

THE PARLIAMENTARY DEBATES OFFICIAL REPORT

PROCEEDINGS AND DEBATES OF THE SECOND SESSION (1959—60)
OF THE FIRST LEGISLATURE OF THE WEST INDIES,
CONSTITUTED UNDER THE WEST INDIES
(FEDERATION) ORDER IN COUNCIL, 1957.

14th Sitting

Thursday, 10th December, 1959.

HOUSE OF REPRESENTATIVES

The House met at 2.30 p.m.

Prayers

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Ministerial Trips

Mr. W. B. Williams (St. Catherine, Jamaica) asked the Prime Minister to state in detail the number of trips made by each Minister (including himself) since the inauguration of the Federation, the purpose of each trip, the countries travelled, the period of time spent on each trip and the cost of each trip.

The Minister of Finance (Mr. Bradshaw): Mr. Speaker, in the absence of the Prime Minister, I answer. As the reply to this Question is necessarily rather long, I propose, with the permission of the House, to circulate the information to hon. Members in tabular form for inclusion in Hansard.*

[*See Columns 1247 to 1254]

Wives, Children of West Indians in U.K.

Mr. Stone (Hanover, Jamaica) asked the Prime Minister to state what decision, if any, has been reached with the United Kingdom Government in regard to the establishment of adequate legal machinery in the United Kingdom for protection of the wives and children left behind in the Unit Territories by West Indians who have emigrated to the United Kingdom and are residing there.

Mr. Bradshaw: Mr. Speaker, on behalf of the Prime Minister I reply as follows:

This matter is already covered by Territorial legislation. The position is as follows:

The Imperial Maintenance Orders (Facilities for Enforcement) Act, 1920, entitled "An Act to facilitate the enforcement in England and Ireland of maintenance orders made in other parts of Her Majesty's Dominions and Protectorates and vice versa" provides, on the basis of reciprocity, for—

- (a) the enforcement in England and Northern Ireland of main-

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tenance orders made in Her Majesty's dominions outside the United Kingdom to which the Act extends; and

- (b) the confirmation by courts of summary jurisdiction in England and Northern Ireland of maintenance orders made by courts of summary jurisdiction in Her Majesty's dominions outside the United Kingdom to which the Act extends.

Provision (a) above contemplates the situation where the husband is in England or Northern Ireland and the wife already has an order against him; provision (b) the case where the husband is in England or Northern Ireland, but the wife has no order against him. It enables her to apply to a court of summary jurisdiction although the husband is out of the court's jurisdiction which can proceed to make a provisional order in the husband's absence. The Order is then forwarded for confirmation proceedings in England or Northern Ireland as the case requires.

The Act of 1920 extends to all the Territories in the Federation and reciprocal legislation exists therein.

Mr. Afflick (Portland, Jamaica): Mr. Speaker, that law pertains to married people. I think that what Mr. Stone is enquiring about is the children of unmarried parents. Some of these fathers go to England and hide away and no support is had for these children.

Mr. Bradshaw: Mr. Speaker, I am sorry I cannot give an answer at once. I think the Act applies in those circumstances also. However, if the hon. Member requires additional information, he should put a question on the matter.

Constituency (St. Thomas, Jamaica) Vacancy

Mr. W. B. Williams asked the Prime Minister to state when the Jamaica Government was advised of the vacancy created by the resignation of the Member for St. Thomas, Jamaica.

Will the Prime Minister further state the maximum period of time allowed for the holding of any by-election to fill any vacancy that may occur in that Territory under the existing electoral laws in that Territory?

Will the Prime Minister further state if the Jamaica Government has advised the Federal Government when they intend to hold this by-election?

Mr. Bradshaw: Mr. Speaker, I beg, on behalf of the Prime Minister, to reply as follows:

The Jamaica Government was asked on 10th September, 1959, to consider the question of issuing a writ to provide for a by-election to fill the seat in the Federal House of Representatives vacated by Mr. Robert Lightbourne.

Under the Electoral Laws of Jamaica there is no time limit for the holding of a by-election to fill a vacancy occurring in that Territory.

The Jamaica Government has not yet advised the Federal Government when they intend to hold the by-election to fill the St. Thomas seat.

Detention of West Indian in Iraq

Mr. Swabey (Westmoreland, Jamaica) asked the Prime Minister to state if the Federal Government is aware of the fact that a Jamaican by the name of Mr. Marsh has been arrested and detained in Iraq.

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If the answer is in the affirmative, will the Prime Minister state what steps have been taken to intervene in the matter?

Mr. Bradshaw: Mr. Speaker, on behalf of the Prime Minister, may I reply as follows:

The Federal Government is aware of the detention of Mr. Marsh in Iraq.

The Government of Jamaica and the British Consulate in Baghdad are in communication with the Iraq authorities, and everything possible is being done to protect Mr. Marsh's rights under the law.

EMERGENCY POWERS BILL

Order read for resumption of adjourned Debate [9th December, 1959] on Question, "That the Bill be now read a Second time."

Question again proposed.

Mr. Shah (St. Patrick, Trinidad): Mr. Speaker, last night when this hon. House adjourned, I was reading a quotation from the Journals of the House of Commons, and I would like, with your permission, in order to provide a logical sequence to the continuation of my arguments, to re-read a portion of it. This is what Mr. Westwood said, Mr. Speaker, in the course of his opposition to the Emergency Powers Bill on that occasion. He said:

"Of all the amazing Regulations passed during a period of panic and now sought to be continued after the panic has passed, this is the most amazing Regulation. It seeks to give power to a police constable to arrest without warrant any person who so acts as to endanger the public safety, or who is guilty, or is suspected of being guilty, of an offence against the Regulations. We are to be put into the hands, metaphorically, of a police constable, even though we are only suspected of being concerned in these things. I feel sure that

there are many suspects on the other side of the House, but the unfortunate thing is that this Regulation will not apply to them. This Regulation seems completely to upset our view of British justice."

And his few last sentences were these, Sir. I quote again:

"... but the constable is entitled without warrant to enter any premises which he suspects of having been used for the purpose of getting behind these Regulations. He will be entitled to arrest or detain anything which he finds or which he suspects may have been used in connection with overcoming these Regulations."

Mr. Speaker, I think it will be proper at this stage to make but a passing reference to the circumstances in which this Debate arose. In consequence of the Emergency Powers Bill which the British Government framed certain Regulations resulted which caused wide spread strikes by workers in certain parts of London. While perhaps it might be true that on such occasions irresponsible persons might have transgressed against certain laws and committed certain offences, yet those persons in that panic introduced Regulations under the Emergency Powers Act the sole purpose of which was to break the back of the strike, and in that way to deprive workers of their legitimate weapon, a weapon with which they met the challenge of the industrialist, or if I might use an omnibus term, to meet the challenge of their employers.

Mr. Rocheford: Why don't you say "capitalist" and be done?

Mr. Shah: I am invited by the hon. Member opposite to use the term "capitalist". I am not ashamed to do so, neither am I ashamed of that fact. Show me the man who does not aspire to be rich and

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have capital. Show me the man who does not aspire to have capital for the purpose of investment. But, Mr. Speaker, I am not going to permit hon. Members on the other side of the House to draw me out into irrelevant cross-talk. I desire rather to proceed to record the arguments which we believe are sufficiently important to express our disapproval and our hostility towards this Bill, in the hope that Government will refrain from pressing it through, or at least send it back to be so re-drafted as to remove those dangers which we apprehend and against which we complain.

Therefore, Mr. Speaker, it was to break the spine of this strike that those Regulations were passed; it was in order to remove from the hands of the workers their most important weapon. Not only did the Government pass certain of these Regulations in the course of the strike, but recorded in the Journals of the House of Commons, from which I have been reading, Mr. Speaker, is the fact that provisions of the Emergency Powers Bill were so abused by the Government of the day that they persisted in passing even further Regulations long after the strike was broken, long after the strike had ended, in order that the police of the State might have the only weapon left to them to deal with those persons who had been openly opposing the Regulations and who perhaps might have been participants of the strike.

Mr. Speaker, in order to show to Members some of the things which were done in England under the excuse of these powers, I will quote but one instance which was revealed—one of the many instances—in the House of Commons. In order to economise on time I will not quote more than that one, but I wish to assure hon. Members that there were hundreds of such

instances which have been recorded and which give abundant proof of the fact that it is the most dangerous thing for a Parliament, representing as it does the will of the people, to divest itself of the authority which the people have placed in their hands and surrender that authority into the hands of any one man. I read again from the same volume on page 863. This is what Mr. Grinald, in addressing the House, said :

"I defy the Home Secretary to point out where there has been the slightest trouble throughout the whole of Lancashire. That, however, has not prevented them from being put in prison under these regulations. Men who ought not to have been in prison, men who never have been imprisoned before, men who never expected to be put in prison and who never would have been put in prison but for these regulations."

So that, Mr. Speaker, not only were Regulations passed in order to prosecute people even after the crisis had passed away, but here you have an instance where panic-stricken officialdom had passed Regulations to deal with a situation which never existed at all. In Lancashire the situation which had confronted Government in other parts of the country did not arise at all. And here is this Member of Parliament challenging the Home Secretary to point out even one instance to justify the introduction of these Regulations. And what happened, Mr. Speaker? Like this Government with which we have the misfortune to deal today in respect of these Regulations, the Government of England said, "Well if no situation has arisen what are you afraid about? There is nothing to be scared about. If the Regulations are passed and there is no situation where anybody need fear anything"

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But, Mr. Speaker, after the Regulations were passed there in England, men who had nothing to do with any strike, who had done nothing at all, men who, perhaps if even they had committed any offence against the ordinary law of the land, were prosecuted under the Regulations and made to suffer unjustifiable penalties. And here this same hon. Member of that House, Mr. Grinald, quoted the instance of a married man who was going from his home to his father's home and who as he was passing, saw hanging on a wall an old poster of some sort—the type of poster we see all over Trinidad. One corner of that poster had left the wall and was fluttering in the breeze. All that this man did in passing by, as he was drawing near the poster which was fluttering in the breeze, was to pull at the piece which was fluttering. That was all. Another man standing near saw what he did and asked him: "Why did you tear off the poster? I saw what you did." He told the fellow "It was just fluttering in the breeze and I tore it off". He went on and told his father about it and his father said, "In these times it was better that you had left it alone; however I don't see anything serious in that". But out of precaution he took his son and went to the Commissioner of Police and told him about it. And he said, "The reason why I have come to tell you about it is that another man who saw my son pull down this little corner of the poster threatened to report him to the police for that, so I have come myself to tell you". The Commissioner told them that it had already been reported to him and they left. What was the next thing? This young man was summoned before the magistrate under some sort of offence created by these Regulations. And what did the

magistrate do? The magistrate imprisoned that young boy for one month.

I have told you the incident in my own words but it is here in this book in full for those Members who would care to read and inform themselves as to what can happen when a Government panics, or when it has concealed motives.

There is strong evidence which was produced in the course of this debate in the Commons, which showed that a great deal of what happened during that time was not due only to panic but also to ulterior motives. And when any Government has any ulterior motives, when any Government is so obsessed with political prejudices, that Government can seize opportunities in order to persecute those who differ from them. And it is for this reason that we find great danger in passing a Bill such as this, which not only fails to define with clarity and conciseness exactly what the limitations of the power of the Governor-General would be, in the case of any calamity, but it also fails to provide proper safeguards for the exercise of such powers.

I desire to read but one more quotation from this book. This was a speech made by Mr. Duucan Graham in the course of the same debate. He said:

"I am wondering whether the intention of the Government is to introduce methods into this country which are entirely foreign to it, and which we have always been led to believe were the opposite of any that would ever be likely to be imposed upon the British people."

Mr. Speaker, what happened in England during those years shocked the conscience of the world, because no one ever thought that the atrocities which were committed in those days against those freedoms which we know the English people lived and died and spilled their blood for, the freedoms which we know are the civil rights and

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liberties of the subjects, that very nation would in moments of panic and for motives and in order to destroy the rights of the working classes—that that very nation would have passed Regulations to undermine those very freedoms and liberties; and what happened in England with the British people can easily happen anywhere else.

I think that this example before us shows it is a most dangerous thing to pass any Act which will give any person the right and power to substitute a Police State for a State in which the only form of justice which ought to prevail is that which all lawyers and all persons familiar with constitutional law or constitutional principles know as that which we call the "Rule of Law."

As soon as the Rule of Law is removed you have nothing else to substitute for that but what we call "administrative law" and that is law which is not actually law. They have authority to make regulations which must be obeyed by citizens because they are made by authority, but in law, "administrative law" is not in actual fact law. It is administrative law which, when given unchecked rein, introduces those Regulations which bring into the country that which is known as the Police State.

Mr. Speaker, I feel that we in this Nation should not do anything to cause apprehensions in the minds of the people of this Federation. We know full well, Mr. Speaker, that even in various Territories of this Federation our workers have Trade Union Movements and our workers have to go on strikes very often only in order to influence employers in the bargaining process. I am not saying that a strike is the only reaction which is envisaged by

the Ordinance. I am not saying that. I know this Bill envisages such things as pestilence, hurricanes, earthquakes, floods fires etc. But, Mr. Speaker, even when we face calamities of that sort—earthquakes, hurricanes, and parasites of some sort, even then conditions might arise which do not justify the exercise of the powers envisaged by this Bill; but this Bill in the hands of people who can panic very quickly might be used to pass Regulations to meet the situation which does not exist, as happened in Lancashire.

It is the strike position that concerns this Opposition most seriously because we can see in this country, if workers go on a strike which becomes widespread and the employers find themselves in a disadvantageous position and the Government panics, even this Government might possibly cause the invocation of these powers in order to break the back of the strikes and the local man and take away the little recourse he has.

Mr. Rocheford: This Government?

Mr. W. B. Williams: Does the Government exist?

Mr. Pierre: See the proviso on page 5.

Mr. Shah: The Member refers me to the proviso on page 5. I intended to come to that. I have that point in my notes and it was in fact at this very stage on this issue of strikes that I intended to come to it. This is the proviso on page 5 to which I have been referred.

"Provided also that no such regulation shall make it an offence for any person or persons to take part in a strike, or peacefully to persuade any other person or persons to take part in a strike."

Note the language. If hon. Members will only take a little time off to consider

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seriously the meaning of the words written here, to consider the language of this subsection in relation to the regulations which can be made under this Bill, I am sure that they, including the legal luminaries on that side, will see very clearly the arguments which I am raising.

Hon. Members (Government Benches): Hear, hear!

Mr. Shah: This is what this particular proviso says:

"... no such regulation shall make it an offence for any person to take part in a strike or peacefully to persuade any other person or persons to take part in a strike."

How short sighted are my hon. Friends that they cannot foresee that regulations can be passed in a strike which make these things offences and will make every other act which workers generally do while going on a strike, an offence! After all, Mr. Speaker, there are scores of things which strikers can do quite peacefully in order to enforce and carry out a strike and the regulations can make the actual remaining away from work which is not an offence—one man telling another man not to go to work is not an offence. But there are very few persons in this hon. House who are so short of vision who will not know that during a strike that every other act done by strikers can be made offences.

Mr. Pierre: They are offences under Criminal Law.

Mr. Sinanan: Every time you put on that tie you act badly.

Mr. Shah: Mr. Speaker, I realise why these Gentlemen belong to a certain Party. Everything, I suppose, depends on one's

outlook and mentality. My Friend the hon. Member tells me that they are already offences in Criminal Law. I will invite him—he is a lawyer—to come and read our local legislation which govern trade union activities and also to see how many dozens of acts there are which, when done outside of strikes, are offences but which when done during a legitimate strike are not offences.

