citizen of the United States in a formal way although they may not have a stable kind of existence with a married partner but do it to get around Immigration restrictions. So if the purpose of the three-day residential qualification is to guard against marriages of convenience for people who come into the Island for immoral purposes, then I think it is a good measure.

But apart from the amendments in favour of early morning marriages and extending the time to 9.30 p.m., and a law against hasty marriages, I have not been able to find anything revolutionary about the Bill at all; and I wonder whether the Minister would not have been better advised to give us and this side at least time to look at the recommendations of the Commission on the Status of Women and bring in some integrated Family Provisions Act instead of bringing piece of the Illegitimacy Act a bit about void marriages and a little private international law on the *lex loci contractus* and *lex loci celebrationis,* using the terms which are used in the law and in private international law when is a marriage void or when is a marriage voidable, whether the law of the place where the ceremony takes place is the proper law to apply. That is dealt with by private international law and you do not have to put that in a Bill. That is my humble opinion, free gratis and for nothing; because if a matter is up before the Court, the Court will have to apply the normal rules to private international law to decide whether a marriage is void or voidable, according to whether it took place in the proper form and the formalities were observed in the place where the marriage was actually performed. You are therefore only incorporating in a statute something which the Court takes cognisance of in determining matters of this kind; so that is perhaps a departure in some respects.

There are two other aspects of the law which I would like to draw to attention. The first point, apart from the rather whimsical point about the law in favour of early marriages and against hasty marriages is this – that we have a voluminous report of the Commission on the Status of Women, and we on this side strongly feel that we should have been given time to see what recommendations were made therein and we should have had a comprehensive family law which would adumbrate the recommendations of the Commission because we are looking on the Status of Women as members of the family unit in society, because women in Barbados as persons, according to the law, enjoy the same privileges: there are no disabilities which are suffered by women as individuals because the Interpretation Act and the Constitution of Barbados declare that males and females are considered equal. But women in Barbados have special privileges which men do not enjoy; for instance, in respect of their family relationship and their legal rights to recover property etc., – these are things which I think should have been a proper subject of investigation after due consideration of the recommendations of the Commission on the Status of Women.

Now there are three or four little legal matters that are bothering me at this time. The first one is this: We have abolished by Section 43(1) the right of women to bring an action for seduction even though they may have suffered damage. I understand that this is a women's lib move. The feminists claim that men do not bring cases against women, so they want equality; they don't want the right to bring cases against men for seduction or breach of promise to marriage. This is a rather lop-sided kind of reasoning. What about the young girl over the age of sixteen who is of marriageable age who is seduced by a man? Made all kinds of promises, leaves her parents' house, maybe goes and lives with the man, and then having got her in that position where she is clearly identified as being almost the property of that individual – and this is from a Minister who says he is concerned about women's rights; she has clearly identified herself – nothing wrong with that, most of the alliances in this country are of a casual nature – but once a young girl identifies herself having been given all these promises and she may actually suffer material damage, we are saying positively in this Act that she cannot bring any action even if she has suffered damage. There is a cardinal principle in the legal system which we have adopted, that wherever there is a wrong there is a remedy. Of course, what they really mean in tort is that where there is a wrong done the whole purpose of legal redress and jurisprudence is that you should have the right to go and get some kind of compensation or redress in civil law for that which has been done to you. This Act has removed the right of young people to bring an action for seduction and even goes so far as to state "even where damage has ensued." I just throw that out. Obviously I have no personal interest – none of us over here, and only one hon. member on that side could ever be in the unfortunate position of having to consider whether that hon. member will ever have to bring a case, but being lawyers themselves, they would be able to protect themselves probably long in advance. There is only one person in this Chamber who is capable of being wronged in that respect; so it is not a party matter. But are we doing the right thing because a few feminists say that breach of promise to marry is foolishness? It is true that we don't get a lot of cases. We don't get a lot of cases because people are too ashamed to go into court and say that a man has made a fool of them. Very few women today have the courage to go into court and give evidence of that nature. But the right shoud be there whether they have recourse to it or not. We have now removed the right by this Bill.

The second thing that we have done: In 1762 the Statue of Frauds originally said that any action could be brought in relation to any contract for the sale of land. There is still an amendment which I want to point out to hon. members which has been perpetuated down through the centuries , a little verbal amendment which has to be made to the existing Chapter 211 of the Statute of Frauds which I have already drawn to the attention of this House, that is, in 1965 we amended the Statute of Frauds which insisted that you should have a note or memorandum in writing in respect of any contract for a sale of land or contracts made in consideration of marriage; and we are taking out the contract made in consideration of marriage and we still have the revised statute which is the shortest statute on the books – I think it only has two short sections and the first one is a short title – and by the Act of 1965 we took it out so that these contracts do not have to be in writing.
4.55 p.m.

In 1965 we found that these contracts did not have to be in writing; but that did not mean that you could not bring an action. All that the Statute of Frauds said was that unless there was some note or memorandum in writing signed by the party to the charge, you could not bring the action. Of course that statutory requirement was considerably eroded by the equitable doctrine of part performance. We do not need to go into that; because I do not see how it would apply to contracts made relating to or in consideration of marriage; but since 1965 you could bring an action; and it did not have to be evidence in writing; and it did not have to relate to gifts made in consideration of marriage.

What we are saying in Section 44 of the present Bill is that you are invoking principles of insurance, general insurance, no fault liability. You do not have to establish that it was due to default – or let me put it the other way round – the fact that the breakdown was due to the fault of one party did not invalidate your right to bring an action. We have to look at that. I do not think that

the objection which we would have to that particular measure is as strong as the objection which we have to Section 43(1).

So altogether, according to the Objects and Reasons, the major things we are going with the Bill is to provide against hasty marriage – the three-day residental qualification. We are abolishing the right of any person, young or old, to bring an action for breach of promise of marriage or seduction even although damages may be suffered; and this is the one, Sir, which I think may be removing from the citizen – the citizens of this country – the right, even if they did not frequently invoke the right, under the provisions of that law – the right to bring an action where they felt they had suffered. Perhaps the most serious kind of wrong that a young woman could suffer is being made false promises, losing her honour, as it were, and probably part of her property as well, and suffering consequential damage in the eyes of her contemporaries, members of her family and so on, making her less eligible as a marriage partner and all those other considerations which arise in actions of this kind; and we are removing that.

The question of the prohibited degrees of marriage – that is set out in the Revised Version, the King James Version and the Anglican Articles of Faith. That is no big thing. I honestly would have thought that the Hon. Minister would have had a lot of serious legislation, particularly serious studies to give to the report of the Commission of the Status of Women, to introduce comprehensive Family Law into this Chamber, instead of tinkering about with the Marriage Act; because there is nothing revolutionary about it. As regards early marriages, the general public should know that – I think the Press should give publicity to the fact that you can now get married – D.S.T. or no D.S.T. – at 6 o'clock in the morning, while before you had to wait until 8 o'clock That is the big revolution taking place; and if you can get a Minister to come to the Church after 6 o'clock you can get married as late as 9 o'clock.

As far as the hasty marriages are concerned, I think that this is a good thing for the society; and if the Minister thinks that this one-day business or two-hour business is being abused, I think that he is quite right to introduce it; although from the timing of the announcement of the abuses which were taking place and the laying of this Bill, I doubt that that could be given as the operating reasons behind the amendment in respect of the three day notice, unless it had been going along or taking place for a much longer period than was disclosed in the Press. I though it was only since the report appeared in the Press; but apparently this Bill was being drafted some time ago. I think that I am getting every indication, not from you, Sir, but from my own vocal chords, that I have spoken too long.

Thank you, sir.

Hon. H. deB. FORDE: Mr. Speaker, I have listened with great interest to the speeches made on both sides of the House. I am much indebted to those hon. members who have advanced any points worthy of serious consideration. Let me characterise the speeches which have been made to the House as those which are commendatory, obviously because some hon. members probably feel genuinely that any effort to revise and reform the Laws of Barbados after such a long time should be commended. There are speeches which are slightly deprecatory. I have come to accept this type of "nay nay" speech from some hon. members of the House who, no matter what I do, would find it worthy of some implied criticism. There are some people who cannot rise above themselves on occasions such as these even though they accept that there is merit in the legislation.

There is the other type of speech expressing an impatience for the legislation bringing into effect the legislation, the reforms suggested by the Report of the National Commission on the Status of Women. Let me repeat what I said at the outset, that this Act is one of a parcel of Acts which will deal with the revision, and the updating, and the reform and the consolidation of the law dealing with the family. That is the first point. Granted that the hon. member for St. John was not in his seat when I began my speech; but I hardly think that his characterising the legislation as only making it possible for people to get married before 8 o'clock and to marry after 9 o'clock is, if I may say so, a very trivial understanding of the Bill which is before this House.

The hon. member should know that since 1968 his Government was presented with a Bill to reform the Law of Marriage; and the Report which was given to his Government then said that there were certain serious defects in the Law of Marriage. Now it took that Government from 1968 to 1975 to get that piece of legislation before this House. If the hon. member was very serious during those seven years – they wish this Party to achieve everything in two years – he would have put a little fire under his then Attorneys General, like the Hon. Sleepy Smith who was Attorney General in 1968 and was succeeded by other people. He would have exercised some of his legal skill and knowledge to get them to bring that legislation before this House; and then I would not have even had to be introducing the measure this afternoon.