Let him go and see the protection which strikers and trade unions have both in respect of their actions in the realm of torts and in Criminal Law. Let him study this Bill and he will see what I am talking about.

I suppose the whole idea in this hon. House is that, "We wish to pass this Bill, we do not have to study it, because in any case we have the majority and will bulldoze it through, the opposition notwithstanding. There is, therefore, no compulsion on us to go and study anything." That seems to be the attitude of some of the hon. Gentlemen on that side of the House.

But, Mr. Speaker, I know that there is another reason why so many of the hon. Gentlemen on that side of the House ask the type of question which leaves me in a state of amazement. Here is a Bill which we are considering. All they seem to do is to read this particular Bill and limit their vision and thinking and approach to this Bill alone which is before them. They endeavour to find justification for the passing of this Bill within the context of the Bill alone. They do not seem to realise that very often when one is considering a Bill, it is so related to other enactments, that unless you study this Bill in relation to those other enact-

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ments you will not be able to have an intelligent approach to the problem before you.

That is why the hon. Member on that side remarked a little while ago that all these things are offences, and I had to point out to him that if he would study this Bill in relation to the proviso on strikes, together with the Trade Union Act, he will find that what he just remarked is incorrect.

Mr. Speaker, we have heard a great deal and learnt a great deal about liberty of the person, the freedom of the Press, the freedom of speech. We have heard a lot of these things. They are the greatest things which distinguish democracy from communism. These are the only principles which make us believe that the democratic form of government is the best form of government; it is because we feel that in a democracy we have these civil liberties, the liberty of person, the liberty of speech, the liberty of the Press and the liberty of the working man that we allow employers to introduce all legal methods that they command in the course of industrial relationships; it is because we believe that these are the things worth living for, that we choose the democratic form of government instead of the communistic form, where these liberties are not guaranteed.

Therefore, when any Bill is introduced in a democratic Parliament which seeks to undermine the liberties, the duty of the Opposition is to oppose, to rise against any Government which seeks to annihilate these liberties. These are the liberties also for which I feel even West Indians in more than one war have fought side by side with the soldiers of the Commonwealth, for which they have offered their

lives in order that we should have the right to live and enjoy the liberties to which I have referred.

What is the benefit of these great sacrifices if we were to permit any Government to destroy those very things for which we believe it worthwhile living in a democracy and, if and when the time comes, to offer our lives to preserve these rights?

We feel that we have been sent here by the electorate to protect these liberties and it is not right that we should betray the confidence of the voters by handing over these powers, which we ought to guard very jealously, into the hands of any one person.

If ever there was a Bill which deserves to be hotly contested and opposed, it is this Bill.

Before I close, Mr. Speaker, I owe the hon. Prime Minister, whose absence I deeply regret, a reply. I will give it nonetheless in the hope that he will read it in Hansard. Last night, Mr. Speaker, the hon. Prime Minister rose in such great surprise and said something which amazed me by saying that he really thought that I would know better than to say that the Governor-General could exercise the powers under this Bill even without consulting the Council of State or the Prime Minister. He referred me to section 60 of the Constitution. I will keep my promise of last night, to examine this section and to see whether I, as a lawyer, ought to know better—

Mr. Bradshaw: As a barrister.

Mr. Shah: A barrister is a lawyer, but if you prefer me to use the term 'barrister' I will do so.

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Mr. Speaker, you see how easy it is for the hon. Members on that side of the House to misunderstand some of us?

I will examine Article 60 in order to discover whether I, the lawyer, or the hon. Prime Minister who is also a lawyer ought to know better. I ought to be shocked and amazed at the Prime Minister, because he is not only a barrister as my humble self, but a barrister of more years' standing than I am. He also has the distinction of being one of Her Majesty's Counsel. Therefore, the interpretation of Statutes and legal documents ought not to be strange to him after all these years.

Mr. Speaker, I will have to read the whole of this paragraph, I am very sorry to say, because I do not want any Member on the other side to say I lifted any particular phrase or sentence or sub-clause out of context. I will, therefore, read and examine the whole of the section.

Paragraph 60, sub-paragraph (1) Mr. Speaker, reads thus :

"In the exercise of his functions the Governor-General shall, subject to the following paragraphs of this Article, act in accordance with the advice of the Council of State."

Sub-paragraph (2) :

"The Governor-General shall not be required to obtain the advice of the Council of State in any case in which, in his individual judgment, the public interest requires that he should consult the Prime Minister instead of the Council; but in any such case he shall, subject to paragraph 4) of this Article, act in accordance with the advice of the Prime Minister."

So here you have in this sub-section powers vested in the Governor-General right away to go over the heads of the Council of State, ignore them and consult

only the Prime Minister whenever in his own individual judgment that is what ought to be done.

We go on to sub-clause (3)

"The Governor-General shall not be required to obtain the advice of the Council of State in any case in which, in his individual judgment, the urgency of the matter requires him to act before the Council can be consulted or the question for decision is too unimportant to require their advice;"

The individual power is brought down to the stage where he need not consult anybody at all. Here it is very clear, even in this paragraph, that he need not consult anybody at all when he in his own judgment thinks the matter is so great or so unimportant for him to consult the Council of State.

It goes on :

"but in any such case of urgency he shall, as soon as practicable, communicate to the Council the measures that are to be adopted and the reasons therefor."

Mark you, only in cases of urgency, and where he thinks the matter is unimportant!

Mr. Brown : Would you regard an emergency as unimportant?

Mr. Shah : Emergency is a relative term. What you might think is an emergency I might think unimportant. It is a relative term. You might think a workers' strike in which several thousand persons have been injured is not an emergency where another man might think it is sufficiently so to involve the powers under this Bill. Don't you realise it is a relative term?

Having enlightened the hon. Member, I will proceed. Sub-clause (4) says :

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"When the Governor-General has, in pursuance of this Article, obtained the advice of the Council of State or of the Prime Minister in relation to any matter referred to in sub-paragraph (a), (b) or (c) of paragraph (1) of Article 53 of this Constitution,"

mark you these words :

"... he may act otherwise than in accordance with that advice if, in his individual judgment, he considers it necessary or expedient so to do."

I am sorry the hon. Prime Minister is not here now for me to enlighten him. Here you have it in so many words. The thing here is so simple as to border on the pedestrian. Yet you have a Prime Minister not understanding it. You have a Prime Minister insisting that under Article 53 the Governor-General cannot act, except in emergency, unless he receives the advice of the Council of State and of the Prime Minister. I will ask him now who is the lawyer in this House who should know better ?

Mr. Sinanan : Read it again.

Mr. Shah : Yes, I will read it again.

Mr. Speaker : That is needless repetition.

Mr. Shah : Since the Speaker seems to think it is needless repetition, I will not repeat it. I know he realises the trouble I am having. He thinks it is needless; that it will make no difference to hon. Members on the other side.

Here is sub-clause (4) which tells you in so many words that even where the Governor-General does consult the Council of State, where he does consult the Prime Minister, where he in his own individual judgment thinks he ought not to act upon that advice, he has power here to do anything else he likes to the contrary.

This specious argument of the hon. Prime Minister's is negatived and thoroughly contradicted by the very Section he has pointed out. And so, Mr. Speaker, having advanced the argument which in my respectful submission has vindicated me in respect of that surprise I had at his remark last night, having, I believe, proved sufficiently from this Article, which any law student can read and tell the Prime Minister he is wrong—and there are many laymen I have come across who can interpret better than many lawyers—simple law and the English language as this Section is couched in, the last point I desire to make is to show the perniciousness of this Emergency Powers Bill.

It is all well and good for this Bill to place powers as wide as these in the hands of the Governor-General. But when you have a Bill providing for the Governor-General's delegation of these powers to other individuals, the situation is bad enough. And this is what this Bill also seeks to do.

Sub-clause (4) states :

"The regulations so made may provide for empowering such authorities or persons as may be specified in the regulations to make orders and rules for any of the purposes for which such regulations are authorised by this Act to be made, and may contain such incidental and supplementary provisions as appear to the Governor-General to be necessary or expedient for the purposes of the regulations."

Mr. Speaker, can you visualise the position in which the Governor-General may call upon any Civil Servant or any other person and say, "I delegate authority to you to make any orders on your own in your own discretion" ? It is not for the Governor-General alone to exercise, whether in his own judgment, or in con-

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sultation with the Council of State or the Prime Minister, but this legislation gives him power to delegate that authority to any person or body of persons he thinks fit to make regulations of their own, under his name.

I think, Sir, that if there is anything at all which strikes at the very root of democracy, at the very root of our parliamentary way of life, at the very root of parliamentary government, it is this Bill, especially this last Clause which I have just read.

Mr. Speaker, if at any time in the future of this Federation a situation arises in which any Government purporting to act under this Bill, or any Governor-General purporting to act under this Bill promulgates regulations and orders which create undue and unnecessary hardship upon the people, if any situation arises in the future in the course of which the Government or any Governor-General might create conditions which could be described as tyrannical to the people, and especially to the workers of this country, let history record today that this Opposition stood here and fought bitterly against it, and that the creation of such circumstances against the people was not of our making but that the Opposition opposed it bitterly and that it was this Government in the teeth of such determined opposition which persisted in passing such a Bill so inimical to the peoples of these parts.

3.30 p.m.

Mr. R. J. Williams (Port-of-Spain West/Diego Martin): Mr. Speaker, in view of the very lucid legal interpretation given by the hon. Member for St. Patrick on Article 60 of the Constitution as to the powers of the Governor-General, I am at

a loss to understand how he could have on Monday, 23rd November, in the Debate on the Supplementary Estimates (No. 2) 1959, in Committee of Supply made this statement—and I quote in part. He said here :

“The Member’s reference to the position of the Governor-General also is a little astounding to me because as I see it, the Governor-General, in relation to the Parliament of The West Indies, cannot bear, and in fact does not bear, any stronger relation than that which Her Majesty the Queen bears in relation to the Parliament of the United Kingdom. It may not be exactly so, but his position cannot be supreme; he cannot over-ride the wishes of Parliament. He is the constitutional head of the Government and he must at all times act on advice. He cannot act on his own. One reading the Constitution and interpreting the letter and not the spirit of the provision—say for example, a layman reading that Constitution would be tempted to say that the Governor-General has a great deal of power which places him above Parliament; that he has powers which are almost parallel with those of a dictator; the Governor-General can do this and the Governor-General can do that; he can appoint this man and he can appoint the other man; he can promulgate this recommendation and that recommendation. We must not lose sight of the fact that the Governor-General must in everything that he does act constitutionally and the only way he can act constitutionally is by doing so upon the advice of his Ministers of State.”

Then, Sir, the Minister of Communications and Works said :

“That is not the Constitution.”

“Mr. Cargill: Well, then it’s time you changed it. Mr. Rose: Now you’re talking our language.”

Then Mr. Shah said :

“Those Members who believe that the Governor-General can, and will, act on his own initiative are making a very sad mistake and do not understand the spirit of the Constitution.”

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Then there is a lot of cross talk here, Sir, in which the hon. Member talks about “national and political shango dance” that somebody was introducing in this country.

And then the hon. Member went on :

“Anyway, let us pass on.

“The point I desire to make, Mr. Chairman, is that those who believe that the Governor-General will act entirely in his own way are dwelling in a fool’s paradise. They do not understand the spirit of the Constitution. The Governor-General, as far as I know, has always acted and will continue to act only on the advice of his Ministers. If and when the day should come when he ceases to act on the advice of his Ministers then it will be time enough to change this Constitution.”—[OFFICIAL REPORT, 23rd November, 1959, cols. 64-6.]

Sir, I am not a lawyer. I am just an ordinary layman, and I really cannot understand these two interpretations on various days, in various Debates, and I would like to ask the hon. Member for St. Patrick, in the light of this, who really has performed this legal shango dance ?

3.36 p.m.

Mr. Sinanan (Victoria, Trinidad): Mr. Speaker, the hon. Gentleman who has just spoken has made one truthful statement, and that is that he did not understand what the hon. Member for St. Patrick said. Obviously what he has quoted is in support of the case that has been put forward by the hon. Member. Because what he was discussing at the time is the powers and the functions of the Governor-General. But you all are coming here now to violate the Constitution and give the Governor-General powers that he should not have and ought never to have. [Laughter]

Mr. Lloyd : Bright mind, bright mind !

Mr. Sinanan : No Governor-General should have these powers, and nobody else knows that more than the hon. Prime Minister.

The Prime Minister : You will not be permitted to speak in this Debate again, you know !

Mr. Sinanan : I can speak more than once in Committee stage. Why does the hon. Prime Minister worry about whether I would speak again in this Debate. This side of the House allows him to talk five times on any particular subject.

Mr. Speaker, as hon. Members know, there is a very well defined division in the minds of many people, including constitutional lawyers, on the powers of Parliament, in so far as delegation of those powers are concerned. There are a lot of people who feel that the delegation of powers is a dangerous thing, but most people have come around to the point of view that delegated legislation is inevitable; because Parliament carries in it men who are presumed to be extremely busy particularly when they exist in the Government of that Parliament. So that there is delegation of powers to statutory bodies and other institutions; and even then that is limited. But what this Government wants to do is not to delegate power to the Ministers of Government, they want to delegate powers to the Governor-General himself.

The Prime Minister : That is not true. You know it isn’t.

Mr. Sinanan : It is so. I am going to ask the Member for St. Patrick to find that Clause again which he wanted to read when the Speaker advised him not to.

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Hon. Member : Read Section 60 of the Constitution.

Mr. Sinanan : The Prime Minister kept repeating “nonsense” to me the last time I spoke on this Bill for every argument I advanced in this House. On the last occasion to every argument I advanced, to every point I advanced that hon. Gentleman said “nonsense”. It was so much nonsense that they went and considered the arguments that I had put forward and now he has returned with a remodelled Bill. So that we on this side of the House will continue to talk nonsense, and hope that this Bill will be wiped away completely.

Hon. Member : What are the other disagreeable points ?

Mr. Sinanan : There are several remaining, like certain Members here.

I would like, Mr. Speaker, to refer hon. Members to a book. I know that the Minister of Communications and Works knows it; he has read and studied it, and also has marked it. Page 257 — Criticism of Delegated Legislation.

Hon. Member : By whom ?

Mr. Sinanan : I am reading from Sir William R. Anson, D.C.L. :

The Prime Minister : I read Dicey 40 years ago.

Mr. Sinanan : I am reading Sir William R. Anson; D.C.L. :

“It has above been pointed out that pressure on Parliamentary time, technicality, the need to meet unforeseen contingencies, the requirement of flexibility, the desire to experiment”

unless this is an experiment.

“ . . . and the necessity to provide emergency powers compel delegation.”

Nobody would even cheer that one.

“But there are many criticisms :

(1) Acts are asserted to be passed in too skeleton a form and to open the way to the usurpation by the executive of the powers of Parliament.”

That is what, we are submitting with respect, this Bill will do to this Parliament. It will usurp the functions of this Parliament.

“(2) The facilities afforded to Parliament to scrutinise and control the exercise of powers delegated to Ministers are inadequate.”

Mr. Speaker, hon. Members will realise that this criticism refers to delegation of powers to Ministers, and they are saying that even that is unfortunate because it does not allow for sufficient scrutiny and control in the exercise of those delegated powers by Ministers. And we say it is worse and it is objectionable to put it into the hands of one man. It could be anybody, whether the Governor-General or not; it is wrong to vest all that power in the hands of one man. It is contrary to the concepts of democracy. It is contrary to the concepts of a Parliament because in a Parliamentary democracy—*[Interruption]* because we feel and we know and we understand that a democracy means the continuous arguments of an assembly of people without vesting unnecessary powers into the hands of one man. Even the Prime Minister is subject to scrutiny, the control and criticism of this House.

The Prime Minister : What about the Leader of the Opposition ?

Mr. Sinanan : The post of the Leader of the Opposition is also secondary, but

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I am referring now to the post of Prime Minister—the Prime Minister who is constitutionally accepted as reflecting the majority of the voters of any country because he represents the majority which has formed the Government—and we have all these checks, all these methods to take. This is what the authority says is objectionable in vesting in one man, whether it be Governor-General or not. No one must say that we are attacking the present Governor-General; we are not; but we are not afraid to attack him and we will if we find it necessary. But on this occasion it is not the present Governor-General. Other Governors-General will come and go and not all will be good. Just like Colonial Governors—some will be good, some will be intense mediocrities, others will be people who ought never to exercise the duties of Governor. This Government will not remain here forever, although the Prime Minister might, judging from his past performance! [*Laughter*] What guarantee have we got that any succeeding Government will recognise the arguments advanced by the Prime Minister? The whole Government might be comprised of people quite different to the Prime Minister.

It goes on :

“(3) Delegated powers may be so wide as to deprive the citizen of protection by the Courts.”

Which is happening in this draft Bill. You know what I would honestly have liked to see? Such a piece of legislation being brought in Barbados in the early days when my hon. and learned Friend opposite fought so gallantly to remove the last vestige of colonialism in Little England, and I believe he did launch a vicious attack on a form of emergency power in Barbados.

The Prime Minister : When the hurricane took place in 1955 we had to send people and get goods out of a shop and distribute them because otherwise —

Mr. Sinanan : The hurricane took place in Barbados but not in 1955.

The Prime Minister : Pure emergency, nothing else.

Mr. Sinanan : Mr. Speaker, I followed the career of the Prime Minister for a number of years and I have promised to bring an article to show him. I will bring it and read to this House; it will do him a lot of good. He has launched greater offensives on less offensive measures brought in the House in Barbados.

The third one that I referred to was the deprivation of the citizen from the protection of the Courts. This is a serious matter, a very serious matter and the fourth is :

“(4) The power may be loosely defined, and the uncertainty is unfair.”

Everyone of the objections embraces the present Bill that is before us. And fifth :

“(5) There is in certain cases a difficulty of ensuring full publicity,” and

“(6) The privileged position of the Crown affords difficulty in securing redress.”

The hon. Prime Minister has repeated over and over in the discussion on this Bill at the last Sitting of the House and since he introduced the new Bill that the Governor-General must act at all times on the advice of the Cabinet. The hon. Member has referred to the same Section 60.

The Prime Minister : Sub-section (3).

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Mr. Sinanan : Sub-clause (4) :

“When the Governor-General has, in pursuance of this Article obtained the advice of the Council of State or of the Prime Minister in relation to any matter referred to in subparagraph (a), (b) or (c) of paragraph (1) of Article 53 of this Constitution, he may act otherwise than in accordance with that advice, if, in his individual judgment, he considers it necessary or expedient so to do.”

The Prime Minister : Look up 53 and read it.

Mr. Sinanan : I will accommodate the Prime Minister. And even before referring to 53, on the face of what my hon. and learned Friend says now, am I to understand that there is some discrepancy in this Order in Council? But even if my hon. and learned Friend is right, Sir, what he says is this: suppose that some time in the future both sides of this House come together on some important matter affecting the nation, or whatever it might be, and the Council-of-State tenders advice to the Governor-General. What is the position if he ignores that advice? If he ignores the Prime Minister and proceeds on his own under the power vested in him, by this Bill?

The Prime Minister : He will resign and go.

Mr. Sinanan : Resign after the damage is done! We should raise our voices in protest then! People will say: you went in there and you sought to delegate to one man the power that you cannot delegate to him. I honestly feel that if we have been sent here by the people we cannot delegate power to him which we haven't got the power to delegate. My Friend was a Latin scholar last night—whatever was responsible for that inspiration I don't

know—he was quoting a lot of Latin and perhaps one or two drops of Patois in between: but even the Minister of Communications and Works knows that “*Delegatus non potest delegare*”. I do not see the relevance in Section 53. If my Friend would help me, what part of Section 53?

Mr. Pierre : (a), (b) and (c).

Mr. Sinanan : The defence of the Federation?

Mr. Pierre : Yes.

Mr. Sinanan : Oh this! “Power of Her Majesty in Council to make laws” for the Federation! But that is my whole point. But even if there was no emergency the Governor-General will still depend on directions from the Secretary of State. The Prime Minister suggests that he will be asked to resign. Why create such a situation after the harm is done, when from the very beginning he is going to say he must act on the advice of the Secretary of State for the Colonies? Similar to what was done in Barbados I suppose!

The Prime Minister : That has passed.

Mr. Sinanan : You say that has passed but why prevent it from happening here? From the very beginning when the matter came to our attention all of us in this House could have told you that Governor Arundell must have acted on the advice of the Secretary of State and other subsequent actions showed us that the Secretary of State wanted very much to show The West Indies that this was their beloved son in whom they were well pleased.

Mr. Speaker, the one thing demanded of hon. Members of this House at this

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time is a little perspicacity—a little foresight. I do not see the relevance of this Order in Council at all. Let us say that both sides of this House agree to some outstanding matter in which we feel certain action should be taken. The Government advises the Governor-General accordingly but the Governor-General is going to ask and take the advice of the Colonial Office. He is bound to follow the advice of the Colonial Office.

The Prime Minister : Since when are we dumb? We have to be half-dead for that.

Mr. Sinanan : We feel that if you vest all the power in the Governor-General in the event of an issue arising the Government and this House will have no control by the time the results reach the people of The West Indies. What will we tell the electorate? That we divested ourselves of the powers and privileges they vested in us on their behalf and placed them in the hands of the Governor-General whom we thought would take the advice of the Government?

The Prime Minister : We could have him resign.

Mr. Sinanan : You may get him to resign later, after the deed is done, and the Colonial Office might probably promote him. It still remains that once he acts on the advice of the Colonial Office, once he acts at all in this matter he is constitutionally wrong. This power is not one for the Governor-General.

I am aware that every Government after a year or two in office must address itself to the provisions of this Order and must

seek to bring these measures to the attention of the House. But how can the Prime Minister say 'vest the powers in the Governor-General'? Is it that he can't say 'vest the powers in his Ministers' because he has not got the guarantee of the support and loyalty, visible or otherwise, of the Ministers representing their separate entities?

I wonder if the Minister of Communications will answer a question? If an emergency arose and these emergency powers were going to be used against the Territorial leader, against the leader of this Territory to whom he has sworn unqualified loyalty, will he invoke these powers against that Territorial leader?

Mr. Rose : I can answer that quite simply. I have taken an oath of allegiance to The West Indies Government.

Mr. Sinanan : That is no answer. Tell me whether you will use these powers against your Territorial Government. What sort of meaningless statement am I getting from the Minister of Communications? He took an oath. Does that prevent the hon. Minister, knowing him as I do, from departing from the serious implications of an oath? To come and repeat in this House that he has taken an oath to this Government means absolutely nothing when we know that the Minister went through the drill

Mr. Speaker : Is that relevant to the debate?

Mr. Sinanan : Sorry, Sir. This paragraph goes on to say—and I would like my Friend, the Prime Minister, to answer this when he replies, if he replies at all—

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"In fact it is true that regulations are often not as well drafted as Acts, as they are normally not dealt with by the Parliamentary Counsel...."

The Prime Minister must agree with that, the Parliamentary Counsel in our case being the Federal Attorney-General.

"... as they are normally not dealt with by the Parliamentary Counsel but only departmentally, and in part by non-legal experts and, as in the case of Acts, on occasion the interpretation runs counter to the intention of the draughtsmen."

In most Territorial Governments, it is the Legal Draughtsman who does the draughting of the Regulations. But, the point I wish to make, the point I specifically want to bring to the attention of Government is that it is very difficult to have proper scrutiny by Parliament under these conditions.

The Prime Minister *interrupted.*

Mr. Sinanan : That is the very point we are making. Replying to the arguments advanced by the Prime Minister on the last occasion when we were debating these Emergency Powers, I said — and I say it again, and the Prime Minister agrees — it was extremely difficult to have the Parliament called together in the case of an emergency....

The Prime Minister *interrupted.*

Mr. Sinanan : This is Constitutional Law :

"One of the most important functions of the Courts has been the restriction of the exercise of the power of delegated legislation."

I would like first to offer my congratulations to the Member for the Eastern Counties (Mr. Bryan) in spite of what

the Prime Minister said to him about his speech —

The Prime Minister : Why don't you take him back ?

Mr. Sinanan : — and to the Member for St. Patrick for the manner in which he presented the arguments for the Opposition because he has covered all the points we wished to make.

The Prime Minister : That is good; we would not have any more speeches from the other side.

Mr. Sinanan : We have several more, but we were thinking of not using them. However, should the Prime Minister introduce any of the intolerance for which he is known, we will put on the rest and talk right down the line.

We feel very strongly about these emergency powers. We recognise that Government must bring in some form of emergency powers but we would be much happier if those emergency powers were vested in a Minister or in group from the Government, from the elected Members of this House—not necessarily from the elected Members of this side of the House. As a matter of fact I don't think that would be possible. But we feel that it would be more consistent with everything parliamentary and everything democratic, to vest those powers in the hands of the elected representatives of the people. It is the best, the greatest, safeguard for our own peace of mind and for the peace of mind of the people of this Federation, to know that emergency powers are in the hands of the elected representatives who will not be very whimsical in the manner in which they exercise this power.

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The Prime Minister: The Member may spend the money in his own Constituency.

Mr. Sinanan: I am always ready to pay tribute to the facility with which the Prime Minister escapes an argument. On the last occasion when this Bill was being debated, the burden of his argument was that this Emergency Powers Bill and the regulations to be made thereunder were only intended to cover hurricanes, pestilence, outbreaks of fever and famine. All we asked was why did they wish to introduce deportation during a famine. We have not received an answer. Why do you wish to deport people during a hurricane? We cannot get an answer. We cannot see any form of connection between deportation and a hurricane.

The Prime Minister: A Member may feel that only the people in his parish should be fed. He should be put in a mental home.

Mr. Sinanan: We get people in this Government who are pressing for their particular Territories. That does not mean that they are insane. And if someone should wish to feed the people in his parish, I think that the purpose of the Federation is to provide the good things of life to those less fortunate people of the Federation. That is how I understand it. The Lord knows that in the next few years we will really have to provide a lot of the bare necessities of life for people in the Federation and to the less fortunate ones. Why should anyone want to put them in a mental asylum, as the Prime Minister says. Even if he is pressing to put people in asylums, why do they put in language concerning deportation? Why

do they want to deport a man, to deprive him of his liberty?

The Prime Minister: Otherwise he would make everybody else starve.

Mr. Sinanan: Not even Domingo nor Pierrepont must be deported in a hurricane or a famine. They are West Indians. We cannot give you or any one the power to deport people.

The last thing I would like to ask the Prime Minister — I know that I won't get an answer, but I have to ask it — if it were the intention of the draftsmen to give the Governor-General these powers, why in giving him all those other powers did they not include these particular powers in the Order-in-Council?

The Prime Minister: Which particular powers?

Mr. Sinanan: The powers that we are seeking to give him now and to invest in him by way of this piece of legislation.

The Prime Minister: The Governor-General is the front bench.

Mr. Sinanan: Outside of this House he might reconsider it.

What I am asking the Prime Minister is this: When they were drafting this piece of legislation—I am not going to be put off from it, because it is something that is worrying me—when they were considering section 60 to give the Governor-General certain powers and they listed them, why was this power not included? The question must be — was there the intention to give the Governor-General this power? If so, they would have inserted it; but in its absence the interpretation is that they never intended to give him the

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power. Can we in this sort of subsidiary manner give the Governor-General power in excess of those in the Order-in-Council? I cannot see how this Parliament can give the Governor-General greater power than exists in the Order-in-Council itself. I think the Prime Minister knows that.

The Prime Minister is not a very happy man in so far as this Bill is concerned. That is the last point I want to ask by way of a question.

Why in the passing of this Order-in-Council was not the Governor-General given this power? Can we now in our Parliament, by our own legislative processes, give him power that is not provided for in the Order-in-Council?

The Prime Minister : We can't.

Mr. Sinanan : How can we give him now?

The Prime Minister : We are not giving him.

Mr. Sinanan : Let this power be vested in a Minister. In England it is vested in a Minister, and I think it is anomalous for any Parliament to say, "We are going to give the Sovereign or her representative power". We are moving away from that.

The Prime Minister : The Queen is what her Cabinet tells her.

Mr. Sinanan : That is not strictly accurate. The Queen is not on every occasion what her Cabinet tells her. That is not so.

The Prime Minister : I agree; sometimes she is what Lord Salisbury tells her.

Mr. Sinanan : The case has been presented by my hon. Friend from St. Patrick,

with arguments that appealed to us and which we were prepared to support. In voting against it we would say this: You have the necessary power to allow the Federation of The West Indies to vest these powers in an elected Minister as is done in the United Kingdom.

4.10 p.m.

Mr. Hill (Surrey, Jamaica) : Mr. Speaker, it is perfectly obvious that the Federal Government, as represented in this hon. House by the Ministers, has failed to look in full perspective at the trend of events which has occurred since the inauguration of this hon. House of Representatives. In other words, they have failed to take a full view of what has happened since this Parliament was inaugurated, and, in particular, of all that has happened to create a peculiar position between the Federal Government and at least one Unit Territory—not the least of them—in this Federation.

It seems to me that the Federal Government is more and more disposed to create problems, not merely for the Unit Territory concerned, but also for all the people who live within the confines of this Federation. For here again is a psychological problem being aggravated by the Federal Government — you see Mr. Speaker, I am trying to use neutral phrases in order that I may not send up the blood pressure of the hon. Prime Minister.

Here, Mr. Speaker, is yet another psychological problem being aggravated if not created by the Federal Government, in the presentation of yet another one of those measures which, when added together, will give the impression to the majority of the people of the Federation

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that this Government, while limited constitutionally and financially in doing anything concrete or effective for the people, or the majority of the people of the region, is disposed to arm itself with whatever repressive measures it can constitutionally acquire.

It gives me no pleasure, in fact, it presents to me, Mr. Speaker, a rather grim situation in the light of the lack of unity which exists at this time within this Federation—

The Prime Minister : Between whom?

Mr. Hill: One has to remember; in other words, one cannot look and judge a single item of legislation in isolation. This Emergency Powers Bill cannot be regarded in isolation as regards not only the man at Toco but the hundreds of thousands of people elsewhere who will never have the privilege of hearing the Prime Minister in this House, or of attending the Federal Parliament. This Emergency Powers Bill may very well appear to be yet another item in the series of controversial and apparently hostile measures by the Government from whom, whenever an issue is on the floor of this House, even in regard to a Motion to consider the advisability of sending a delegation somewhere, the cry has always been, "We have no power to do good. All that we can do is to advise you. We do not have money, even to send a delegation —

The Prime Minister : To Montreal.

Mr. Hill: Except in the case of the Ministers and their 80 trips at a cost of \$45,000. And yet the Government has a Prime Minister who threatened one Territory with retroactive taxation.

The Prime Minister : One Territory? Do you forget what your brother said?

Mr. Hill: Secondly, Government has no money but gets a Bill passed into law to acquire property it cannot buy, by compulsion. And thirdly, tries to arm itself with Emergency powers, not merely of a charitable nature, but, indeed, to carry out such things as detentions and deportations.