5.05 p.m.

Instead of the hon. member getting up and congratulating me for bringing in two years what his Government failed to do in seven, obviously he wants to take away. He does not want the people to put the pressure on him. It might keep the DLP out of power for another 20 years. I understand the politics involved but I

make bold to say that where you failed for 7 years I succeeded in two in bringing this legislation, so the little nay nay speech which you made could be ignored for its frivolity, and its lack of seriousness, and even its lack of sincerity in this House. This is the first point I want to make Sir. Lack of content, Sir. I withdraw the word "frivolity". It is lack of content if he wants that, Sir. Let us dispose of him this way, Sir.

The second serious thing about his speech is that it shows that he has not even read the Report of the National Commission on the Status of Women. I would have thought that the hon. member having been Premier of this country and Prime Minister from 1961.....

Rt. Hon. E. W. BARROW: Sir, I particularly said that there is no hurry about this legislation and he should have given us time to read the Report because it contains either two or three volumes and there is no hurry about this legislation because it does not change anything except to raise the time limit and I complimented the hon. member. We did not do it in 7 years because it really was not worth doing at that stage.

Hon. H. deB. FORDE: This is not what was said. When the Bill was brought here in 1975 and was subjected to strictures from our side of the House, and I want to remind the hon. member that in 1974 the present Prime Minister introduced the Act dealing with the age below which you could not marry and the Government then objected to the Act saying that they had legislation which was being prepared. This is a fact. It was voted out at the time. Well to deal with it we had to introduce it a second time.

Once it comes from us it must be bad. That is the basis on which you operate. Once it came from him Sir, it was wrong then. It comes from me now, so it is not worth anything, but the people in Christ Church West do not listen to you.

Rt. Hon. E. W. BARROW: I just want to tell the hon. member that we do not operate on that basis but we operate on the basis of a rebuttable presentation not as a....

Mr. SPEAKER: Are you elucidating something?

Rt. Hon. E. W. BARROW: Yes, Sir, just for the hon. member.

Mr. SPEAKER: On a point of elucidation.

Hon. H. deB. FORDE: We have debated with the hon. member since 1964 and every time he has been against me he has lost, and he will continue to lose, so I am trying to make the point to him now. The point is that this National Commission's Report recommends that certain changes should be made in the Marriage Act because there were doubts and uncertainties, and this Bill has sought to carry out part of the recommendations of the National Commission on the Status of Women. If the hon. member is doubtful about this I would refer him to the Report which was made in this House and particularly to Volume II, and the particular pages, I believe, which we are dealing here with are the pages between 249 and 255. So for ease of reference the hon. member may want to do so.

We have taken up all the reform which they have suggested in order to give certainty to the law and in order to do away with the forms of action that are out-moded and are no longer valid in the 20th century. This is what this Bill seeks to do.

The Bill is also a clarifying Bill on many points and I think, as I have said before, it has achieved its objective. Let me deal with another point that I really cannot let the hon. member get away with. The hon. member said there are no legal disabilities suffered by women in this country as individuals. With all due respect, if that statement was a correct one, they would be no need for the Report of the National Status of Women. It includes civil disabilities, legal disabilities as well as other disabilities suffered by women in this country and I remember when I first brought my Resolution in here asking for this Commission to be set up the hon. member took such an attitude on that occasion saying that I brought all the women out here but he is serious about the people's business. He voted against the Resolution and still does not understand that even up to now women still have lost all disabilities in this country. Well I am going to teach you in the next three years. You will have to wait and learn patiently, but I am going to teach you. The hon. member says I only have three years Sir.

When I came into the House I said I was going to be here at least for five years. The hon. member said I meant five months and I told him that he would be long gone out of this House when I am here and I told him so and I will tell him so again. The more pressure they put, the longer I will stay up here to be a thorn in their eyes. Let me tell you that.

Let me get back to the Bill. The hon. member does not understand that there are disabilities and these disabilities will be dealt with by legislation. I want to answer those who are impatient for reform. When I was in the Opposition I drafted an Act to reform this law of divorce and family provisions and intended introducing it in this House, but I was subject to the fact that we could not have provisions that affected the Consolidated Fund and we could not be a charge on the Fund and it had to be measured for the Government to bring in, so we never got that Bill before the House.

When I became Attorney General I took that Bill up and we started to work on it in the Chambers and we were requested by the Commissioners to await the Commission's Report before bringing a comprehensive legislation even with Family Law reform. Mr. Speaker, the Report of the Commission was laid in the House on September, 19th, 1978. Only a month has gone and already my Cham bers have prepared for circulation to all Government Departments a Bill which will abolish the distinctions between legitimate and illegitimate children dealing with the status of women. That is in the pipeline.

Last Monday I met with the Legal Officers in order to deal with all of the other legal reforms and 40 recommendations made in this publication, 40 out of 212 have been covered in the instructions for drafting that I have given for a comprehensive Family Law Bill to be brought to this House and our time schedule that that Bill will be before the legislature will be by January and in the Bill we are seeking to deal with the position of common-law unions so as to give persons in commmon-law unions rights which they do not have now particularly in relation to support and property which had been secured during the 10 years of common-law union that had some permanency.

In doing this we will be taking up the major recommendations set out in the Report of the National Commission on the Status of Women, so I want to show members that within a month now, not within 1968–75, 7 years, but within a month, my Department has been working on the necessary legislation to give effect to some of the recommendations of the National Commission on the Status of Women and I can assure hon. members that in the first part of next year they will get major legislation dealing with this part of the law. Then if the hon. member wants to be magnanimous he can get up and say what he wants to say. Well, I am not going to disappoint him in his performance in three years.
5 15 p.m.

I want to deal with the point raised by the hon. member for St. Michael North Central. He raised the question of the age of marriage being limited to 16 years. Now that is really a re-enactment of existing legislation which was brought in by the present Prime Minister when he was in Opposition and that enactment was brought principally because it conforms with the United Nations Convention on marriage, and because the majority of countries of the world seem to have accepted the age of 16 as a reasonable age at which people can get married; and I see no reason why we should change from that provision. The churches whom I consulted on this accepted this position and I felt that it reflected by and large the views of the citizens of Barbados for whom after all we are making the laws. I have accepted it.

Now insofar as recognition of polygamous marriages are concerned, that is a matter that is regulated, as the hon. member for St. Philip North and the hon. member for St. John have said, by conflict of laws or the law of Private International Law, and it is true that the common law has been developing in such a way that more liberalism is shown towards the recognition of polygamous marriages today than was shown, for instance, fifty years ago, but I see no need at the moment to codify legislation delaing with this matter since it is complicated and it is a matter of trying to reconcile different systems of law, sometimes systems of law over which we have no control. It would be too rigid an approach to the matter for us to pass legislation dealing with all aspects of polygamy. Yet I think our law will recognise a maintenance application arising out of a polygamous marriage, and our law does not permit a polygamous marriage to be celebrated in Barbados.

Insofar as a person remaining in Barbados and entering into a proxy marriage is concerned, proxy marriages are not allowed under the law of Barbados regardless of what some people may think. You cannot marry by proxy here because the formalities of the marriage in so far as one of the persons is concerned will be dictated by the law of the place of celebration, the *lex loci celebrationis,* whereas the capacity to marry is determined by the law of the domicile of the party, which is *lex domicili.* I am reasonably satisfied that the difficulties adverted to by the hon. member are at present reasonably adequately provided for in common alw, and it is not necessary therefore to legislate that in a Marriage Bill.

The hon. member for St. Philip North raised a question of abolishing the distinction between illegitimate and legitimate; so did the hon. member for Bridgetown, and I have already answered that.

Insofar as providing for voidable marriages is concerned, the provisions will be contained in the Family Law Act which will deal with all of the instances of marriage including the right to annul marriages, and we will take up in that Act provision for voidable marriages.

Insofar as action for breach of promise is concerned, there are various views on this matter, and I recognise the differences of views as expressed by the hon. member for St. Michael West, for instance, and the hon. member for St. John. I began by saying that people were divided on this. Some countries felt that you should abolish the action. It was archaic, it was outmoded, it is not an action. I think if I look at the arguments as set out in the Commission's Report, it is not an action that in this day and age one would want

to countenance, and I think most modern systems of law have gone towards abolition of the right of the action for breach of promise. The arguments have been, if I may refer to page 247 of the National Commission on the Status of Women:

"1. By contemporary social standards that action is an anachronism.

"2. The rules of the law of contract should not be extended into such a highly personal area which is essentially not a contractual one.

"3. Public policy was not served by allowing the threat of such an action, perhaps, to push parties into a potentially unstable marriage, or by penalising the party who resiled."

What is the point of pushing people into a marriage that is going to be unstable if the man or the woman at the last moment change their minds?

And (4) "The parties to an engagement should be free to break it if they discover that they are ill-suited, or even where there is uncertainty in their minds concerning the ultimate success of the marriage, so that they can remain single or enter another union."