I speak on behalf of the common man in this Federation, not only lawyers or those privileged persons who, after all, are in the minority in The West Indies, but the vast masses of others as well.

I have been trying to give Members of the Government a bird's eye view back along the road most or some of them have travelled in their progress to the Ministerial benches. From the point of view of the ordinary man and woman in a Territory, even like Jamaica, separated from this Federal Parliament by twelve hundred miles of sea, alarmed last year by talk of retroactive taxation, alerted even today to demand more representation in this Federation, and then in addition to these things there is enacted a Bill to acquire, by compulsion, land in their Territory. And now we are asked to consider yet another item in a series of negative measures denoting and giving the impression that is purely negative and, in some cases of an adverse nature. I submit that in these circumstances it was a mistake for the Government to have brought earlier this year and to persist now in trying to pass this Emergency Powers Bill.

If the hon. Prime Minister believes that the man-in-the-street, from whom he has been so far removed for the last ten, fifteen or probably twenty years, does not think,

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and if the impression I am trying to interpret for this House does not strike them too, then it is apparent this Government will, more and more, run into psychological difficulties, particularly in areas remote from the Federal Capital.

Mr. Speaker, once again we have this ludicrous figure of a government. In one and the same breath, you have no money to undertake constructive measures or measures of good will, and yet you need power to take measures of aggravation and provocation! A Government that can hardly function properly, that cannot prevent more Territories from becoming grant-aided, yet at the same time is asking that it be armed with repressive measures; in other words, with authority to encourage detention and deportation . . .

The Prime Minister : You had a good time in the concentration camp. Why deport other people?

Mr. Hill : What I want to tell the Prime Minister is this : you can pass all the measures here, but the day you or any Government, this one or any other one, controlled by any Party in The West Indies, try to land any soldiers in Jamaica, we would send the Maroons against the Prime Minister's troops.—[*Laughter*].

The Prime Minister : It will take a long time before you could send the Maroons down to me.

Mr. Hill : Mr. Speaker, it seems to me that this present Administration is trying to govern without taking into consideration the history, the background, the lack of development of the people whose greatest concern must be to see or to secure

that there is a Government at the centre that, not only can command the respect of the people, but a government at the centre of this Federation that can command confidence. And I think that after all the events of last year it is most surprising—[*Interruptions*].

Mr. Speaker : The hon. Prime Minister should have a little consideration for the Reporters who complain that they cannot hear because of all this cross talk. It appears to me that if this keeps on we would not be able to get an accurate Hansard.

Mr. Joseph : They should be paid more.

The Prime Minister : May I apologise, Sir. But I have always been taught that no heckler could stop a speaker who is good enough to stop heckling.

Mr. Hill : Thank you, Mr. Speaker. It is perfectly obvious that one should keep his fingers on the pulses of the ordinary people, not the Ministers of Government, not persons who can make eighty trips costing \$45,000, but on the pulses of the ordinary people who are not qualified by reason of a secondary or higher education.

It seems to me, Mr. Speaker, that the enactment of this Bill, or of measures of this kind, cannot enhance the winning of confidence in the Federal Government; cannot enhance that sense of security that the majority of people in The West Indies must feel towards this Government if we are to move forward, in unity, toward Nationhood. But it is perfectly obvious Mr. Speaker, that the Federal Government, incapable of constructive work merely reads the Constitution—the Con-

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current and Exclusive Lists—in order to see what it can do, and brings, before this hon. House, measures just for the sake of warding off criticisms that they are idling in Federal House. But, Mr. Speaker, that is not enough, and it certainly is not going to be enough; and I predict that, by the end of 1960 this Government will see that it is not enough for the people. For it is the people, Mr. Speaker, in the last analysis who will have to foot the bill; who finally have got to endure whatever Government they agree should be set up finally in the Federation.

Mr. Rose : What are your plans for 1960 ?

Mr. Hill : My plans for 1960 will be to fight in every way to rid the people of the Federation of this backward Government.

Hon. Members (Opposition Benches) : Hear, hear!

Mr. Hill : Or to improve their Colonial type of mentality and to stop them from aping a society to which they do not belong.

Now, Mr. Speaker, let us take for example what happened in this hon. House yesterday. A simple Motion was brought to the House asking Government to consider the advisability of sending a delegation to an African Independent State. What was the answer? The answer was "No money". You cannot spend money for a delegation that might not only be a cultural and goodwill delegation, but which might turn out to be of technical value—

Mr. Rocheford : On a Point of Order, Mr. Speaker. Is what the hon. Member now speaking on, relevant to the Debate ?

Mr. W. B. Williams : Sit down !

Mr. Speaker : I think it is outside what is permissible in this Debate, not on the question of irrelevancy, but because it refers to something that has been debated and decided in this House already.

Mr. Hill : Thank you again, Mr. Speaker. I was saying that when you bring before this House a Motion that might involve the expenditure of a modest sum of money but which will produce something of value to the people of The West Indies, what are you told ? We don't have any money.

Now, I am not quarrelling merely because the Federal Government gives that excuse. The truth of the matter is that the Federal Government is in the strait-jacket that the Founding Fathers put it in, and more often than not the complaints of the Minister of Finance are valid. But let us look at the position objectively. Whatever the reason and wherever the blame is put, the Federal Government is limited constitutionally. It is limited financially. Don't let us try to find out who is to blame. But the people of the Territories find themselves in the critical position, particularly in the seven smaller Islands, where they would like things to be done for them, but for one reason or the other—either constitutional or financial—the Federal Government is unable to do those things for them.

The Prime Minister : Stop him before half-past four.

Mr. Hill : Now, in that context, Mr. Speaker, if the Federal Government believes it is wise, it is good, to keep on arming themselves with repressive powers

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and pursuing a policy of negativism; if it believes that it is right to give undue alarm, to give people the impression that as a government, it is more concerned with repressive powers, without being able, because of financial and constitutional limitations, to fulfil any legitimate demands, or to award any legitimate benefits to the people, then let them continue to bear the responsibility alone. And that is why I submit that more than anything else this is another psychological blunder. That is how ordinary people, I believe, all over The West Indies will regard this series of psychological blunders, the latest of which is this Emergency Powers Bill. If the hon. Members don't see, at least let me, in company with my Colleagues on the Opposition Benches, not merely record our opposition to this Bill, but give the reason why we think it is a mistake. Not merely record our opposition to this Bill but give the reasons why we believe that it is a psychological blunder. Where any Government is unable to fulfil the normal demands or claims of a people, for one reason or another, legitimate or illegitimate, it is, in our view, a psychological blunder for such a Government to keep on arming itself with powers of a repressive nature or of a nature that would give alarm, cause apprehension or make people believe that their best interests are not being served. And again, let me remind this hon. House even at the risk of being charged with insularity, Mr. Speaker, 52 per cent of the population of this Federation live 1200 miles across the sea. They have been told and they know the constitutional limitations of the Federal Government; they know the financial strait-jacket into which the Founding Fathers have put the Federal Government; they expect nothing in terms of positive,

concrete measures, designed to improve their position, materially or economically as the case may be, through the Federal Government. So must they not when they see the persistence of the Federal Government in re-introducing this Emergency Powers Bill, be pardoned for feeling that the Federal Government is arming itself with repressive measures thinly-concealed, thinly-disguised, for a purpose which in the years to come might not be to their benefit and advantage?

My experience after this Bill was allowed to lapse earlier this year and my colleagues returned to Jamaica was that I had occasion to go to one of the four Maroon settlements in Jamaica and, as I have told responsible Members of this House, despite the fact that questions like the cost of living, unemployment, land tenure and housing are big and vital issues to those people, I can well remember one night during the last general elections, arriving fairly late, having crossed into the mountains, over big rivers, in Portland, which my hon. Friend behind me represents—and the only subject on which I was asked to speak was couched in these words: "Tell us about the Federation. We only want to hear about the Federation". But it was immediately followed by one single question: "Why does the Federal Government want to have power to land troops in our country"?

Mr. Lloyd: Well, the troops are there already. It is not a question of landing!

Mr. Hill: The operative words are "Federal Government. The reason is very obvious. If you have a Government in control of your Territory, that Government exists by the will of the majority of the people living in that Territory and

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their will alone; but where an extra Territorial authority shares the exercise of emergency powers which the people of that Territory cannot by themselves control, naturally, a feeling of tension, apprehension and fear is bound to arise. And if the Federal Government has not got one psychologist, one student of psychology in its ranks, then I say that one of the best advisers that the Federal Government can get—and he would be cheap at a million dollars a year—is a psychologist or a mental expert to advise the Federal Government how to approach its job in dealing with masses of under-privileged people in remote territories, not living on land contiguous to the Federal Capital.

4.35 p.m. : Sitting suspended.

5.10 p.m. : Sitting resumed.

Mr. Hill: Mr. Speaker, when we adjourned, I believe I had almost concluded the point that I have been trying to impress on the minds of hon. Members—the bad psychological effect upon people of punitive measures by a Government which has not got the power to do good, or, rather, to do anything of material value to the population, moreso people who are divided by so much sea from the headquarters of the Federal Government.

Before I leave that point—of psychological blunder—may I also point out that it was not only the Prime Minister's *faux pas* in relation to retroactive taxation, it was not only the speed with which the Federal Government, though it had no funds, hastened to introduce a compulsory Land Acquisition Bill, it is not only that measure alone taken in isolation, but there is the heart-burning reason which I understand affects even the Government of

Jamaica, and that is in regard to the reduction of Colonial Development and Welfare allocations.

Now, Mr. Speaker, when people are faced with a series of these acts they do not look behind those acts to ascertain whether each, in isolation, has merit or they do not try to discover whether it is a series of coincidences however cruel. They form the impression, like ordinary people will, that so many adverse and negative acts and measures cannot be mistakes. Their calculation is that these things could not have happened by accident and, naturally, they express resentment.

I think that the Federal Government should try, as far as possible, not to continue introducing measures of a negative character, or of a punitive or repressive character.

Now, Sir, we all know of the claims made by a certain Territory. Here we have this Law which might give rise to an inquiry in the minds of the people in that Territory: whether these powers are or are not being sought to enable the Federal Government to repress any recalcitrant or would-be recalcitrant Unit Territory, or any Unit Territory deemed by the Federal Government to be recalcitrant in so far as its relationship with the Federal Government is concerned. Though I think that might not be justified by the facts, certainly it may very well form the basis of a genuine impression, and, even if it were a mistaken impression, certainly the Federal Government should do nothing at this stage to give validity or lend validity to such a suggestion.

If the Federal Government is of the opinion that because a conference was

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held here the other day and certain things were said—although one thing was said upstairs here on the sixth floor and other things were afterwards said that appeared to be in conflict or in contradiction—twelve hundred miles away—that that settles any matter when dealing with groups of people who enjoy adult suffrage, then it seems to me that the Federal Government has no desire to enjoy confidence and support by public consent.

Judging by the behaviour of Members on the Government Benches in November and December, of last year, in a particular Debate, it would appear, and it did appear to the Opposition as it appeared to the majority of the people of this Federation, that the Federal Government takes too lightly, and, I would go so far as to say ignores, any proposition that is put before it by the Opposition. Last year we were treated to the spectacle of seeing certain serious claims that we advanced on behalf of one of the larger Unit Territories being shoved aside very lightly. The Opposition was charged with indulging in propaganda for vote-catching purposes. But the Federal Government did just that, last year, much to the disgust, as well as to the disappointment, of the Opposition. And yet it was the same Government that was, less than ten months afterwards, disagreeably surprised at the unity that was shown in Jamaica over many of the vital points to which the Government had turned a deaf ear and had ridiculed in Debate. If this Federal Government wishes to repeat the history of 1958 at the end of 1959 and if they wish to repeat the history of each preceding year in the following year, it is up to the Federal Government, but we would be, despite the intransigent attitude of the Federal Gov-

ernment, wanting in our duty if we did not make these points, if we did not raise these matters and if we did not present these views, however obvious they may seem to the hon. Members sitting on the Government Benches.

The Prime Minister : So we can sum up.

Mr. Hill : Mr. Speaker, if the Prime Minister continues to interrupt me, although I want to sum up, I will elaborate upon his lapses which have created the demoralizing immobilism to which the Budget Speech of his Colleague the Minister of Finance referred. But that does not matter to the Prime Minister. Probably he knows that in the years to come, he will not have the responsibility of reconciling the cleavages and the conflicts that he would have left behind. You may say that it is necessary *ad infinitum*, but we say it is unnecessary at this time, and one can only speak of the period within which one can project one's mind. We submit that this Emergency Powers Bill will have the result of fanning the flames of insular nationalism. We submit that it will make it almost impossible in view of unfortunate events which have gone before, during the last 20 months, for people to see any possibility of good in the Federation. It is the one ounce of bad that influences people. The one ounce in any one pound that influences.

The Prime Minister : Ask the Member on your left and he will tell you that it is a little leaven.

Mr. Hill : This Emergency Powers Bill does more than that, Mr. Speaker. It has already put the Federal Government, and will continue to put the Federal Government, in the light of an ogre, not bearing

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[MR. HILL]

gifts or capable of doing good, but wanting only to repress. If that is what the Federal Government wants, let the responsibility be upon them. But don't ask us, when we go back to Jamaica, to undertake to undo the evil of the Federal Government, to be always fighting rear-guard actions owing to the lapses, psychological lapses, of the Federal Government. Don't ask us to undertake that responsibility. And I can tell you that in the same way that the Federal Government last year ignored the proposals that we put forward in this hon. House, in a Motion by the former Member for St. Thomas, in the same way as they laughed, ridiculed, expressed sarcasm and then were disagreeably surprised when they later came face to face with a united, common front in Jamaica, I warn them again, through you, Mr. Speaker, when that happens again — if it should happen again — if the position should be made harder not only because of this Bill, not only because of the reduction in the Colonial Development and Welfare Vote, not only because of certain events involving the claims and demands of Jamaica, I say the responsibility be on their heads. My view is that this is one more item thrown in the scales to create more confusion and misunderstanding— one more item in a series of psychological blunders, one more pointer to ordinary people that the Federal Government, incapable of doing good, must do something at all costs, even if it is in the nature of repression.

Mr. Rocheford: If the psychologist recommended by the hon. Member for Surrey were to come to Port-of-Spain, I am sure that the first case which he will have to deal with would be the hon. Member for Surrey.

Mr. Hill: The British Governors said the same — British Colonial Governors used to say the same thing.

Mr. Rocheford: The opportunity that the Emergency Powers Bill has given to the Opposition to talk has certainly not been lost, but we on this side of the House certainly regret that it has given rise to repetition of the diatribe which we have suffered during this session from the hon. Member for Surrey. It seems to me, Mr. Speaker, that he is mortally afraid of the electorate of Jamaica, for every time he gets up to make a speech in this hon. House he makes an election speech designed for his hearers in Jamaica.

I would like specially to direct one remark to the hon. Member for St. Patrick who said that in passing this Emergency Powers Bill we are creating a Police State. Well, if we are creating a Police State by—

Mr. Shah: On a Point of Correction, Sir. I did not say that by passing this Bill we are creating a Police State; what I said was that by passing this Bill giving powers to pass or to make orders and regulations, that conditions can arise creating a Police State.

Mr. Rocheford: I am afraid, Mr. Speaker, that that was not the impression I got. However, I was saying that if we are creating the conditions for a Police State those conditions already exist in Jamaica, Trinidad & Tobago, and Barbados.

Mr. Joseph: Trinidad is not a Police State; it is a gaol!

Mr. Rocheford: They talk about the defects which any emergency action may have on Trade Union activity, but I take it that the hon. Members on the opposite side will realise that it is not only workers

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who create conditions which might give rise to emergencies but also employers—as we can very well envisage a lock-out taking place in which an emergency might arise.

I do not want to be very long, but I would like particularly to quote from the debate on the Emergency Powers Ordinance of Trinidad & Tobago, which took place on Friday, 17th January, 1947. I would like to quote the words of an hon. Member who now sits on the Opposition benches and who had a lot to say when this first Emergency Powers Bill was presented before this House. I refer, of course, to the hon. Member for St. George East (Mr. Gomes). The Prime Minister has already told hon. Members of this House that the Trinidad & Tobago Emergency Ordinance is by far more stringent than the present Bill before this House. I quote from the speech of the Member for St. George East when he spoke in the Trinidad Legislature :

“Our Membership of this Council carries with it a solemn obligation as regards the maintenance of law and order in this community. Surely, we must carry that responsibility with courage and with decision”

And later on he said :

“ When we speak of the liberty of the subject, let us not forget that the citizen must himself interpret accurately the scope and also the limitations of that indulgence such as it has been granted to him by the State. When his actions are no longer”

—[*Interruptions*] I am quoting the Member who had quite a lot to say on this Bill. And he even finished with these words :

“I appeal to honourable Members on this occasion to show unmistakably that they are conscious of their responsibility and are not

willing to place a specious bid for popular acclaim before the regard for fundamental principles.”

I am sure, Mr. Speaker, he said the words much better than I could have said them.

The Prime Minister : Mr. Speaker, I am sorry to say, that I am wasting the time of the House by replying but I should be failing in my duty, very very much—it isn't just talk—I very, very much regret to say what I am going to say now.

It is true that I am no longer practising at the Bar, but no counsel, even engaged in his professional duties, likes to say to another member of the profession, “What arrant nonsense you are sending out to the public !”

One can forgive a layman for saying where the words “Governor” or “Governor-General” appear that that Governor or Governor-General can act contrary to the wishes of his advisers: but you can't forgive a lawyer.

It is my duty in this House, especially being the Prime Minister, to tell the public that there is not the slightest bit of truth in the statement of the hon. Member that we are putting power in the hands of the Governor-General, so that one man would have this or that power.

Hon. Members, unless I was outside when they did, have not raised the point which I honestly believed and expected they were going to raise, and that is right here in sub-section 3 of section 60 of the Constitution. When America consisted of thirteen States and formed the British Colonies of America that thing was in existence. It has been in existence as far as I can trace from

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time immemorial, at least before 1687. In short, it is a standing principle that in the case of an emergency the Governor need not call in the Executive and this has been mentioned here already. When McVorran was running from Haiti to Jamaica —

Mr Hill: He can't run from Haiti to Jamaica; he has to fly.

The Prime Minister: — the Governor of Jamaica deemed it an emergency; and as I understand it, the plane was in the air already over the airport and he gave the pilot power to land and then he called in the Executive and told them what he had done. It is only on such occasion that a Governor cannot be on his own. It must be an emergency.

It is specifically prohibited — you cannot have all the strikes you want. You talk about police state. We simply can't have military conscription.

It is not true that we are putting in the hands of the Governor-General all this great power. Not true and it is not right for tomorrow morning people should read the *Guardian* or whatever paper they read, or should hear on the radio something that is demonstrably untrue. Subsection 3 of Article 60 of the Constitution existed way back, two hundred years ago; since 1687. If something happens and you made a quick decision, you don't have to call in the Executive; you can act and then call in the Executive and report to the Secretary of State.

What you are asking the public to believe? These powers exist today in every British Territory and they were the same since 200 years ago.

Mr. Speaker, I remember when I was still practising at the Bar I used to use

12 different arguments because there was a jury at the Bar and when you looked at them you did not know what arguments would appeal to a particular juror. So I would look at one juror and advance a particular argument, then look at another juror and advance a certain argument, and so on until I had disposed of the twelve. But it would take me quite a few years to convince all the Members opposite.

Mr. Sinanan: What were the arguments you used to convince those Ministers?

The Prime Minister: The argument was very simple, and for this case what we have to say is very simple. Especially when the House is not meeting you have to give the power to somebody to act in the case of an emergency. That is the object of emergency powers, provided you give the Legislature an opportunity of coming in and saying they agree with you or they don't agree.

The Government passes a regulation. Take Article 60 (1) of the Constitution:

"In the exercise of his functions the Governor-General shall, subject to the following paragraphs of this Article, act in accordance with the advice of the Council of State."

I interjected several times to remind Members of that. When we had the hurricane in Barbados in 1955 we had to bring out the Volunteer Force with rifle and bayonet to see that the people did not loot the shops. We had to do it; that was not conscription, but even so, hungry people will do anything for food.

Mr. Sinanan: So you intend to deport the merchants and leave the shops to the strikers!

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The Prime Minister : That would be all right. If we deport the merchants, we will have a decent Socialist community.

Hon. Members on the opposite side should notice that the hon. Member for Middlesex, Jamaica, has been very quiet all through this Debate. Why? Because —

Mr. Hill : He was praying for you.

The Prime Minister : — he realises this is just plain Christianity in this Bill.

I do not think, Mr. Speaker, that it is necessary both from the point of view of saving time and from the point of view of ceasing to ennoble the arguments advanced by Members on the other side, that I should go on. But I felt it necessary to get up and let the public know that there is not a word of truth in the suggestion that one person is getting the authority to do this thing or the other thing.

Mr. Joseph : If you put the authority in the Council of State it would be worse for us. They would lock us all up.

The Prime Minister : Members opposite probably spoke longer because so often I found it necessary to interject during their speeches. But I shall not continue because of their interjections. That is all I wish to say, Mr. Speaker. It was necessary for me to get up as it is not right for the Government benches to remain silent when faced with the accusations that we are giving a certain amount of additional powers to the Governor-General alone. It is staring you in the face. We had to fight for this. When the Governor-General exercises his functions he must exercise them in accordance with the advice of the Council of State. Do you wish anything clearer than

that? Accuse us, if you like, when an emergency arises, for doing the wrong thing.

Mr. Joseph : We couldn't fare worse.

The Prime Minister : You couldn't fare worse? The Governor-General is going to support everything the Council of State says.

There is nothing else I would like to say. I repeat that it will be completely wrong for the Government to allow the general public of Trinidad and of The West Indies to say that we are giving power to the Governor-General. The whole object of this Bill is to get away from Colonialism. All these fancy phrases are designed to reach Sangre Grande and Toco and Manzanilla, Naparima, and other places. All these arguments designed to reach constituents in these far away places are not to be taken seriously.

Mr. Speaker, I again commend this Bill to this hon. House.

Question put.

House divided : Ayes 18, Noes 16, as follows :—

AYES	NOES
R. L. Bradshaw	Dr. L. A. Radix
F. B. Ricketts	T. J. Gibbs
W. Andrew Rose	A. S. Sinanan
V. B. Vaughan	K. G. Hill
H. F. G. Rocheford	L. J. Adams
D. P. Pierre	Archdeacon L. Lennon
D. S. Lloyd	R. A. Joseph
D. H. L. Ward	Dr. F. R. Duhaney
H. F. Cooke	S. Mathura
A. N. R. Robinson	E. W. Wakeland
J. M. D. Bousquet	C. W. Swabey
E. O. Le Blanc	C. T. Afflick
B. T. Carrott	S. B. Stone
J. N. Edwards	M. H. Shah
R. M. Cato	M. A. Hector
R. E. Brown	W. B. Williams
A. U. Belinfanti	
R. J. Williams	

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Bill accordingly read a Second time.

House resolved into Committee.

Clause 2 :

Mr. Shah : Mr. Speaker, I beg to move the amendment to Clause 2, which stands in my name. It is —

That the word “whether” appearing in the fourth line and the words “or not” appearing in the fifth line of sub-clause (1) be deleted.

This Clause refers to the so-called calamities which can possibly create a state of emergency during which the Governor-General can exercise the powers of ruling the country by regulation orders provided for in this Bill.

Now this is what Clause 2 (1) says :

“If the Governor-General is satisfied that a public emergency has arisen as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence, outbreak of infectious disease or other calamity whether similar to the foregoing or not . . .”

Mr. Chairman, I respectfully think that the words “or not” make this Clause so ambiguous as to give the Governor-General power to exercise his suzerainty over this Federation in any circumstances whatsoever.

I can understand the desire of the Government to provide for law and order in cases of emergency, but the words, “or not” are ambiguous. I don't think the hon. Prime Minister would mind if I mention that I discussed it with him yesterday and he pointed out to me that the *ejusdem generis* rule would apply here. In my respectful submission it would apply to the words immediately preceding “whether”. It would then mean earthquake, hurricane, flood, fire, outbreak of

pestilence, outbreak of infectious disease or other calamity of similar nature which creates an emergency. But when we go on to say

“whether similar to the foregoing or not,” then it certainly means it is so wide. If you do not use the words, “whether similar to the foregoing or not,”

then this rule would apply. But this rule, Mr. Chairman, is known to all lawyers and, put in its simplest form, it applies in circumstances where a clause refers to several things which, though not all being of identical kind are yet similar. And when at the end of the line you use the term, it would mean things of the same kind.

If you say, for example, “all horses”, it means other horses. It would mean other animals of that particular specie. The *ejusdem generis* rule is intended to include these things which are similar to the other things mentioned before. It cannot include things which are not similar. In other words, it can include desks of a similar kind to other desks specifically mentioned in a clause, but cannot include beds. If you say furniture, yes. But we are not talking of furniture here. We are trying to provide for calamities of a particular kind which can create an emergency.

If you say “fixtures”, even that cannot apply. But if I may use it as an example, you cannot just say “fixtures”, because there are such things as tenants' fixtures and landlords' fixtures.

The Minister of Communications said “fixtures”. But you cannot say “fixtures” if you are dealing with calamities because,

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we know, it can mean tenants' and landlords' fixtures.

Let's say we are drafting a lease of Federal House and we say, in talking about fixtures which we as tenants can take away at the end of the term, 3 desks, 3 chairs, 15 tables, and we make a complete list of the things we can take away and, at the end, we say other tenants' fixtures. That will include all fixtures which fall within the category of tenants' fixtures as distinct from landlords' fixtures. The *ejusdem generis* rule can only apply to things which fall in a particular category. When, in this Clause, you have the words, "flood, fire, outbreak of pestilence, outbreak of infectious disease or other calamity", the phrase "other calamity" is the phrase to which this rule would apply. But when you go beyond this rule and say, "similar to the foregoing or not", it does no longer apply to this phrase, because you are saying you wish to legislate not for these things mentioned here and situations similar to these, but other situations which do not create conditions similar to these.

Mr. Robinson : You are a calamity.

Mr. Shah : You are the calamity. Your calamity is that you cannot think. This is the rule. If the hon. Prime Minister told this House he is not concerned with this *ejusdem generis* rule at all, but wants the Section as it is in order to give the Governor-General the type of powers we have been criticising all the time, that is, to give omnibus powers all over the Territories, then I can understand his argument. I would understand that he wants to give the Governor-General power

to legislate in all other circumstances. I would not then belabour this rule. But he has told me this is not the reason why this is done here, so I want to show that the rule does not apply here at all.

Mr. Chairman, I believe if those words remain there, the Section would be as wide as anyone can want. Remove the word "whether" after calamity and at the end of the word "foregoing", the words "or not" and it will certainly make this Clause far better. The Governor-General will have all the powers he wants for such and similar circumstances.

Mr. Robinson : Take out the words from "whether" to "or not".

Mr. Shah : That is what I was saying.

Mr. Sinanan : They are defeating the rule.

The Prime Minister : If you want, let's say, to kill locusts, can't you declare a state of emergency to kill locusts ?

Mr. Sinanan : That's all right. But why kill all the locusts at one time ?

Mr. Shah : Now that the Prime Minister is saying he does not intend the rule to apply here, I understand him, since he has now changed his mind.

The Prime Minister : I said that ? I said I did not intend altering the language.

Mr. Shah : You did say that also. The Prime Minister said if these words were so broad as to include these and other circumstances, he did not mind changing a line and substituting other words that would have the same effect with the *ejusdem generis* rule. I hope he is not try-

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ing to deny he told me yesterday he thought these words were here because of the application of the *ejusdem generis* rule.

The Prime Minister : If I may interrupt, what I told the hon. Member is this : I would not mind cutting out from “whether” down to “or not”, if we said, “of whatever kind”.

Mr. Shah : I accept that as what you did say. But what I am trying to confirm is this : The Prime Minister will not say whether I am correct when I said he told me he thought that rule applied.

The Chairman : He said he could not have told you that.

Mr. Shah : Anyway, Mr. Chairman, that is my amendment which I desire to move.

The Prime Minister : I am perfectly sure, and the hon. Member must know, if you do not put in these words any lawyer, of any kind whatever, can get up and say, if an atom bomb is dropped in Chaguaramas, the Governor-General and the Council of State has no power under this Bill to do anything—unless it is a war, of course, because it is not a calamity, outbreak of fire, pestilence or outbreak of infectious disease.

Mr. Sinanan : What about radioactive fall-out ?

The Prime Minister : Radio-active fall-out is similar to outbreak of pestilence. You must put in something like this, otherwise, any two-penny lawyer can get up and bring an injunction against the Government. The last thing I want to do is comment on the Bar of Trinidad—

Mr. Shah : Especially as you belonged to it once.

The Prime Minister : The hon. Member has just reminded me I was called to the Bar in Trinidad 20 years ago.

Mr. Joseph : That is the greatest honour you have ever received.

The Prime Minister : What I wish to say, Sir, is that if you don't put in these words, there are certain things that may happen, which I spoke of just now such as locusts, termites, nuclear fall-out and so on. If you do not put it in wide language like that, all these things would not be covered.

Mr. Sinanan : That is for the Territorial Governments.

Amendment put.

Committee divided: Ayes 14, Noes 18, as follows :—

AYES	NOES
A. S. Sinanan	Sir G. H. Adams
K. J. Hill	R. L. Bradshaw
L. J. Adams	F. B. Ricketts
Archdeacon L. Lennon	W. Andrew Rose
R. A. Joseph	V. B. Vaughan
Dr. F. R. Duhaney	H. F. G. Rocheford
C. W. Swabey	D. S. Lloyd
S. Mathura	D. H. L. Ward
E. W. Wakeland	H. F. Cooke
C. T. Afflick	R. J. Williams
S. B. Stone	R. M. Cato
M. H. Shah	A. N. R. Robinson
M. A. Hector	J. N. Edwards
W. B. Williams	B. T. Carrott
	E. O. Le Blanc
	J. M. D. Bousquet
	R. E. Brown
	A. U. Belinfanté

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Dr. Radix and Mr. Gibbs abstained.
Amendment negatived.

Clause 2 ordered to stand part of the Bill.

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Clause 3

Mr. Shah : Mr. Chairman, I desire to move the Amendment to Clause 3 standing in my name —

“That paragraphs (a), (b), (c) and (e) of sub-clause (2) be deleted.”

Mr. Chairman, I call the attention of hon. Members to sub-clause (2) paragraph (a) which says :

“make provision for the detention of persons and the deportation and exclusion of persons from the Federation or from any part of the Federation;”

When one has regard to the very wide scope of the powers being given to the Governor-General under this Bill, Mr. Chairman, and when one remembers the circumstances under which the powers ought to be exercised, it is very easy to visualise cases occurring in which such wide powers can be easily abused. In the course of the Debate on the Second Reading, I gave instances of what happened in England during an emergency, and I pointed out that in England — even in a place like England — powers were abused.

Hon. Member : Why refer specifically to England ?