This is the essential position as reflected now in the law across Canada, in most of the Western Europe, and in other parts of the world that action has been abolished. We are doing nothing that has not been done in other jurisdictions who have considered this.

Now insofar as defilement of persons is concerned, although we are abolishing this action, we are not however affecting the criminal law as it may deal with ravishment or defilement or assaults on the persons of women, and it will still be open to the Director of Public Prosecutions or indeed a private individual to enforce Cap. 146 of the Laws of Barbados. I make bold to say that I do not consider this at all as robbing a women of any rights, as the hon. member has characterised it, and I said that I accepted the separate statement in this Report based on all of the evidence which the Commission itself put forward in the working document. I think to that extent there is no problem here.

I think the hon. member for St. John raised one other point, and that is imputing the element of fault in determining whether or not gifts given in contemplation of marriage should be returned to the other party.

Rt. Hon. E. W. BARROW: I wonder if the hon. member would give way because I would like him to answer one question in that particular context. This is about insurance policies. You know the provision about insurance policies where the insurance policy does not form part of the estate of the deceased if the insurance policy is taken out in the name of the wife or children. What provision is being made now? I see no provision that I can remember in this particular Act and I would just like to ask the hon. member what provision is being made, because I know of a case of a member of his party who left insurance of about $200,000. Unfortunately he died fairly young and if that had been the subject of death duties, the widow and the children who have now been educated out of the insurance fund would have got very little. I apologise for no having remembered to specifically put the question previously.

Hon. H. deB. FORDE: The point is well taken. The provision dealing with resulting trusts from insurance policies is contained in the Married Women's Act, Cap. 219 and not in the Marriage Act 211. It was removed by the revision exercise under the law revision powers and it is contained in Cap. 219, and when we come to deal with the Law of Property Act, you will see we only repealed sections 13, 17 and 31 of the Married Women's Act, so that it was not necessary in the Marriage Act to make provision for this set of circumstances. If he looks at section 25 of Cap. 219 the hon. member will see it. (Rt. Hon. E. W. BARROW: And that has not been repealed?) I give the hon. member my assurance that that has not been repealed. The point he makes would be a valid point and I would not have repealed a section like that so lightly without making some statement to the House as to why we would be taking away such a fundamental right, I think, and a beneficial right of wives and children.

Sir, I said in this House before that I like women to the extent that every one knows that I try to defend their rights as solidly as I can. The hon. member can rest assured I may make mistakes, but when it comes to my sincerity about upholding their rights and equalising rights, I feel very strongly on it.

Those, I think, are the main provisions of the Bill. I am indebted to hon. members, and I give them my assurance that every in 1979, God willing, they will get the comprehensive legislation which they asked for, and I hope that those hon. members will be able to offer constructive criticism.

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

5.25 p.m.

On the motion of Hon. H. deB. FORDE, seconded by Hon. H. B. St. JOHN, the House went into Committee on the Bill, Mr. ODLE in the Chair.

Hon. H. deB. FORDE: Mr. Chairman, if the House has no objection I will ask that the Bill be taken in its Parts. In moving that Part 1 stand part I would ask that Clause 2 of Part 1 be amended as set out in the list of amendments which have been circulated to the House. In that amendment the word "purposes" is to be substituted for "purpose" in line 1 of Clause 2.

The question that Part 1 as amended stand part was put and resolved in the affirmative without division.

Parts 2 and 3 were called and passed.

Part IV was called.

Hon. H. deB. FORDE: Mr. Chairman, in moving that Part IV stand part, I would ask for an amendment to Clause 14(1)(a) and (b) in the manner set out under the list of amendments circulated. This is a stylistic change only.

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

Part V was called and passed.

Part VI was called.

Hon. H. deB. FORDE: Mr. Chairman, in moving that Part VI stand part I would ask for an amendment in Clause 27(3) to substitute the word "Registrar" for the word "Registry", and delete (a) and (b) and substitute the words shown in the list of amendments which have been circulated. There were some words missing from that Clause and we have now sought to correct the missing words.

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

Part VII was called.

Hon. H. deB. FORDE: Mr. Chairman, I ask that in Part VII we substitute the word "practitioner" for "parctitioner" in Clause 35(1)(a). This Clause deals with a point raised by the hon. member for St. Michael South Central and the point was a valid one. We have tried to retain the right or privilege of people to marriage on their death bed but this matter is a *cause celebre* and I remember Sir Lionel Luckhoo, Q.C., appearing in this case. The case showed that there could be very serious difficulty and that people on their death bed can find themselves marrying and revoking a will, which was the implication in this case, on evidence that was completely circumspect. And I believe that in this case the evidence of the doctor who I believe was the hon. member for St. Michael South Central, and a few other persons was upheld by the court and the will was upset. We have tried therefore to put certain positions in the Bill, in particular Clauses 2, 3 and 5 tidying up the former law as it stood. In doing this we have tried to research as much as possible the law as it existed in England on marriage *in extremis* and I think that to some extent we have made it more difficult for people to commit fraud in such circumstances.

Dr. HAYNES: Mr. Chairman, I rise to speak *in extremis*. I have tried to point out that there are certain dangers inherent in all marriages *in extremis* because usually it is not a matter of love and emotions that operate at that stage; it is ususally the question of property that determines whether a marriage takes place *in extremis*, and consequently the legal provisions made should take this into cognisance.

Now I am not saying that there are not situations from time to time where people recognize that one partner or potential partner is going to die and would like to have their marriage solemnized before death; but this is a rare occasion as compared with the occasion where one is consulted or where it occurs that the marriage is actually solemnized, *in extremis*. And I would have hoped earlier in discussion to have given this honourable House the benefit of what experience I have had in cases like this. I would like to suggest that in situations of this kind not only the marriage officer, but at least a magistrate or someone trained in law, along with a medical practitioner, should be present at the time, because there are several factors that operate in a situation where someone is *in extremis;* for example, is the person *in extremis* capable of understanding what is taking place; does he realize that he is getting married; does he at that time understand the implications in terms of the disposal of his property etc., that would be consequential on his marriage.

5.35 p.m.

A certificate of a medical practitioner being produced cannot in any way replace the observations of a medical practitioner on the spot at the time of the marriage; and it is my feeling that a certificate would not be satisfactory, the presentation of a certificate, and at least two people should be there; and certainly in all circumstances a qualified legal practitioner should be there at the time when the marriage is actually taking place. This would be in order to establish those kinds of points that might well arise in subsequent litigation.

Hon. H. deB. FORDE: Sir, we have tried to answer that point by the provisions of Section 35 of the Act. Roughly, what we are saying here is that if a medical practitioner has been in attendance on the party *in extremis* then the medical practitioner gives the certificate; but there are cases in which obviously his evidence must be read as well. The other point is that there may be cases in which it is not possible to get a medical practitioner immediately; and that is why we put

in Clause (b), that would go on to make certain provisions to ensure that immediately thereafter an entry must be made in the register, and then you provide for a certificate to be given in the prescribed form. Those are the provisions there.

Now, there are other reasons providing for the special circumstances where a practitioner cannot be had immediately which are very difficult. I think that we recognise that these cases may occur; and we tried if possible, to incorporate that in (b), although the rigidity which the hon. member has spoken of – the rigidity of provisions where there will be eradicated most of the cases, not necessarily all – most of the cases of fraud – it is quite possible for a medical practitioner – there are medical practitioners and medical practitioners. It is quite possible for a medical practitioner to attend and give his opinion, whereas the person may not be *in extremis* at all.

So there is an element here that no matter what the law provides, you cannot cover every eventuality that may occur; but I have tried in this section to improve on the existing law as it stands; and we will see it work for a while. Luckily we have only had two such cases that I know in legal memory – the one in which the hon. member appeared as a witness, and another one involving, I believe, the Estate of Hill, which went to the Privy Council. I think that that was one of those cases. I am not sure; but that was some years before I was in practice. Perhaps the hon. Leader of the Opposition may recall it. So, the cases do not occur often, but they do, when they occur make very tough law.

Rt. Hon. E. W. BARROW: Sir, I think that the real problem here is the wording of the Bill we have before us is too vague. It speaks about the certificate of the medical practitioner. What I think is important is the opinion of a medically qualified person immediately before the ceremony takes place; because the certificate from a medical practitioner which is a week old, even sometimes a day old, may be of no value in determining whether at the time when the ceremony was performed, the person who was being married and was on his death bed was capable of understanding what was taking place. People's brain cells at that stage deteriorate very rapidly; so when a doctor says that a person is dying, he is on the way out. I am not as qualified as the hon. member although he and other medical practitioners have accused me on occasions of practising their profession without being properly licensed, by giving advice to people, including doctors, Sir. Not of course for fee or reward.