Mr. Shah : The hon. Member asked me why I should refer to England ? Because it is the same England that you go to on your hands and knees to beg.

The Chairman : The Member should realise that only animals do that sort of thing.

Mr. Shah : I beg your pardon, Sir. I accept your correction that only animals do that sort of thing — such as serpents. I have also heard that men who have not

got sufficient gratitude for those who have been kind and are still kind to them, and who still look for kindness in the future have been described as serpents also. Stop talking this nonsense about England and Colonialism. Nonsense !

Mr. Chairman, it is our respectful submission that such wide powers of detention or deportation ought not to be given. On the question of deportation, it would be a calamity indeed to The West Indies if under this section West Indians can be deported from The West Indies. There is nothing here to say that West Indians are excluded.

Mr. Bousquet : You cannot deport a national.

Mr. Shah : What shallow-brained thing is this, that you cannot deport a national ?

Mr. Bousquet : Deport him to where ?

Mr. Sinanan : I would say you cannot deport a citizen of the Commonwealth.

Mr. Shah : I will not answer those laymen over there. I consider it *infra dig*. They really cannot follow what we are trying to say. The making of laws is a very important thing. It is entrusted to the Legislature and of course the Legal Department of the Government does the drafting, and whether it is to protect the dignity of the Legal Department to show that they are immaculate and perfect and infallible, I don't know; or whether it is the obstinacy of the Government to show that they are infallible, that nothing that they bring before the House

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can be changed. The public is beginning to wonder what type of Government we have. The records of this House show that from the very inception of this House every single Motion brought by the Opposition, every single amendment to anything brought by this Opposition, bar one, has been defeated by the other side of the House. I have no doubt whatsoever, having regard to their general behaviour, that that will continue to happen, but in course of time the writing will appear on the wall before them. These things do not go unnoticed and the public will ask one day: "Was it sheer obstinacy in these men whom we elected to govern us that cause them to behave like that?" And when you point out a clause such as this in which there is no provision to show clearly that the deportation does not apply to West Indians, we will say they did not accept our amendment.

So far as sub-clause (b) is concerned :

"(b) authorise —

- (i) the taking of possession or control of any property or undertakings;
- (ii) the acquisition of any property other than land; ..."

The Prime Minister : What's wrong with that? As long as you make an inventory. Suppose a person says, "I am not selling you food"?

Mr. Shah : Here you find, Mr. Chairman, power being given to the Governor-General by proclamation, regulation order to take possession or control of property and to acquire any property, other than food I suppose, and such things as houses, motor-cars and things of that sort. There is nothing in this section or anywhere else

in the whole of the Bill to qualify this power. There is nothing to show that there are any special circumstances in which he can do that. It is all well and good to say the condition is the circumstances in which he can do that. After all, there was an emergency in England in 1926, but you had there the case of the Government in similar circumstances —

Mr. Pierre : There is an emergency in B.G.

Mr. Shah : We have there in England emergency regulations being passed and made to apply to Lancashire — a place where there was no trouble of any kind, an area to which the emergency had not applied and no situation had arisen — creating an emergency.

Mr. Chairman, I don't think anybody would want a better example than that to show that there ought to be something in this Bill to show the special circumstances under which such power can be exercised under such regulations. When I spoke on the Second Reading of this Bill I made reference to the rule of law. I stated then that because I wished to economise on time I did not desire to go into the full details of what that term means. I tried to elucidate it with a great deal of brevity, but one of the things which the rule of the law provides for — if a law is at all within the category of the rule of law — it is for the idea of foreseeability by the citizens of the consequences of an Act or the application of an enactment. What is there in this Bill which is in conformity with that rule? Nothing whatsoever. This is not how things ought to be done. This is nothing short of Fascist legislation,

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because that is how it is done in such countries where there is a Fascist Government or a Communist Government — there is one stroke of the pen, one line, one sentence or a paragraph and lo and behold, on the excuse of that one paragraph the dictator, or whoever else is in power, says: "Well, everything I am doing is justified by this paragraph because there are no limitations on what I can do and what I cannot do". This is Fascism! This is nothing short of a form of Communist legislation. After all, it is giving to one man —

Hon. Member (Government Benches): This is a democracy.

Mr. Shah: What is the difference whether you say you are a democracy or not? What does that matter? The similarity lies in this: that where in a Communist country one man can do just as he pleases with the property and the life of the very citizens who create certain circumstances in which that thing can be done, you are here giving to one man the power to do just as he pleases with the property and the life of the citizen. Not because we come here elected by the people and we say that this is a Parliament and because you vote on question you can feel that everything you do is democratic.

Democracy does not merely mean that something has been done by the majority vote. That is not democracy; democracy is based on certain principles. The very foundation of democracy is the sustenance, maintenance and perpetuation of those principles. And one of these principles happens to be, that the right of the citizen will not be interfered with except

by proper legal authority, and that where any attempt is made to interfere with any of those rights there will be proper limitations and safeguards.

Then, Mr. Chairman, before I pass on from this Clause, let me remind the House that we have such a thing called the Land Acquisition Act. In that Act there are wide powers for the acquisition of property. So that this power being given to the Governor-General is in addition to the very wide powers he has already been given by the Government in the Land Acquisition Act. It is very fair that the people should know what are the special circumstances and what are the limitations under which this particular section will be invoked.

Mr. Pierre: He is not a solicitor.

Mr. Shah: As to Clause 3(2) (c), this Clause provides authority for them to enter and search any premises —

The Prime Minister: Well, what's wrong with that?

Mr. Shah: The Prime Minister asks what is wrong with that? Everything is wrong with it that can be wrong with it. This power to search people's premises. Here again, Mr. Speaker, my remarks in respect of (b) apply with equal force.

Mr. Sinanan: You use the arguments generally.

Mr. Shah: Mr. Chairman, the property in the possession of a citizen ought to be immune from any trespass, even by the Crown. But, here you have legislation which provides no limitations whatsoever, giving omnibus power just to search

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[**MR. SHAH**]

But we know, Mr. Chairman, that no such powers are granted for the authorities to enter any premises of any person.

Mr. Chairman, this is a very serious state of affairs. We can imagine happening in The West Indies again what has happened in other parts of the world. It happened in America and it happened in England —

The Prime Minister : In Cuba.

Mr. Shah : The Prime Minister reminds me of Cuba. I remember, when Fidel Castro came here and the Premier of Trinidad sought association with him, the rebuff and contempt with which Castro treated the Premier of Trinidad. That ought to be fresh in the minds of Members over there.

Mr. Chairman, I do not believe that this section ought to become law at all. Very candidly speaking, I believe that this Bill is flimsy, it is thin, and shows no effort at all. Everything done here is what any second class layman could do. It is just like a lawyer's clerk writing a statement, 10 pounds of sugar, two pounds of salt

Mr. Bradshaw : Lawyers sell sugar and salt?

Mr. Shah : It is all among the things we sometimes have to record. You draft a law giving such wide powers with such extremely serious tendencies, saying merely he can search, he can lock up. That is all it amounts to. I am not blaming the Legal Department; I am blaming the Prime Minister, and as far as I am concerned, he must take the responsibility for

this because he is in charge of the Bill. It is his responsibility for such wide powers being given to one man.

Sub-section (2) gives power to deport, to take possession of property, acquire property, enter and search premises.

All this is doing is to enumerate all that he is to do. Powers which are contrary to what is accepted democratic principles, accepted democratic policy. When you are giving power to anyone to take away or destroy, the conditions must be so stated that there can be little or no room for abuse.

Para (e), Mr. Chairman is to "provide for amending any enactment, for suspending the operation of any enactment and for applying any enactment with or without modification;"

Here is a section just providing that the Governor-General or any other person to whom he might delegate his authority — it may be a civil servant, or, as I pointed out already, he can delegate his authority to his A.D.C.; he can delegate his authority to his maid servant —

Mr. Hill : That would be safer than to his Ministers.

The Prime Minister : Oh !

Mr. Shah : If the Governor-General so wishes, he can delegate this authority to his chauffeur.

Hon. Member : Why not the Speaker ?

Mr. Shah : No, the Speaker is a responsible person.

"The regulations so made"

I am reading sub-clause (4) of Clause 3 on page 5 —

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“... may provide for empowering such authorities or persons as may be specified in the regulations to make orders and rules for any of the purposes for which such regulations are authorised by this Act to be made, and may contain such incidental and supplementary provisions as appear to the Governor-General to be necessary or expedient for the purposes of the regulations.”

In other words, the Governor-General can make the regulations and say, “I wish to make regulations for the arrest or the detention of persons; I wish to make regulations for the compulsory acquisition of property, as provided by this Act. Now, I hereby authorise my chauffeur to make these orders and regulations as he thinks fit”. That is what is here.

The argument which is repeated from the other side of this House is that when you go to war and this Bill comes before a Court of Law, the Court will look outside the Bill and begin to introduce things within the provisions. That is the argument which they have in their minds. I do not know that; even the lawyer on that side —

Hon. Members : Order, order !

Mr. Shah : How is it that even the learned Gentlemen on that side seem to ignore the very strict principles which all have learned, and, I hope, have understood ? We all have learned them but not all have understood the principles that govern the interpretation of Statutes. This is a Statutory Instrument.

Mr. Rose : What is the first canon ?

Mr. Shah : Mr. Chairman, I am not going to be led by these Gentlemen over there to hold classes here. I am not sur-

prised that that particular Member should ask what is the first canon, because I read in the Press what he said when he appeared in the Federal Court.—[*Inter-ruption*]. I will teach hon. Members, but this is not the place for it.

Mr. Chairman, the rules and principles which govern the interpretation of Statutes are very strict. I would like the hon. Gentlemen on that side, led by our eminent lawyer-Prime Minister—he is the one who ought to tell them that if ever this Bill were to come before any Court of Law for interpretation that that Court of Law cannot read into this Bill the various remarks, excuses, phrases, and clichés that the hon. Members have used during the debate on this Bill. The Court cannot do that; it must interpret what is here in the Bill, the intention of the Bill. Don't tell me this is nonsense. I beg your pardon, Mr. Chairman. Sometimes I forget and follow the example of our Prime Minister. I like to emulate him.

The Prime Minister : Except when you are talking nonsense.

Mr. Shah : I was told last night by a certain hon. Member, who is a lawyer—

Hon. Member : Is he a barrister or a solicitor ?

Mr. Shah : I was told that if ever this Bill came before a Court of Law for interpretation, the Court of Law would enquire what were the motives or the intentions of this Legislature in passing this Bill.

Mr. Sinanan : Who said that ?

The Chairman : It was not said in here, was it ?

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Mr. Shah : Not in here, Sir; but he belongs to this House.

Mr. Rose : It must be the Leader of the Opposition.

Mr. Shah : The only intention which the Court can interpret is the intention within the Bill itself. And so, Mr. Chairman, I believe that this particular provision is very dangerous, because this paragraph gives to the Governor-General or to any person to whom he might wish to delegate his authority, power to amend an enactment of this House.

The Governor-General can amend an enactment of this hon. House merely by sitting down in the Governor-General's House or by his chauffeur sitting in his garage and writing an order.

The Prime Minister : Who says so ?

Mr. Shah : The Bill we are passing. He can delegate his authority.

The Prime Minister : You must have a private income.

Mr. Shah : It is very regrettable that the Prime Minister seems to get pricked every time I talk.

The Prime Minister : I am fed up with this nonsense. We are a serious body and cannot go on with this.

The Chairman : You cannot speak about "nonsense".

The Prime Minister : I apologise and I apologise to the House for taking note of it.

Mr. Shah : The Prime Minister gets needed every time mention is made of the fact the Governor-General can sit down

in his House and make an order. Let us accept that he can. I go further, Mr. Chairman. I say, even if he has to do it on the advice of the Council of State and the Prime Minister, it is still dangerous to give power to any person to amend an enactment of this hon. House or to suspend the operation of such an enactment.

This House might say there is provision for calling a Session in case of an emergency. One can see this hon. House, even with the regulations put on the Table before us, passing an enactment here to the effect that a certain state of affairs should be, and then the next day the Governor-General, even with the Council of State, amending or suspending that enactment.

There is nothing to show that this power contained in Clause 3 (2) (e) is subject to the powers of this House or that any enactment passed by this House during an emergency cannot be abrogated or repealed or suspended. What is there to guarantee against that ? What is there to guarantee that that is purely an enumeration of a few things ?

We could agree to the Bill, if we could be given the guarantee, which this Bill should have given, that during an emergency if Parliament sat there, having been duly called as provided for in this Bill, then, if the enactment is passed to meet that emergency, certain aspects of this paragraph which gives the Governor-General power to suspend an enactment, will not apply to such an enactment.

What we are told is that if such a thing should happen the Courts of Law would read into this Act such a provision.

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I now beg to move this amendment standing in my name.

Amendment put —

That paragraphs (a), (b), (c) and (e) of sub-clause (2) of Clause 3 be deleted.

Amendment negatived.

Mr. Shah : Mr. Chairman, don't you have now to put the amendment to paragraph (5) to the House? Now that the amendment to paragraph (3) is defeated, I will just move this final amendment.

Mr. Chairman : We have already passed that stage.

Mr. Shah : I think we could regard this as another amendment; one of a different nature.

Mr. Chairman : No. You will have to go back to it. The next amendment standing in your name is an amendment to insert a paragraph before paragraph (5).

Mr. Shah : I will take this one and come back later to the one we have just passed. Mr. Chairman, I desire to move —

Mr. Bradshaw : Mr. Chairman, I beg to move —

The Prime Minister : No, no. Let's finish. We don't want to come back here. Let's finish everything now.

Mr. Shah : Mr. Chairman, I desire to move this amendment: "that the following paragraph be inserted as paragraph (5) and the sequence of the paragraphs thereafter should be renumbered". The amendment reads :

"Nothing contained in this Act shall prohibit the right of any person aggrieved by the exercise of any powers herein contained or included in any Regulations hereunder authorised to be made to question in the Federal Court the legality of the exercise of such powers, and any person detained shall be entitled to challenge his detention by *Habeas Corpus* in the Federal Supreme Court."

Mr. Chairman, I ask for the inclusion of this paragraph. I discussed this also with the Prime Minister yesterday. I desire to have it included, in order to make sure, and to get an assurance for the public, that this Bill will in no way derogate from their civil rights and liberties. In particular circumstances any person will have the right, if aggrieved, to question the legality of the Act in the Federal Supreme Court. And if he thinks he is being detained unduly or wrongly — for example, we can well visualise a case in an emergency where the wrong person may be detained. In an emergency even the authorities can find their forces so small and inadequate, with confusion on every side and not much time, as in normal circumstances, to enquire thoroughly into circumstances, that the wrong person might be detained for some alleged act. Such a person should be entitled, by *habeas corpus*, to come to the Court and prove he is the wrong man.

Such a thing has often happened, even in normal times. Judicial history is replete with the numerous cases in which the wrong person has been charged and convicted and made to suffer. As a matter of fact, Mr. Chairman, if these Gentlemen here have any doubts about that —

The Prime Minister : Not Gentlemen; hon. Members.

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Mr. Shah : Yes, hon. Members, Mr. Chairman, a man is known by the company he keeps. I keep the company of gentlemen so much that I keep forgetting I am not in their company and so offend the rules.

Mr. Chairman, I am sure if hon. Members of this House will agree to draw upon your very vast knowledge in this respect you will be able to tell them that numerous cases have occurred from time to time in which men have been tried and convicted and even sent to jail and to the gallows for things of which they were innocent.

If such circumstances should arise, where a wrong man is held, to be detained or deported, such a person ought to have the right, by proceedings in Court, to cause an enquiry to be held to challenge his detention. I am hoping that, at least, the hon. Prime Minister will find it possible to include this paragraph in the Bill. I don't see any harm in it.

Mr. Robinson : You don't want to get a *mandamus* ?

Mr. Shah : I would like to get a *mandamus* for one purpose. But, on second thought, I would not bother with that.

The Prime Minister : Mr. Chairman, it is true I discussed this matter with the hon. Member. But, even non-lawyers will realise there are certain fundamental rights every citizen has. You don't have to be tortured! You don't have to read into this Bill that nothing must allow for the police to torture a man.

Mr. Shah : That is not the amendment.

The Prime Minister : Mr. Chairman, I don't want to say anything about the hon. Member who, I understand, has been called to the Bar. A *Habeas Corpus* is a fundamental. When a man is arrested the police cannot keep him in jail for a day, a week or a year without bringing him to trial. But it is not necessary to repeat it in every Act you pass. Apparently, in San Fernando you have different laws to the rest of the country.

Mr. Sinanan : You are so wrong !

The Prime Minister : It is common knowledge you cannot keep a man detained without bringing him to trial as speedily as possible. I have been enquiring from Trinidad lawyers about *habeas corpus* and I have been told this is part of the laws of Trinidad. You don't have to specify that a person is entitled to a speedy trial. You don't have to say, "you must bring the man before a Judge and not before a Sergeant-Major".

I am appealing to hon. Members of the House, not just to the one who has just spoken, to see that this is not necessary. To deprive a man of the right of *habeas corpus* you will have to say so in the Act. A war takes place, and you say Martial Law is enforced, and immediately, there is no *habeas corpus* or anything. You are subject to the military law of the day; subject, of course, to Parliament.

Another thing, Sir, is this : If the hon. Member will look at Section 5 on page 6 he will see this :

"No proceedings shall be brought against any person for anything done in good faith in the exercise of any powers conferred by any regu-

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lation made under this Act or by order or rule made in pursuance of any such regulation.”

Mr. Shah : Who will decide that ? It means nothing at all.

The Prime Minister : If the hon. Member goes on like this, I would ask what happened at Gray's Inn recently. What do these laws mean ? You can go into Court at any time and say, “This Order was not carried out in good faith”. You can challenge even discretion. I hope lawyers in this House have had some experience of that. You can challenge even discretion. You can say that a man did not exercise his discretion judicially.

Mr. Sinanan : You are wrong.

The Prime Minister : I am not saying, San Fernando ! Anything can happen in San Fernando.

Mr. Joseph : You will run into a lot of trouble when you talk about San Fernando.

The Prime Minister : I was about to say that one of these days I will run for a Trinidad constituency; not San Fernando ! Anyway, all I am doing is appealing to hon. Members to say that these words are the perfect answer to any suggestion of bias, because the smallest boy, if he has a kind Solicitor, can walk up to him and say, “I believe my father was locked up recently, and I want you to bring a case”. You, Mr. Chairman, will remember that during the war Sir John Anderson —

Mr. Sinanan : Sweet potato in blood pudding.

The Prime Minister : — was the Home Secretary and he purported to act under the Defence of the Realm Regulation. He was summoned to appear in Court and he did not; he sent his solicitor, and the Judge said, “Minister or no Minister he has to come to my Court to answer this matter”. What is there in this that can lead to an abuse of power by Regulations made under this Act ? Nothing. And let me remind you for the last time, nobody is going to provoke me into any heated argument on this matter.

Immediately Regulations are made the two Houses can be summoned, in fact must be summoned, and they can say, “We are wiping out that Regulation; we think it is too strong”.

Mr. Shah : The Governor-General would be passing another Regulation while we are debating whether we should or should not wipe this one out. There is nothing to prevent him.

The Prime Minister : I did not know I could be so patient, Mr. Chairman. Imagine anybody called to the Bar making a statement like that.

Mr. Shah : What surprises me is that somebody called to the Bar could present such a Bill.

Mr. Sinanan : I think the Prime Minister is wrong on this point.

The Prime Minister : You have got to support your back-benchers.

Mr. Sinanan : Let us for one moment deal with the Prime Minister's point : What is the harm of having this included ?

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Mr. Chairman, that hon. and learned Gentleman sat down at a Conference in 1956 and along with a gentleman from British Guiana caused to be written into the Constitution guarantees and safeguards with respect to religious persuasion and cultural pursuit. It was not necessary, especially if we knew then that he was going to be the first Prime Minister. It was not necessary at all. Say this for him, Sir, he loves to protect minors and minorities.

Mr. Chairman, the Prime Minister forgets that he is dealing with delegated legislation; delegation of the worst kind, seeing that it is being delegated to the Representative of Her Majesty the Queen. Yes, this is delegation of the worst type going on here in this hon. House. And our objections are not against powers being delegated to Ministers; our arguments are against those powers going to the Representative of Her Majesty the Queen. The Prime Minister forgets that those delegated powers may be so wide as to deprive the citizen of the protection of the Courts. Written as it is in this Draft Bill, the citizen is certainly being deprived of the protection of the Court. What we of the Opposition are asking you to do is to write into this Bill that he would not be deprived of the protection of the Courts. This is what it says :

“Nothing contained in this Act shall prohibit the right of any person aggrieved by the exercise of any powers herein contained or included in any Regulations hereunder”

Why should we as a group of law-makers say that when the Governor-General promulgates these Regulations, if the citizen's rights are trespassed upon, that he should not have the right of re-

course to the Federal Court? And what the Prime Minister forgets is that he is advancing arguments that apply to Unit Governments. One of the pivots of every Federation is your Supreme Court — your Federal Court. Make no mistake about that. Your Federal Court is one of the pivots of your Federation. What is wrong if we say that if any person is aggrieved by the exercise of any powers contained in the Bill, he should have recourse to the Court?

The Prime Minister has confined his arguments to what is contained in the Draft Bill as it is. No, he should go further. Show us that if a citizen is affected he could go to the Federal Supreme Court for redress. Because it is absolutely necessary.

The Prime Minister : Who is stopping him from going?

Mr. Sinanan : Nobody is stopping him, but we are saying that you should make it superlatively clear, make it unambiguous and powerful in the Bill that you are now forcing us to accept here, so that there can be no doubt about it.

It is bad enough for you to give the Governor-General unlimited powers, but to refuse to give a West Indian the right to say that the Governor-General was wrong. It just happened that in that same colourful era Federation started with the Colonial Office and everybody else, and people said that Britain wanted to deal with one central government, so that they wouldn't have to deal with all the scattered Territories with their colourful leaders. Now, what you are doing here is lending a lot of support to that theory.

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Now I am beginning to get worried myself. I am really beginning to get worried. If you go and federate Territories and after 20 months of that federation you bring in a Bill to vest unlimited power in the Governor-General, taking away the rights of the duly accredited representatives of the West Indian people and vesting it in him, giving him power to pass regulations, giving him power to do what he wants, giving him power to delegate the power that we are giving him, and you are not even going to write in there that if he passes this power to his A.D.C. and that A.D.C. misbehaves himself that the Supreme Court Judges, whom we have appointed and brought into being, will have an opportunity to review the misconduct of that gentleman. I have never heard the like. No Governor-General is infallible, whether he is advised across the seas or whether he is advised here by the present Government. And I am sure that if we say to hon. Members opposite, "Let the Supreme Court have the power to review your actions under emergency powers" they will not reply in the negative. Which hon. Gentleman opposite in the front benches will say "no, we don't want the Court to review our actions"?

The Prime Minister : Who says so? Read 5 again.

Mr. Sinanan : Apparently the Prime Minister does not understand my arguments at all. I am asking whether any hon. Gentleman over there on the Government front benches who exercises his Ministerial powers—Ministers have power to promote their own regulations, haven't they? I think the Minister of Communi-

cations and Works has done some. Is any Gentleman opposite going to say, "We don't want the Supreme Court to review our actions"? They will say, "Yes, we want that review". I want the Governor-General to be subject to review also. What sort of dark age are we returning to? The worst type of colonialism is being expressed and manifested here tonight. Even if they have the inherent right—and I don't share my hon. and learned Friend's view and his Government's at all. He is wrong. That is not implicit in the Bill that is before us. And where they are delegating legislation they have to make it abundantly clear whether they are taking up our powers and vesting them in one man or whether they are vesting power without passing legislation with safeguards and checks. I have never heard the proposition that where a House sits down and passes legislation to delegate its power that it is implicit in that Bill that we have the right to review and it is implicit in that Bill that we have safeguards.

Mr. Bradshaw : Mr. Chairman, I beg to move that the House do now resume and that the Committee report progress and that we be allowed to sit again.

Question put and agreed to.

House resumed.

Mr. Bradshaw : Mr. Speaker, I beg to report that the Committee considered the Emergency Powers Bill and that progress was made. The Committee asks leave to sit again.

Leave granted.

7.30 p.m.: Sitting suspended.

8.30 p.m.: Sitting resumed.

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Mr. Bradshaw : Mr. Speaker, I beg to move that the House do resume in Committee.

Agreed to.

House in Committee.

Mr. Sinanan : Just before we suspended Sitting, Sir, I was about to read the last part of the proposed Amendment :

“and any person detained shall be entitled to challenge his detention by *habeas corpus* in the Federal Supreme Court.”

As I understand the argument of the Prime Minister, it is this : That this proposed amendment is superfluous and that there is absolutely no need to write it into the Bill because what the amendment sought is inherent in the Bill itself.

The Prime Minister : In the Constitution; in the Common Law.

Mr. Sinanan : I do not know what the Prime Minister is saying. At one time he says it is inherent in the Bill, then he says it is inherent in the Constitution, and he also says it is inherent in Common Law.

The Prime Minister : Every human being has the right of *habeas corpus*.

Mr. Sinanan : Well, how is that human being to challenge the legality of the exercise of such powers ? The Prime Minister is saying that it is the inherent right of every citizen of The West Indies to go to court. We are not disputing that. What we are saying is that they ought to provide certain safeguards and checks when they are passing delegated legislation. They do not just take up the powers and privileges of Parliament and pass them on to an individual without any safeguards or any checks. And hon. Members might very well find themselves seriously em-

barrassed on this question of any West Indian wanting to challenge the legality of the exercise of such powers. That is what we are asking for. Give the man the right to go to the Federal Supreme Court and say that when delegated powers were passed on to the Governor-General he never had the power to do this, or to do that, or to do the other, and that the exercise of that power was illegal, the exercise of that power was wrong.

The Prime Minister : Read Clause 5 — “in good faith”.

Mr. Sinanan : “In good faith” does not affect the validity of our argument, Mr. Prime Minister. And, Mr. Chairman, I would say to my learned Friend the Prime Minister that that is in itself a negation of what we are asking for here; that is in itself a dangerous concept; that is in itself a dangerous principle.

We are being asked to give the Governor-General certain powers. One of those is the right to initiate regulations. Suppose the Governor-General acts under those regulations, what is the harm and where are we going wrong if we provide for any person so aggrieved to go to the Federal Supreme Court and challenge the legality of the exercise of those powers? And one of the safeguards, Mr. Chairman, insofar as regulations are concerned, is a review by the Court. It is for the Court to say whether regulations are *ultra vires* or not — [*Interruption*]. Well the Prime Minister will not succeed in such elementary and naive tactics. When the hon. Member for St. Patrick is speaking he turns to me and says, “Why don’t you put forward the argument?” When I am speaking and pointing to the fallacious arguments that he has ad-

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vanced, he asks, "Why don't you let the hon. Member for St. Patrick present the argument?" What I should ask is, why doesn't the Prime Minister allow us to hear the views of the lawyers over there and see if we agree? I would like to know whether some of the lawyers on that side agree with the Prime Minister.

Mr. Ricketts : All of us are lawyers, so we agree.

Mr. Sinanan : Including the Minister of Communications and Works. The Prime Minister doesn't want to hear Anson. Well, I won't read it. I was about to read what he says on judicial control, but if it is going to be useless, if we provide all the authorities and if the Prime Minister is going to fly in the face of his boast that he is an advocate of some 40 or 50 years' standing, then we are really butting our heads against a wall. It is useless, it is futile. But I thought that at least he would like to have his memory refreshed about the judicial control.

The Prime Minister : I was 14 years old when I read Anson.

Mr. Sinanan : I believe that when the Prime Minister was 14 years old he was reading anything but Anson.

Mr. Chairman, this House could never agree, at least this side of the House, will never agree with the Prime Minister when he says that we need not insert this safeguard and that we need not provide for this check on the arbitrary exercise of power under this Bill. What I would like to put at the end of this Bill is that this Federation is taking all the rights and all the privileges that have been won over all the years and vesting them right back into the hands of the Colonial Office. That is

what I would like to put at the foot of this Bill.

The Prime Minister : You all were elected to come here ?

Mr. Sinanan : I am very glad that my hon. Friend has asked that question because on these benches on this side of the House the two most dynamic Territories of the Federation sent forward their unqualified majorities.

The Prime Minister : I thought you were going to say that the two most dynamic Members of the House were Bertie Gomes plus Albert Gomes.

Mr. Sinanan : That hon. Member is absent. The five Members from Jamaica on the opposite benches are either unable or incapable of speaking for Jamaica, but the twelve Members on this side of the House are in a position to speak for Jamaica.

Mr. Ricketts : On a Point of Order, Mr. Chairman. We speak for The West Indies and Federation. We do not speak for our Unit.

Mr. Sinanan : I don't understand this superficial intervention. I was under the impression that when we met here we spoke for The West Indies and that when we speak to protect Jamaica we are protecting The West Indies, and when we speak to protect Trinidad we are protecting The West Indies or any of the other Territories of the Federation. Well, am I to understand that the Minister of Agriculture is suggesting that if a Member stands up here and speaks on behalf of a particular Territory that he is not speaking for the Federation.

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Mr. Ricketts : For the records, Mr. Chairman, I am going to repeat what the hon. Member said. He said that five Members over here do not speak for Jamaica but the twelve over there are speaking for Jamaica.

Mr. Joseph : He said either unable or incapable.

Mr. Ricketts : My reply was that we over here are speaking for the entire West Indies as a new nation.

Mr. Sinanan : The Minister of Agriculture in his customary way has not understood what I have said. In answer to the Member for St. James, Jamaica, who asked whether we were speaking for Jamaica still, I pointed out that either they were incapable or unable to speak for Jamaica but that the twelve on this side can, because until you have a Federal election and until you reverse that majority those twelve out of the seventeen will speak for Jamaica.

Mr. Brown : But their slogan was that they should take Jamaica out of the Federation.

Mr. Sinanan : Whose slogan, Mr. Manley's? Mr. Chairman, we seriously offer, for the consideration of Members opposite, the fact that it is dangerous to take the powers of this House and delegate them to a Governor-General, and that it is even more dangerous to see in that very piece of legislation that, having delegated those powers to him, he in turn has the power to delegate to somebody else. Hon. Members opposite don't really realise what they are doing. Do they realise what they are passing into law? Not only the delegation of power to him but that he in turn

could delegate to somebody else and having delegated to that other person there is no revision in a Court of Law. No check, no balance, no safeguard, no opportunity for a citizen of this nation to go to the Federal Supreme Court and say "this Governor-General is wrong, that he exercised his powers arbitrarily and he did not have the power".

The Prime Minister : It is a good thing you are not under oath!

Mr. Sinanan : I agree with the Prime Minister. I never have to speak under oath. Whatever I say can be accepted without oath and he knows that whatever I say here or anywhere else can be accepted without oath. I have no inclination to affidavits. If the Prime Minister says that what I am saying is wrong and misleading let him deny that in the Bill there is no power for the Governor-General to vest those powers in somebody else.