Why I am saying this is that when a person is *in extremis* it means that he is dying. Therefore he has started the process of deterioration. If a medical practitioner gives notice that a man is dying, it stands to reason that deterioration has begun to set in. Now two days later, or having given that opinion in the morning, along comes the fair lady, whoever she may be, with a Marriage Officer, whoever he might be, in the evening when the man's position has degenerated to a stage where he is incapable of realising what is going on. No time limit has been set. It is a bit too vague. It is difficult when you are speaking of a person who is on his death bed. That does not mean that you are bed ridden. It means that you are on you way out. You should prescribe a time slot in which this certificate should be given; and therefore I should support the hon. member for St. Michael South Central in saying that in cases like this, since there have only been two cases – the other case I was not interested, but I was the legal representative of Mr. Hill; and I really cannot remember, and it would not be fair for me to comment on the case at this stage. I know that although Mr. Hill, while he appeared not to be all there, always knew what he was doing, although he frequently gave people the impression that he did not know what he was doing. Now, when he was getting married to the woman who had that litter of children for him, he knew what he was doing, I do not know. I was not present. I cannot say. I did not take the case to the Privy Council; but there are only two cases that we can remember.

I think that the hon. member should know that if somebody can go to the trouble of finding a Marriage Officer, I feel that he can go to the trouble in the case of a man who is dying of finding a doctor. The same way you can get a Marriage Officer to the bedside, who can be of any of these peripheral denominations – not in a derogatory sense. You understand what I mean, Sir – they may be people out in the country with little meeting rooms who claim to be a Marriage Officer; and the person may be one of his flock. I say that in the same way they can find the Marriage Officer, they can find the doctor. Particularly because the man is dying they should have the doctor there; and I do not see any situation where, having waited his whole lifetime and did not decide to do the right thing, that you should try to pressurise the man when he is on his way out and could not care less what happens, that you should go then and tell him to sign up. That is not fair on the poor man, Sir.

Dr. CADDLE: Sir, I would like to raise this point about the definition of death. Many people who have been declared dead have been known to revive and to live long afterwards; and there are developments which have put the previous concept of death into disarray. When you talk about a person being on the point of death, you are using very loose language in medical terms. I wonder what would happen if a person who was married under such conditions and revived ultimately. What would be the position? Suppose he says after he revives that he was not aware of the position.

Hon. H. deB. FORDE: I think, Sir, that there are certain circumstances touched on by hon. members which are difficult to be provided for.
5.45 p.m.

The point drawn to their attention was the man who took suddenly ill and it was not possible to get a medical practitioner and this is why they were careful not to insist on a medical practitioner on each occasion, but a more substantial point which they have made is that the chance of people now getting married solely for property has been minimised by the Succession Act in which there are certain compulsory provisions, statutory rights and the provisions for children and we are looking at the Succession Act to revise this even further and I will give hon. members the assurance that on that revision I will advert to those sets of circumstances and bear in mind the particular points made by the hon. members for St. John and St. Michael South Central.

Let me say what is my personal view. Although I listened carefully to the advisors I wanted to take it out of the law completely and agonised for a long time in research for this law because it is a set of circumstances that we know could lead to fraudulent marriages only for the purpose of getting property. I kept it, bearing in mind firstly that there were only two cases that had come to the attention of the Courts in the last 50 years in Barbados, so the instances were not high and, secondly, that changes had been made in the Succession Act since then which will make it less attractive for a person to indulge in that sort of marriage unless it was genuine, and thirdly, that we were to some extent tightening up the provisions. But I will re-examine it after we have had a chance to look at the Succession Act.

I told members that I did not intend to bring this Act into being until early in the New Year and we have already drafted some amendments to the Succession Act. If members will bear with me, I will try at the time of the Succession Act to revise this further and I will see if we can get a form of words which will tighten the provisions more carefully whilst not ruling out the type of case which the draughtsmen have again drawn to my attention.

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

Clause 8 was called.

Hon. H. deB. FORDE: I did not answer the point raised by the hon. member for St. Michael North Central and I did not intend to be disrespectful, Sir, but the point is that the whole law relating to death and what is death, is a very difficult branch of the law, with medical science changing so rapidly, and I am not in a position at this time to give him a proper definition. Frankly I have been reading all the learned articles on the subject I can get in touch with but nevertheless I am not yet in a position to deal with whether any legislation is necessary or not.

The question that Part VIII stand part was put and resolved in the affirmative without division.

The First Schedule was called and passed.

The Second Schedule was called and passed.

The Third Schedule was called and passed.

On the motion of Hon. H. deB. FORDE, seconded by Hon. H. B. St. JOHN, Mr. CHAIRMAN reported the passing of one Bill in Committee with amendments and Mr. SPEAKER resumed the Chair and reported accordingly.

On the motion of Hon. H. deB. FORDE, seconded by Hon. H. B. St. JOHN, the Bill was read a third time and passed.

Mr. SPEAKER: Item No. 10 is the instant Order of the Day standing in the name of the Minister of Housing to move the passing of a Resolution to approve the lease of lands situated at Grantley Adams International Airport to British West Indian Airways Limited for the construction of engineering facilities.

Hon. L. S. CRAIG: Mr. Speaker, the Resolution before the House seeks Parliamentary approval for the purpose to lease to BWIA some 83,290 square feet of land for the purpose of facilitating BWIA due to the construction of the new International Terminal Building at the Grantley Adams Airport. This is in keeping, Mr. Speaker, with the facilities for BWIA Engineering Department which they will need in the light that the Airport would need the area for the purpose of constructing part of the tarmack at the Airport.

I do not believe, Mr. Speaker, that this Resolution should in anyway cause any argument or contention from the other side. The Addendum is quite clearly set out whereby the lease is for 15 years with the option to renew, and on renewing, Sir, the Government will also review the whole aspect of the least which is at 10 cents per square foot.

The reasons for this is that we have made similar concessions with other Airlines and Air Services for this particular purpose. If there are any questions which hon. members on the other side would like to ask, I believe I am in a position to give an adequate reply. It is rather a short introduction and I beg Sir to move that this Resolution do now pass.

Hon. H. B. St. JOHN: Mr. Speaker, in seconding this Resolution I would like to make it abundantly clear that the area where BWIA now occupies is in fact needed for the expansion of the ramp at the Airport for receiving jets and their lease expires at the present moment so alternate accommodation will have to be provided. In the planning for the Airport generally to the left of the straight flight there are areas which have been assigned and their use has been designated for expansion of facilities so that in truth and in fact the amendment makes it very clear that the expanded parking apron has to be provided and that where BWIA now occupies is flat and in the middle of that along with Aero Services.

5.55 p.m.

In truth and in fact the Addendum makes it very clear that the extended parking apron has to be provided, and where BWIA now occupies is plumb in the middle of that, along with Aero Services. There are two buildings there that are remaining and they are really holding up the finishing of the parking apron. Seawell Air Services is constructing their building on a lot to the west of the freight shed, more to the Fairy Valley side of the airport, and BWIA will be in that same facility and a distance away from the existing parking area. It is all part and parcel of the renovations which are taking place at the airport.

Rt. Hon. E. W. BARROW: I should just like to make a slight correction to the statement made by the hon. member. The green shed to the east of the ramp and immediately below the new control tower is not occupied by Aero Services, it is occupied by Seawell Air Services. Aero Services are on the south side of the ramp. I think the hon. member will agree that he made a real slip that we accept as a slip of the tongue when he said Aero Services. That is a genuine slip. Seawell Air Services. I think the hon. member would like to correct it.

The other thing was that Seawell Air Services should have moved their shed a long time ago, and I hope that the hon. member is going to be very firm with them and not going to pay them any compensation for the removal of that shed, because they had about three years' notice that they would have to move, and I think the hon. member has been extremely tolerant in allowing them to remain there right up to the eleventh hour, as it were, until he actually needs the space for the parking of the aircraft in front of the new terminal. These people were trying to hold up the Government for compensation for the removal of the shed, and the shed is what we call in law a dutch barn; it is something that is only galvanise and wallaba posts, and the area now occupied by BWIA has a much smaller shed, so they are getting practically two acres of land when in truth and in fact they probably occupied about 7,000 to 9,000 square feet. I would hope that the rent which is being charged, the ten cents per square foot, is commensurate with what we are charging Seawell Air Services for their new location, but this could be wiped out very easily if you accept their terms of removal and give them any compensation for removing.

Hon. H. B. St. JOHN: I did say "Aero Services", but it is Seawell Air Services. There are too many air services up there. We are trying to see if we can get one of them to change the name, especially now that Seawell Air Services, I understand, has bought out the other aircraft services there.

I agree that we have had a considerable amount of trouble with Seawell Air Services, but in fact very stern conditions were put to them and we are now satisfied because the contractors are on the site and the building is way up in the air and no question of compensation for the removal of that building can arise. I do not see how it can arise, and on any contention or any belief that they have that they will be paid compensation, it has been indicated to them very clearly that it just does not arise. What we are interested in seeing is that the building is removed and that the Project Manager and the others are able to get along with the work at the parking apron so as to ensure that we do not have any holding up with the opening of the new Air Terminal building. I think that is all that arose out of the response to the Minister's introduction.

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

THE PROPERTY ACT, 1978

Mr. DEPUTY SPEAKER: Order No. 3 stands in the name of the Hon. Attorney General, and is to move the second reading of a Bill to make provisions respecting property.

Hon. H. deB. FORDE: Mr. Deputy Speaker, in moving the second reading of this Bill, I would like to say that this is one of the six Bills which are before the House dealing with the reform of the land law and with various other Acts affecting transactions in land in this country.

It has been said, Mr. Deputy Speaker, that the objectives of land law reform fall into two categories which are not mutually exclusive. The first is concerned principally with achieving technical legal improvements and the second primarily seeks to achieve socio-economic objectives. That remark was made by the distinguished and outstanding Barbadian, Sir Roy Marshall, who is himself an authority on land law and to whom my Ministry, myself, the Government and the people of Barbados are indebted for the tremendous assistance which he gave in the preparation of this legislation. This is the second or third time that he has come to the assistance of the Government

of Barbados, using Government in its generic sense, having assisted in the preparation of the Constitution of Barbados and also with the revision of the Laws of Barbados. But I think that although it is the third time he has assisted, this is the branch of the law for which he is well famed and renowned, having spent many years in the teaching of land law and particularly in the law of trusts and charities, and, indeed, having himself written several learned articles, treaties and books on this aspect of the law. Therefore I should like very much at the outset of my remarks on the second reading of the Bill to pay tribute to him for the speed with which he worked. He came to us in September and by December (although he was not here for the full three months, he was here merely for six weeks) by December he had gone through two drafts of the Bill and we were able to consider these drafts along with the legal profession, the surveyors profession and people from the University of the West Indies.

6.05 p.m.

He has worked in close conjunction with the legal draftsmen in my Chambers, and I would like to thank the Law Reform Section of the Ministry, especially Mr. Thomas, who worked very hard on the Bill, and also to thank the Deputy Prime Minister who took time off to assist in the preparation of the legislation. He is himself an authority on land law.

As I said, there are two main objectives of the legislation, and I think that both of these objectives have merit and the provisions of these Bills fall into both categories. In the preparation of the Law of Property Bill and the other legislation we held consultation with the representatives of the legal and surveyors' professions and with lecturers in the Faculty of Law at Cave Hill. In addition, we received a memorandum from the Land Surveyors Association in respect of technical matters dealing with the adjudication and registration of titles. The Bar Association also submitted a memorandum on the draft property Bill. This later memorandum was particularly useful in that some of the submissions related to the customary practices in Barbados which ought to be recognized by law, and I am happy to say that I have incorporated into the Bill all of the recommendations made by the Bar Association. I am sorry to say their recommendations came very late to me; I only received them the Friday before I introduced the Bill into the House. But I was able to incorporate them despite this, and I have been assured that every member of the Bar Association has had a copy of the Bill.

Now, Mr. Deputy Speaker, in the Commonwealth Caribbean perhaps only the Cayman Islands and Belize have in the last ten years brought about any significant reform in land law, updating their land law to the stage reached in England in 1925 and perhaps a little beyond. And they have enacted legislation especially dealing with the registration of titles. The legislative proposals before this House for the reform of real property law in Barbados probably constitute the most extensive reform in property law in the history of the Commonwealth Caribbean, and it is hoped that with time similar reforms will be implemented in other Caribbean jurisdictions so that there can be an uniformity in one of the more important areas of the law while we remove the legal anomalies which have been adverted to in articles written on this subject in recent periodicals. To this end we have been making available to our Caribbean colleagues some of the proposals in this Bill.

The philosophy underlying the Bill relates to the fact that since land is one of our most vital natural resources there should be a body of rules which would enable rights in land to be transferred cheaply, quickly and with a fair degree of certainty in order to complement our quest for national economic development. In Barbados today there is a proliferation of outdated technical rules dealing with transactions in land and these rules are not at all conducive to the economic development of Barbados. Again if I may quote Professor Marshall, he said in writing on West Indian land law: "It means perhaps we are replete with legal anomolies. Thus the rule in *Shelley's* case and the rule in *Whitby* vs *Mitchell* still apply in most territories and the Statute of Uses 1535 continues to have effect. The law on future interests still reflects the existence of legal and equitable contingent remainders, future trusts and legal executory interests, and the conveyancer must still consider whether *Purejoy* vs *Rogers* still applies or has been rendered innocuous by the equivalent of the English Contingent Remainders Act 1877". Mr. Speaker, I am not quoting double dutch, but the technical nature of land law is such, and the development from England such that that comment in itself must have some members of the public and even members of this House dumbfounded as to what I am speaking about. But I think however erudite the comment may be – and it is certainly valid – it underlines the necessity for us to reform more rapidly and to simplify it wherever possible and to cut out the numerous estates still existing in the land law of Barbados.

I believe that members will bear with me in the introduction if I depart from the precedent by a learned predecessor of mine in this House who in introducing the Bill of 1891, the Property and Conveyancing Act, spoke for a limited period of time and gave hon. members little or no assistance in understanding what was the purpose of the Bill; and those of us who take time off to research in the Archives when we are preparing this sort of work will find that that Act of 1891 was merely bringing the law up-to-date as to what it was in England in about 1881 or thereabouts. Indeed, when attempts were made in 1935 to amend the law, the draftsmen boasted that it was bringing the law only up to 1881 in England.

But why do we have these technical rules? Why do we have this still archaic system in our country? It is

because, historically, Barbados is a settled colony and according to the principles of the reception of law in the West Indies it seems as though in 1627 – which is now taken as the date for the reception of law although more accurately the date is probably February, 1628 – we took over lock, stock and barrel English legislation which predated the date of the settlement and we took over such Bills as the Statute of Uses of 1535 as well as the Fraudulent Conveyances Act 1585 and the Statute of Limitations of 1623. And the only qualifications that existed on taking English property legislation as well as all legislation lock, stock and barrel was that it was subject to local circumstances.

Mr. Deputy Speaker, it is difficult in reforming this law to know what are the local circumstances. Very little is written on the historical development of the land law of Barbados or indeed of the West Indies, and I should like to commend hon. members if they have the opportunity before we get into the Committee stage to look at the development of the land law and to read a very learned treatise written by Miss Norma Monica Force on aspects of ownership and control of land in Barbados, which is in the Library of the Cave Hill Campus of the West Indies University. This is the same Miss Forde who produced the report of the National Commission on the Status of Women. Her thesis would help us to understand how we should approach the problem of reform.

She says that in Barbados the situation was by no means well defined, for apart from the rival claims to the Island by competing patents at one time in existence, the Carlisle Charter with the wide grant of powers to the Earl yet reservations of right in the Crown not only challenge the student of Barbadian legal history but during the 17th and 18th centuries caused the settlers to be so unsure of the nature of their interest in the land, that they were constantly legislating with a view to establishing some measure of security in the possession and the right of title to their land. Miss Forde came to the conclusion after tracing from the time of Settlement and looking at the original documents right up to the 18th century that Barbados brought over some of the incidents of feudalism and that the land tenure system during the early days of Settlement followed the English feudal pattern. How closely it was followed depended upon the exigencies of the Settlement and commercial purposes. But recorders of the period saw the inhabitants classified according to their tenure and status – if I may quote from her – based on the nature of landholding. Whether this classification is seen as flowing from the feudal pattern or parallel to it cannot weaken the argument that during the early years of Settlement a colonial feudalism existed in Barbados.
6.15 p.m.

Mr. Speaker,

Under the feudal system as it operated in England all land was held on certain terms or conditions either from the Monarch or from the Lord of the Manor. This is known as the doctrine of tenures. At common law therefore the main tenures were free tenures and unfree tenures. The free tenures in turn consisted of –

(i) Tenures in Chivalry or Military tenures.

(ii) Tenures in socage,

(iii) Spiritual tenures.

With the exception of tenure in socage, the free tenures indicate the kind of service which had to be performed in return for holding land. A tenure in socage may reserve any type of service, although generally it was some kind of agricultural service which was fixed both by nature and amount. But generally speaking one may say that the free tenures were the tenures of the landed proprietors and independent farmers, while the unfree tenures were those of the common labourers.

The view that feudalism existed in the West Indies is supported by Professor Patchett (op. cit) and Edith Clarke who wrote the book "My Mother who Fathered me" among others. But for the law reformer the more important question to be determined is whether or not the common law rules which emanated from feudalism came to Barbados, and if so, the extent of their applicability. Professor Patchett's observations in this regard are that –

> "Although the doctrine of estates seems to have come to the West Indies in full vigour, the same is not true for tenures. Thus copyhold tenure, military tenures even before they were ended for England by the Tenures Abolition Act, 1660, and Frankalmoign though strictly part of the common law are unknown in the West Indies and must therefore have been treated as unsuited for local needs. Socage tenure, however, applied and in Jamaica, at least, quit rents.

There is great merit in Professor Patchett's observations for even if feudalism existed in the West Indies it would have been in an adulterated form and hence the common law rules received here would have been correspondingly modified. For instance, certain tenures, such as military tenures, were unsuited to local conditions. But whatever the conditions upon which land was held it seems clear that such holding was by virtue of an inferior title. For the reality of the Barbados situation was that the Earl of Carlisle, on the authority of his patent, distributed land to settlers but "reserved the right to payment as the owner of the land". Such payments have been interpreted as tokens rendered in evidence of the land holders inferior title – quit rents. And as Norma Forde sees it –

"The settlers although not holding in free tenure were freeholders in the sense that they were not limited in the control and use of the land provided their use of the land did not operate contrary to the title of the superior landlord, the proprietor."

It is noted in Megarry and Wade's *Law of Real Property* (at p.32) that in England –

"The system of landholding in return for services fell into decay long before the most onerous incidents of tenure were abolished. In particular, the incidents of military tenure.....were zealously preserved by the Crown for the sake of revenue. The King who was always lord and never tenant, was the only proprietor who had all to gain and nothing to lose by preserving these feudal imports. But, like certain other items off unparliamentary revenue, they were swept away in the seventeenth century. The Tenure Abolition Act, 1660 confirming a resolution of the long Parliament of 1646 converted all tenures into free and common socage."

Correspondingly, in Barbados, in the period 1641–1663, several Acts were passed by the Barbados Legislature. These Acts were either directed at vesting the fee simple absolute of the land in the settlers, or aimed at confirming that the fee simple had already been vested in the settlers.

Some of the more important Acts are as follows –

1642–1650 – An additional to an Act entitled "An Act for settling the Estates and Titles of the Inhabitants of this Island, to their possession in their several Plantations with the same."

1646 – An Act concerning Sale of Lands by Attornies, Executors and Administrators.

1661 – An Act concerning the Conveyance of Estates.

1663 – An Act for settling an Impost on the Commodities of the growth of the Island.

The Acts of 1642–1650, 1661 and 1663 are of particular importance. The title of the Act of 1642–1650 sets out the objects of that statute. The importance of the Act of 1661 lies in the fact that it represents an attempt to remove the hiatus between the English common law and the local law. This Act ensured that once the statutory requirements of acknowledgement and recording were complied with, a deed made in due form of law would be valid to pass an estate –

"without livery, Attornment, or any other Act or Ceremony whatsoever. And that, no Deed hereafter, without such Acknowledgement and Enrollment, shall pass any estate of freehold or Inheritance or any lease above the Number of Three years."

The preamble to the Act of 1663 indicates that its object was to settle the titles of those settlers in quiet possession of their lands by virtue of earlier legislation.

This legislative trend of securing ownership of land continued until the early eighteenth century. The eighteenth century saw a change in this legislative trend. This was probably due to the economic uncertainties of this period. The laws of this period such as "AN Act for the Limitation of Actions" tended to provide protection for land owners against unjust claims preferred against them. This attitude toward secure ownership of land remained with the lawmakers from the seventeenth century until the period of consolidation legislation in the second half of the nineteenth century when the Property and Conveyancing Act of 1891 was enacted.

The Property and Conveyancing Act, 1891 was a consolidating Act as is evidenced by the fact that this Act repealed fourteen other Acts. And probably because of the fact that the Act of 1891 did not alter the law, it did not stimulate much debate either in the Legislative Council or in the House of Assembly. Attorney General, Hon. H. A Bovell, Q.C., in the Legislative Council, merely stated the sources from which the provisions of the Act were taken, However, in the House of Assembly, Solicitor General Hon. W. A. Greaves went a bit further. In moving the Second Reading of the Bill the Solicitor General explained that no change had been made in the existing law but a new provision had been inserted which defined "estate". The Solicitor General explained that the new definition was taken from an Imperial Statute, and in Barbados, so far as the practice in conveyancing was concerned, it was as necessary as in England that the word "estate" should be so defined; but in no previous statute did he find any such definition. He proposed to insert a new section of the original Act relating to the admission of deeds as evidence.

The Property and Conveyancing Act, 1891, (Cap. 236) still forms part of our law today and together with statutes such as the Settled Estates Act, 1906 (Cap. 238) Limitations and Prescription Act, 1891 (Cap. 232) and those English Statutes of general application which were received at settlement form the corpus of our land law.

But is has been noted that much of the legislation enacted in the seventeenth and eighteenth centuries were aimed at defining property rights and establishing ownership free from limitations and encumbrances. In addition, in 1906 the legislators in enacting the Settled Estates Act based the new legislation on the English Settled Estates Act of 1877 rather than on the more liberal and flexible Settled Estates Act of 1882. But quite

apart from the Common Law rules and English Statutes which were received at settlement the presence of the legal anomalies is further explained by the fact that in 1935 an attempt was made to introduce a Bill to consolidate and amend the law relating to conveyancing and the law of property; and the Attorney General while reminding the Council that the Bill would effect improvements in the law hastened to assure members that the improvements would bring the law in Barbados no further than the 1881 English position.

The philosophy of the legislators is explained by Norma Forde (at p. 121) in the following terms –

> "Recalling that the landowner was the legislator, the implication is clear; this objective was to maintain the existing landholding hierarchy in which he occupied the most advantageous position."

6.25 p.m.

This explains why some of the law is as it is because it is against this 350 years background and the recession of enactment of legislation that we are conceiving the reformation.

I would like before I get on to discussing the particular legislation to thank the Commonwealth Fund for Technical Co-operation of the Technical Assistance which they have given us in making available the service of Sir Roy Marshall and I would like to inform hon. members that if the House passes the legislation our proposals would be that Sir Roy Marshall will return to Barbados about the end of the year or soon there-after, as he is available, to run a series of seminars and lectures for the benefit of the surveyors and the legal professions as well as the benefit of the public to write simple brochures and pamphlets which can be distributed and made readily available to the public explaining the new system of land law which we are bringing in. At that stage also we would like the Government Information Service programme to make use of some of his lectures as well as the lectures by other people at the Cave Hill Campus in order to help with the understanding of the Bills that we are bringing before the House.

Sir, although I am dealing with the principal Bill which is the Property Bill, let me say that other Bills concern the system of registration of lands and the provision for adjudicating the rights of interested people under that system. The report which gave rise to this Bill predicated the changes of Government and it was carried out, I believe, under the last Government in which a Committee consisting of surveyors, Governmental persons and people from the Bar were set up to prepare the necessary legislation to some extent. The recommendations were based on a model draft prepared by the British Overseas Development Ministry which had been circulated to most of the territories in the Caribbean.

We have had as a consequence of the Property Bill to amend the Condominium Act and also we have been seeking to repeal the proposed Act and to bring up-to-date provisions dealing with trusts and for the first time in our law we will have a Bill regulating charities. This has not been done before.

Mr. Speaker, I am sugesting to the House that we are trying to simplify land transactions. That is the prupose of this legislation. I hope members will be satisfied that we have succeeded to some extent and we are at the same time trying to indigenise the legislation to the development of Barbados to reflect the verities of life here our economy and customs and that is why we have not accepted in total the recommendations from any particular country, but we have done some of our own research to see whether or not it will be applicable to the position in Barbados.

The Property Bill, as I have indicated, is based to some extent on the drafts suggested for Ireland and it has as its objects as set out in the Objects and Reasons the simplification of titles to land by reducing the number of estates, the harmonising of the law relating to registered and unregistered land, and the law relating to settlement.

Mr. Speaker, I do not want to be over-technical, although I must say that as the law now stands there are three estates of free-hold. There are the fee simple, the fee tail, and the life estate. The fee simple means you are the absolute owner subject to certain rights and privileges other persons may have, rights of way, for instance, but it is the highest form of estate that can exist in land.

The life estate should be easy for everybody to understand. The fee tail is a more complex system. It enables the landowner to ensure that the land would remain in his family passing on its own, and undivided from generation to generation. Barbadians always think of passing from seed to seed and essentially the purpose of the fee tail which came through the feudal system was to immortalise possession of an estate in a family as far as possession could be immortalised.

Another aspect of the fee tail is that the person owning the land had a limited ownership and could not dispose of the fee as they thought. Now this was created funnily enough, by an Act in 1285. Those of us who have done English Legal History will remember the Act *Statute De Donis Conditionalibus, 1285* which existed as a law of England up to 1925, and which is part of the law of Barbados, and remains part of the law of Barbados up to this time, but when this Bill becomes law the only estates which will be allowed to subsist and which will be capable of being conveyed or created will be an estate in fee simple absolute in possession and an estate for a term of years absolute. The form of leasehold and the reduction of these estates is clearly consistent, I submit, Mr. Speaker, with our overall objective of creating a

degree of mobility of land so as to improve the efficiency in transactions and in conveyancing.

Now, Mr. Speaker, we are not seeking to take away from families the right to immortalise ownership in their families. They can do this by means of a trust and that is one of the reasons why now we are updating the law dealing with trustees as well as those provisions dealing with settled estates. But, on the other hand, the disadvantageous aspects of the fee tail will be abolished and so land transactions should become much simpler.

I would like to say, also, Mr. Speaker, that by doing this type of reform we are seeking to ensure that a substantial part of the property law will in future be placed in one single statute, the Property Act, and, it would be certain, conveyances should be simplified and we will no longer have the fiction of conveyances under the Statute of Uses, and having a use to execute a use.

Members who are familiar with land law know this. They know that we have necessity to put in all sorts of covenants which can be implied simply because the law implies them and I trust that as a result of these changes the cost of conveyancing to the public will be proportionately decreased and that delays which the public complain of in getting land transactions effected will be eradicated completely or to a considerable degree. That is why, too, Mr. Speaker, we are introducing a system of registered conveyancing because evidence shows that where-ever there is such a system, the efficiency of land transactions is improved and so the socio-economic objectives are facilitated.

We could not in Barbados introduce once and for all an overall system of registering. It would take some years before every bit of land in Barbados is brought on to the register. Our estimate is that it will take as long 20 years, 10 to 20 years, I believe, and we are carrying forward an unregistered and a registered system.

If for instance there was a new development, suppose there was a Sunset Crest Development coming to Town Planning now for the first time, we would insist that that goes on the register because it is well known.

Where the titles are settled, as in an area like Paradise Heights, which has been recently developed, it is easy for that to go on the register and we feel that it is right that the Government should take up any costs arising from this because people have good title, they have conveyances, and they have what is called a plot and sale, they have the surveyors completed plan so that the cost of this is really the cost of registration and no doubt, in due course, as we go on from year to year the legislature will have to provide some money for them.

On any new development the cost of registration should really fall on people who are developing land for profit and we are trying to work out a system that will make those new registrictions compulsory because you will have made orders demarcating particular areas as subject to registration and they will then come on the register from time to time.

6.35 p.m.

To get title on the register the land owner will have to establish a good title. Under existing law legally you can insist on a man tracing his title back to 60 years and showing you a good title, although in present conveyancing practice it has come down to about 30 years, and some practitioners occasionally will accept 25 years. Some people insisted on forty, some accepted thirty, one or two will accept 25, but legally they can insist on making you prove title back to 60 years and you have to go and do all this myriad of searches, and where people are getting money from the bank for building houses, they find that the legal fees increase because they are going back to titles for this long period of time. We are now in this Bill coming to a period of 20 years. On this point I have accepted the advice of the Bar Association. Speaking for ourselves we had considered bringing it down to 15 years, but we are assured by the Bar Association that the position in Barbados on some titles is so doubtful that we may be stirring up a hornet's nest, but a period of 20 years may be a safe period, and I do not want to create more law suits than I am trying to get rid of. In those circumstances the Bill has incorporated their advice and we will be settling for that system.

I said, Mr. Deputy Speaker, that both systems will exist side by side. I do not think that we could do otherwise. If we did otherwise it would be a complete administrative mess; it would make transactions in land difficult and in my view it would be against the interest of the country. In the report which was made in the past Government it was strongly recommended that both systems should go hand in hand, and I am seeking to do that. My estimate is that knowing how administration works, it may well be 20 years to get a complete change over. One of the things we will need is a proper land registry. A project manager has been appointed, we are hoping to have a Registrar of Titles appointed soon and to send him for some system of training, and then of course we will need to integrate the Land Valuation Office, the Land Surveys Office and the Land Registration Office, although I know there are doubts as to whether or not the Land Registration Office should not remain within the Law Courts rather than be under a separate Department of Government. But if we can bring these different aspects of Government administration dealing with land under one roof and in an over-all system of administration, it would be easier for us to tidy up the existing system and make sure that it is swifter, it is more efficient and that there is less chance of fraudulent conveyancing taking place.

Mr. Deputy Speaker, we will seek also to try to reform the existing foreclosure action which had led to a lot of problems in this country and about which I think the Judges have spoken on numerous occasions. We believe that this reform legislation will likewise get rid of some of the problems.

I want to say a little bit more about registration. The introduction of the system of registration which I am commending to the House, registration of titles in preference to registration of areas, is a means of facilitating the sale and transfer of land at speed, and also we are contending that it should, and I hope the Bar Association and the Surveyors will listen to this, reduce the expense because the use of prescribed forms for the transfer and other disposition of interests in land will reduce the complexity of the process and remove some of the mystery that is now associated with the esoteric art of conveyancing. I wish to repeat that in different language. I will expect that the lawyers, the conveyancers and the surveyors will now find it easier to minimise their fees and reduce their fees, and it is not expected that this legislation should be used as a means of putting up the price. In the first place I believe that many lawyers in current practice who have been trained in the 1925 legislation should now be available to do what has been restricted to a few of the people who are trained here as solicitors. That is the first thing. I hope that will happen. I believe that for too long conveyancing is restricted to a few people as though it was some great mystery, and people who are trained in a more modern system have never had an opportunity to participate in conveyancing, and as a result there are delays in getting titles through both from Government't point of view and from the point of view of the public. I hope, therefore, that young barristers will get a greater opportunity to earn a reasonable living doing their work properly and there will be no problems accruing from more people doing the work.

The other thing registration of titles should do is give a certain finality and certainty by providing an up-do-date official record of the title to land, and this eliminates the need for a relatively expensive and sometimes inconclusive or imperfect examination of titles which is necessary on each successive transaction. On this point of registering of title, a title is guaranteed and it may be necessary for the Government to give some assurance or to set up some system of insuring titles. That aspect is not provided for in the legislation, but the Cabinet has taken a policy decision that the Ministry of Housing Lands and the Environment should look at the financial and other implications of the need to provide an insurance or compensation fund in order to compensate and pay people who may rely on a registered titled to find that there has been some defect because there has been an administrative slip-up.

Another benefit which I hope will accrue from the legislation is that an official plan will be provided for each title which will identify the registered land. Now that is why it is necessary to have an over-all survey, and we are in contact with the Government of Canada who provided some initial money for the cadastral survey to do an overall mapping of the Island, and we believe that the expenditure involved here will be about Canadian $½ million. It would take some time to do this over-all survey, but it will be done. The proprietor of registered land will be issued with a land certificate containing a facsimile of the entries which will be in the register and of the official plan identifying the land. The certificate will be simple, a compact document, and it should take the place of title deeds which are numerous and bulky. How many hon. members will know that if they have their title deeds to their land that there is an assurance to produce the other title deeds contained in that legislation? And somebody can make you go and produce the title deeds going back to sixty years, and it is a long and difficult process, and very frequently you cannot find the deeds, but a man who wants to hold you up in a transaction would give you all sorts of run-around and make requisitions as to title. We have to get away from that. We feel too that registration can cure defects in titles, some of these are important ones, and get rid of tiresome recurrent conditions of sale and enquiry.
6.45 p.m.

And there are other advantages which I need not list here for hon. members, but in the course of debate I am sure hon. members would want to refer to the other advantages which will accrue.

Mr. Speaker, just a couple of words about the Trustee Bill...

Rt. Hon. E. W. BARROW: Mr. Speaker, on a point of order. I realize the difficulties which the hon. member faces. He dealt with registered land and the Bill we are now considering and if he promises that he is not going to read back over all the comments he has already made, I do not think we will have any objections. We realize the difficulties. It is a technical subject which only a few of us as conveying counsel can understand. We appreciate the problem, but strictly speaking the hon. member is not in order during the introduction of other Bills, but if he is doing it in a comprehensive way so as to save time when the other Bills are done, I have no objections. He has made one or two very good points which I intend to raise and that is why I did not interrupt before.

Hon. H. deB. FORDE: I give the hon. member my assurance. It seems to me better that we should have a full introduction; I do not want to repeat this on every Bill that comes up. When we get to the other Bills perhaps I will try to answer the details hon. members may want. I am not assuring hon. members that I have all

the answers. I have brought along my staff and you may have to give me time to call on them for some technical knowledge because it is a very technical Bill.

The Trustee Bill is based on the Northern Ireland Act of 1958 and really we are trying to update the administration of trust, basically by conferring wider powers on trustees, particularly powers to invest, which they do not have at the moment. We are also placing certain safeguards in the Bill to safeguard the right of trustees. We have circulated some memoranda on these Bills which give the more detailed provisions, and I do not want to go any further with that Bill.

The Charities Bill is concerned with trusts that are charitable. It is of particular importance to us in Barbados in view of the proliferation of property owning organizations which purport for taxation and other purposes to be charitable; and the Bill is important also where the objectives of some charitable trusts have become obsolete. A further objective is to provide for the registration of charities, the incorporation of charity trustee and the administration of charitable trusts.

I want to say a word about several charities in Barbados. Some charities have existed in Barbados as charitable trusts by virtue of wills, and some of them by Acts of the Legislature, particularly under the former Vestry system. Sometimes the objectives for which the trust was created have long since passed and I believe – I am speaking from memory that Professor Marshall told me that there is something like perhaps $600,000 lying around in the banks, in some cases not even earning interest, and it really should be spent for the benefit of the public of Barbados. What is intended after we pass this legislation is to retain the services of Professor Marshall along with people in my Ministry to go into all these various instruments and make a global application to the Court in order that the money may be used for the benefit of the public at large.

Now I believe our Charities Bill goes further than any existing Bill in England. Lord Goodman did a report on charities which has not yet been implemented in England and we have been able to look at some of his suggestions and incorporate them in our legislation; so I think that out Charities Bill, like the main Law of Property Act now before the House, will be some of the most modern legislation in the Commonwealth Caribbean and, I make bold to say, in the Commonwealth as a whole.

I am sorry, Sir, if I have spoken at length on this subject in introducing the second reading of the Bill. I hope I have outlined some of the main principles and I hope the memorandum which we have circulated will prove of some benefit to hon. members. We will have to correct some typographical errors in the legislation from time to time as we go through the Bill, and on the second reading I am open to any suggestions which may be made. We will probably do a second reading and wait for a while to see whether or not members want further time for detailed consideration of the particular Acts that are now before the Legislature.

I cannot introduce the two Registration Bills right away. We intend to bring the others in early in the New Year but it will possibly take some months before we are able to set up the land register to such a state as to go to a system of registering land. But I hope that the Minister under whose portfolio the administration of that Act will fall will put a little pressure on his officers to get on with the training process so that now that we have the law we can finally do something about it. It will be a matter for the Minister of Lands to get the land registration aspect going and I hope that those people will get moving on that part.

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

Rt. Hon. E. W. BARROW: Mr. Deputy Speaker, I am very glad that the hon. Attorney General has refrained from saying that the former Government had the legislation for twelve years and they have managed to do it in two; because I think that he now realizes that the drafting of legislation as comprehensive as this is not capable of being done by the twenty six or twenty seven legal officers in the Attorney General's department, nothing to do with Magistrates and people like that. You really need to have people who are technically qualified to assist in matters of this kind. I don't think there is anything great about it; it's just a question of inclination. I am one of the few conveyancing counsel in Barbados who can understand what the hon. member is saying, because I like conveyancing and did it as my special subject. But it is an extremely special matter and the people who are going to benefit most from this apart from the general public are the members of the legal profession who were formerly barristers and who are now attorneys-at-law. Even some like me who have done conveyancing, when we came back here we were completely bewildered by the kind of confusion that existed in conveyancing in Barbados. As a matter of fact it was so mysterious that you needed to keep four or five Articled Clerks running between a solicitor's office and the Registry 365 days a year for five years, so that few of them could pass their examinations because they did not have any time to study; all they were doing was searching for titles and matters of that kind. And the antiquated system, most of us – I must be the oldest legally qualified person in side here; I think I started in 1948; next month I will be celebrating thirty years of being called to the Bar. Any hon. member on the other side who wants to entertain me in a proper manner I will not refuse the invitation. But all of us, including people who

qualified in 1948 like myself, were trained under the English Real Property Reform Acts of 1925–26, and when you have to be confronted with the kind of antiquated conveyancing systems that go back to 1861, it was no wonder that some members of the solicitors profession resisted the idea of fusion. But even after fusion was introduced by us here in this Parliament, the members of the legal profession who were trained as barristers still could not fully benefit from the fusion because at that time most of the lucrative side of the practice in Chambers was in the form of conveyancing. There was a time in Barbados when people who had money to lend out on mortgages were very important in so far as conveyancing was concerned. They placed their money with solicitors and not with banks. Banks did not lend people money for mortgages, so the solicitors were really the lending institutions and so they managed to control a very lucrative aspect of legal practice in Barbados. If you wanted to buy a property you had to go to a solicitor, not to a barrister, because the solicitor was the person who not only knew the mysteries of the antiquated system of conveyancing we had in Barbados, but they were the people with whom the planters and other wealthy persons in Barbados deposited their funds; so you had to go into one of these offices. So this is a natural concomitant of the Act of fusion of the two branches of the profession, because it is going to be a lot simpler. Let us face it. When you look at sections 81 and 82 of the Act you can convey now as beneficial owner with all the covenants and not all the mumbo jumbo involved.
6.55 p.m.

I know one legal gentleman who used to use the word "habendum" all the time as if this was one of the words part of the Rosicrucian Faith. When he got into Court he used to say we cannot look at that because it does not have in any "habendum". I will not call any names, but that idea is nonsense; and a conveyance in the United Kingdom after 1925 was a prepared document in which you convey to the beneficiary; and under Sections 81 – 82 of the Act where it is automatically proved that you have good title etc. etc.

The second beneficiary should be the general public. Now the hon. member has made an expression of hope. I do not think that that is good enough. I think that you should lay down some very rigid rules about conveyances. You have Housing Authority conveyances in which titles are coming from the same legislation and everybody paying for a title or conveyance all over again seems to me to be absolutely scandalous. I do not know who the beneficiaries are now.

Mr. DEPUTY SPEAKER: Is the hon. member now finishing his address?

Rt. Hon. E. W. BARROW: Yes, Sir. I only had 20 anyhow. I do not intend to be very much longer. A lot of questions which I raised have been covered by the second reading speech made by the hon. Attorney General. I am very much concerned about foreclosures giving people titles to land when their family may have left them with a piece of land, say in St. Philip, and when they amass enough money to pay their vacation back to Barbados, they are told what land are you talking about? This is my land. *(Aside)* Will the hon. member allow me to continue my speech, Sir?

People have left their families in charge of land and then found that they passed the land through courts. I do not think that we have had enough safeguards in that kind of procedure. On the question of the registered land, although I do not think that we are dealing with that Bill right now, I will enjoin the hon. member to look very carefully at the words used by the Chief Valuation Officer in recommending – he went to Australia, and he knows about the Torres system. The Torres system of legislation is unworkable in Barbados where people are putting chattel houses in back yards. I had the honour of visiting Australia last year; and I know Torres who was a descendant of the original Mr. Torres who laid out the system in Australia. There you had wide open spaces where you could put a tent under the sun, the moon and the stars and stay all night down there; but what we develop in Barbados is a kind of enclosure system. It is not the enclosure system of the Middle Ages where they enclosed the King and enclosed the people. I am talking about the enclosure system in Barbados where you take Bay Street, Jemmott's Lane, and then round Culloden Road, and then Collymore Rock and then back up Bay Street, and use that as an enclosure and then take your co-ordinates from there; and you know that every parcel of land within that well defined as a removeable enclosure, and have that as a registration area instead of a .....

Hon. L. S. CRAIG: Mr. Deputy Speaker, on a point of order. You may have overlooked the hour for the point of interruption. The hour of 7 o'clock is the hour of interruption. The Standing Orders have not been suspended, and I just draw this to Your Honour's attention.

Rt. Hon. E. W. BARROW: If the hon. member was not so obstreperous and was paying attention, he would have heard Your Honour ask me, in accordance with Standing Orders, whether I was likely to be longer than 10 minutes, and I said no. This is the quality of representation that we have.

Hon. L. S. CRAIG: The people of St. James decided that; not you.

Mr. DEPUTY SPEAKER: Order, please. Will the hon. member for St. James please take his seat.

Hon. L. S. CRAIG: Know your place.

Mr. DEPUTY SPEAKER: The hon. member for St. James will withdraw that remark. It is an insult to the Chair. Continue.

Rt. Hon. E. W. BARROW: If he does not understand the debate, he should take his seat.

Mr. DEPUTY SPEAKER: Please let us continue with the debate.

Rt. Hon. E. W. BARROW: I was speaking of the Torres system, Sir. We do not have to have that system in Barbados. We can have the modified system and we can have the enclosure system in the legislation. *(Aside)* I regret that I have to inform the hon. member that we are speaking here about a technical matter which I did not expect the hon. member to fully take part in, as not being part of his Portfolio. Let me put it that way; but he should not get irritated because we are speaking here on subjects on which we feel we can make a contribution as lawyers. There is nothing wrong with being a lawyer. Some people seem to think that it is some kind of an offence. The Leader of your Party..... *(Asides).*

Mr. DEPUTY SPEAKER: Order, please. Will both hon. members please take their seats? The hon. member for St. John will please continue.

Rt. Hon. E. W. BARROW: I hope that I will be able to continue without any further interruption. I thought that people who had been.....

Mr. DEPUTY SPEAKER: Will you please continue with the debate? *(Asides).* Will the hon. member for St. James.....

Rt. Hon. E. W. BARROW: Put him outside, Sir.

Mr. DEPUTY SPEAKER: Please continue.

Rt. Hon. E. W. BARROW: I would have finished already, but I was interrupted; but I will try to draw my remarks now to an end. What I would like the hon. member for Christ Church West, the Hon. Attorney General, to look at has to do with Section 47. I am very glad that he did not say that the former Government had nothing to do with it, because we had Professor Marshall, Mr. Pachett, and all those people working on this reform for a very long time; and I am glad that it has come to a head by now.

I would just like to draw the hon. member's attention to Section 47 and then let him look at Section 211 – Chapter 211 – which I referred to... *(Aside)* Mr. Speaker, I cannot really make a contribution with the hon. member interrupting and making sotto voce remarks all the time. The hon. member is trying to make notes, and I am trying to make a few. He cannot understand, and his only way of reacting is to interrupt all the time. I will be very short.

If the hon. member would look at Section 47 and then at Chapter 2 of the Statute of Fraud – ever since I came into this Chamber, and specifically in 1965 when we were amending the Statute of Frauds, I drew to the attention of the Crown Law Officers that our Statute of Frauds had a mistake which, if it had to go into Court, would make it obligatory for every single contract in Barbados to be in writing; because that section says that every contract or sale of land – every contract. Our Section 47 had every contract "for the sale of land"; and would you believe it, that although I made a speech inside here, and had it amended in here, when the Bill was printed it went back to what was done in 1752. So if the hon. member would look into that he will see how difficult it is to get any change in Barbados even to make the law more sound.

Hon. H. B. St. JOHN: Mr. Deputy Speaker, it is the desire of hon. members to have more time to digest these Bills after a rather lengthy introduction; and I beg to move that further consideration of these matters be postponed.

THE ADJOURNMENT

Hon. H. B. St. JOHN: I beg to move that this House do now adjourn.

Hon. H. deB. FORDE: I beg to second that.

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

7.05 p.m.