The Prime Minister : You tell a policeman to arrest a man; do you call that delegation?

Mr. Sinanan : Is that the analogy that I am going to hear from the Prime Minister? That when you give the Governor-General these powers and we also give him the power to vest those powers in somebody else it is comparable to telling a policeman to arrest somebody else?

I do not know if the Prime Minister has his copy of the Bill with him. Instead of looking at Christmas cards he should look at this gift which he is going to carry to the Governor-General's House.

Here it says:

"The regulations so made may provide for empowering such authorities or persons as may

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be specified in the regulations to make orders and rules for any of the purposes for which such regulations are authorised by this Act to be made, and may contain such incidental and supplementary provisions as appear to the Governor-General to be necessary or expedient for the purposes of the regulations”.

Then let us take this whole Parliament and hand it back to the Colonial Office or into the hands of the Governor-General. What are we here for after all? Why did we come here? Why did we go to the electorate and seek their suffrage? To hand it over, to hand over their rights and privileges to the Governor-General? Mr. Chairman, this Bill takes away from and completely denudes this Parliament. It takes away everything that this age of democracy gave us as representatives of the people. It takes away every power and privilege and right we have here on behalf of the people of this new nation.

I challenge my Friend, the Prime Minister, to take this Bill before a Committee. I challenge him to appoint a Select Committee of this House to consider this Bill. Why doesn't he take it before a Committee of this House, a Committee comprising Members of both sides of this House where we can call in the Attorney General and other authorities and question them and discuss with them the merits of this Bill which he proposes to pass into law? All the rights and privileges of honourable Members of this House are being taken away here.

If hon. Members want to come here after 20 months and say, “Come let us go to the Colonial Office; let us say ‘Sahib’” once more, then by all means let us do that; but don't come here and let us pretend to defend the rights of a people when in fact we are re-vesting them in the very Colonial policy from which we so dearly won them.

Mr. Ricketts: What you mean by Sahib.

Mr. Sinanan: Does my hon. Friend want me to say instead ‘boss’. Sahib is a perfectly good word.

This is a dangerous piece of legislation, a Bill which, in our opinion, takes everything vested in us at the Hustings and now we are playing and fiddling with the rights of the people and vesting them in the Governor-General. I say, standing here quite seriously and fully conscious of what I am saying, and the onus is on the Prime Minister to whom I am addressing this remark, that he is making a dangerous mistake when he invites this House and this Government to vest these powers in the Governor-General. Because when any conflict arises — and a conflict may arise at any time, no one is able to look into the future — I cannot for the life of me see the Governor-General acting in accordance with the wishes of the Cabinet if he has a view contrary to theirs. By the very nature of the laws and regulations contemplated by this Bill they will have a situation arising when he could disregard and disrespect the advice of his Cabinet.

The Prime Minister: In the face of the Constitution?

Mr. Sinanan: What Constitution?

The Prime Minister: Section 60.

Mr. Rose: If the Member would give way, I wonder whether the hon. Member will be able to say — I do not want to anticipate a Motion on the Order Paper, Mr. Speaker; but I would like to know whether in view of that particular Motion the opposition is likely to be the same as the point he is now making.

Mr. Sinanan: Why does he not address the question to the Prime Minister? The

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Motion is in the name of the Prime Minister. Why did the Prime Minister not bring that Motion first before he brought that Bill?

Am I to understand that the Minister of Communications has taken it for granted that that Motion is passed? That that Motion has passed although it is still to come?

Mr. Rose: That was my understanding.

Mr. Sinanan: Who has given the Minister that understanding?

In the face of the assurances given by the Government, am I to give an assurance to that hon. Gentleman? The Minister of Communications cannot say I have given him any assurances on that but I can well understand his inferring one and coming to that conclusion as a result of some expressions that may have fallen from me.

Mr. Chairman, according to the words of the Prime Minister earlier I can see that this is a waste of time, for it is obvious that nothing we could say on this side would change the attitude of the Government. Over and over we have stood up here and tendered advice to this Government and opposed their views and they have very callously brushed us aside. They have disregarded everything we have said. On every occasion in the last debate when we tore into the provisions of this Bill, the Prime Minister was adamant; and I have no doubt that if he was not forced to leave these shores at the time that Bill would have gone through in its original state, in spite of our protests. But now we see a new Bill with some of these provisions either completely removed or altered substantially.

Mr. Rose: I wonder if the hon. Leader of the Opposition will tell us if the enactment of this legislation will remove the common-law rights of citizens of the Federation?

Mr. Sinanan: What are those common law rights? If the hon. Gentleman will tell me what common law rights he has in mind I will then answer him. What is meant by *habeas corpus*?

Mr. Rose: The right to go to Court and tell them to produce the body.

Mr. Sinanan: I can't give him the answer. If we had a Tower, that Gentleman would be there already. The hon. Minister is saying *habeas corpus* is the right to go to court to tell them to produce the body. I want to hear the meaning of *habeas corpus*.

The Prime Minister understands the point I am making but that Minister (Mr. Rose) does not. What are these common law rights that he is talking about? Our argument and contention is that where you make such legislation to delegate powers—

The Prime Minister: Delegate what? What do you delegate to the Queen? The Governor-General is the Queen's representative.

Mr. Sinanan: Our argument is that where you are delegating powers, safeguards and checks have to be written into the legislation.

I would like to see the hon. Prime Minister with his wig and law books, if he can find them, go into the Federal Supreme Court to justify this argument that he makes. Some time in the future I would like to instruct that hon. Gentleman in the Federal Supreme Court on this piece of legislation.

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The Prime Minister: Write out a cheque for a thousand guineas and I will come.

Mr. Sinanan: If I thought that might happen I would consider it. When he tries to justify this argument I can hear the judges of the Federal Supreme Court saying: "How can we do that? There is nothing in this law, absolutely nothing to give that power."

By not accepting this amendment you are depriving a citizen of questioning the legality of the Federal power. I would suggest to my hon. and learned Friend that he should read Anson. I am not going to waste any further time. I can see that, no matter what is said, the Government is going through with this short-sighted policy.

Question put: That a new paragraph be inserted as paragraph 5 and the sequence of the paragraphs thereafter be renumbered.

Committee divided: Ayes 11, Noes 16, as follows:

AYES	NOES
A. S. Sinanan	Sir G. H. Adams
K. G. Hill	R. L. Bradshaw
L. J. Adams	F. B. Ricketts
R. A. Joseph	W. Andrew Rose
Dr. F. R. Duhaney	V. B. Vaughan
S. Mathura	D. P. Pierre
C. W. Swabey	D. S. Lloyd
C. T. Afflick	D. H. L. Ward
S. B. Stone	H. F. Cooke
M. H. Shah	J. M. D. Bousquet
W. B. Williams	B. T. Carrott
	J. N. Edwards
	R. M. Cato
	R. E. Brown
	A. U. Belinfanti
	R. J. Williams

11

16

Amendment negatived.

Clause 3 agreed to and stood part of the Bill.

Clause 4 agreed to and stood part of the Bill.

Clause 5:

Dr. Duhaney (Clarendon): Mr. Chairman, the Prime Minister said that a hungry man will do anything. I would like to tell him also that an angry man will do anything. If you read Clause 5, you will see what I mean. We were talking previously about special powers, limited powers, emergency powers, but this Clause introduces a new business, this is "any" powers. Any time you turn power indiscriminately loose on people, the devil is going to happen.

You cannot tell me that —

"No proceedings shall be brought against any person for anything done in good faith in the exercise of any powers conferred by any regulations made under this Act or by any order or rule made in pursuance of any such regulation."

Mr. Chairman, this is a disgrace. On March 3rd, this year, something happened. Proceedings are now being brought to correct it, and I am stating that if we couldn't bring those proceedings on, I would not be here now.

The Prime Minister: You would have been in jail.

Dr. Duhaney: No. I would have killed a man. I don't know what would have happened to me if no proceedings could be brought when an officer of the law comes up and drives your motor car away.

What is meant by "any" powers? In Jamaica there is a law to protect us. Proceedings can be brought, and we are bringing those proceedings.

In respect to this matter of "any" powers being exercised, you cannot give "any" powers to "any" body to do "any" thing at "any" time. You can't do it. We heard

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earlier today about a psychiatrist. All right. There are three psychological urges in man — one is love, one is power and the third is security. You cannot over-emphasise any of the three and expect to have sane people who will not kill.

Hon. Member: What about the fourth urge?

Dr. Duhaney: My book says there are only three urges — love, power and security. Love is sex. We are saying — you can laugh all you want — that these three motivations are the causes of men fighting and killing. It is right here in the Bill and you are laughing.

No proceedings can take a man into a court of law if he does anything. What a set of people the hon. Members are to be able to read this Clause and understand what it means! Do you mean that a law can be passed whereby no proceedings can be taken by the Federal Government against any person for anything done at any time? We can't sit here and allow this thing to go unnoticed.

I am asking you, if you don't want to become the laughing stock of the world, to be kind enough to take notice of this Clause and change some of these "anys" that are being included in this Emergency Bill. Do not allow this. Six "anys" one right after the other. You will have your emergency if you do not change these things, coming as they do, one after another.

I am not a lawyer, but there is one thing I understand. I understand fear. After 11 years studying fear, people cannot come in here and tell me anything, or do anything. Go on, do anything and see what would happen,

People will commit murder. This Emergency Powers Bill and its power, will make people greedy. Look at what happened to Hitler, to Mussolini and to Peron. Power will make a man greedy. It will make them greedy and it will make them fight.

Mr. Chairman, I am asking the hon. Prime Minister to read Clause 5. I want him just to read it and see if he can scratch out at least Clause 5. A man makes a little noise and you put him in jail. He cannot get out. No proceedings can be brought against anybody because he is able to produce a little piece of paper, and say "I did it in good faith."

I am not a man given to a lot of talk. But I am leaving this Session now, and I don't know if I am coming back next Session, and all because of these words "any".

Our proceedings are going on in Jamaica, and according to what happens, you won't see me again. Just because of "any" proceedings. It is on account of the same word we have proceedings in Jamaica now against the Government. When they do wrong, you must proceed against them. That is what lawyers are there for — to make money for and against the Government. You must have proceedings in Courts. You cannot say, "No", and pull down the iron curtain and say a person dares not oppose.

Mr. Chairman, I am telling you this law follows the usual procedure. The law business used to make money on account of the number of words which were put into a document. The more you put in, the more money you got. That is why we have these "anys" into this clause. I am asking you to take out these "anys" if you do not want wholesale murder to come when you are beginning to enforce the ordinary emer-

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gency power that would be in itself harmless but which would, in the hands of power-crazy officials, be a vicious thing: Power is something that grows on you. It is an insidious disease that crawls over you until it reaches to your head where it controls you and you don't know what you are doing in exercising that power.

Mr. Chairman, this Bill is described as provocative in all the Press. It is described as provocative every time anybody gets up to speak on it. It is like a red flag to a bull. You go and explain this to people on the street corners! Just walk around and tell them, "Look here, in the proceedings you now have, if I walk in here and do anything, nothing can result." Say that to them and if they don't knock you down, my name is not Duhaney.

I am very sorry, but I agree entirely with the Members of the Opposition. This whole Bill should be scrapped, particularly Clause 5. Too many "anys" are written in it. Already you have special, limited and emergency powers. Now you end it up with "any", any powers.

I hope the hon. Prime Minister would just do us a favour; do The West Indies a favour; do mankind and The West Indies a favour, by just reading that Clause 5 carefully, word for word; just excuse himself for five seconds and read that clause word for word, read all the six "anys" and see if he does not come to the same conclusion as the Opposition.

Mr. Sinanan *rose* —

The Prime Minister: Lord, this is midnight!

Mr. Sinanan: Mr. Chairman, even before I begin to speak the hon. the Prime Minister starts his heckling.

But what is this common law now? Are we to understand, under the Common Law, if an official exercises or does anything in good faith he is not to be held liable? What is this need for protection of officials? What is all this concern for the officials, this need to protect them in the exercise of their power, to protect them in Court, when there is complete disregard for making provisions to maintain the rights and privileges of a citizen to challenge the legality of his detention?

What about this *habeas corpus* we heard about from Members opposite? Am I to understand that if this is not written in here the Supreme Court can give damages against an officer who acts in good faith?

As I understand the law, if the Officer acts in good faith, there is no liability. If it is implicit in the law, why have you to put it in?

Mr. Cooke: To make assurance doubly sure.

Mr. Sinanan: Exactly. And I want this to go down on the records so I can recall it for the hon. Member. The hon. Member for St. James, Jamaica, has just called across the floor to me that the reason for this is to make assurance doubly sure; to make assurance doubly sure for the Governor-General; making assurance doubly sure for anybody empowered by the Governor-General. But you do not make assurance doubly sure for John Quackoo. That is what you are saying. You don't make assurance doubly sure for the humblest citizen.

Mr. Ricketts: Whom do you call John Quackoo?

Mr. Sinanan: John Shookootoo, then.

Mr. Ricketts: Who is John Shookootoo?

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Mr. Sinanan: The hon. Member knows what I mean when I say John Shookootoo. You don't make assurance doubly sure for the citizen of high or low rank, the public man, the trade unionist, the trade union leaders, or the leaders of political thought and political activity. You don't make assurance doubly sure for them; you don't write it in the Bill, although you know trade union leaders, even with the existing law, have had many times to fight against little traps and snares in the exercise of their functions.

The Prime Minister: Which existing laws?

Mr. Sinanan: The existing laws of Territorial Governments. How many cases have we seen resolved in Courts because trade union and political leaders have found themselves on a number of charges? But under Clause 5 of this Bill we are giving the power to the Governor-General to be exclusive. This Clause is separate and apart, supreme and explicit; no sort of ambiguity: "No proceedings shall be brought against any person . . .", and any person includes the Governor-General.

The Prime Minister: The Governor-General is in the shoes of the Queen here.

Mr. Sinanan: So that we are now purporting to give to the Queen all those powers which she has already. The Prime Minister tells us that what this House is doing, is vesting in the Sovereign all the powers which the Sovereign already enjoys. If the Queen already enjoys all these powers why are we doing this now?

"No proceedings". And I would like to understand the meaning of "proceedings". I would like to know what is meant by "proceedings" here. It does not say "no

action"; it says "no proceedings". It does not say "no suit".

The Prime Minister: An intelligent person like you speaking that way!

Mr. Sinanan: The Prime Minister knows that I have never claimed to be a very intelligent person. I want to understand what is meant by "proceedings" and who is going to decide upon "good faith" and bad faith.

The Prime Minister: The Court.

Mr. Sinanan: The Court will decide. But the Court has to decide that "no proceedings shall be brought".

The Prime Minister: If the hon. Member will give way, Sir. The Clause says: "No proceedings", and to the layman it may appear that you cannot even lodge a complaint. That is nonsense! You cannot tell until you get into court what are the arguments of both sides of a case.

Let us for example say that you proceed against a policeman; you charge him for false arrest, or for false imprisonment. The policeman says "I acted under orders of my Commissioner of Police." The Justice of the Peace made out a Summons — I understand that at least four or five Members of the Opposition are Justices of the Peace, which shows that Jamaica is a land of law and liberty — law and order —

Hon. Member (Opposition Benches): Are you speaking on a point of order?

The Prime Minister: I am not on a point of order. The hon. Member asked a question and I am endeavouring to give him the answer.

You go to a Justice of the Peace, swear to something and lodge a case. It is only after you get into Court that the Magis-

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trate decides whether or not the action of the policeman, or who ever it was, was in good faith.

Mr. Sinanan: Why can't the draft Bill say: "No officer shall be held liable if that particular officer acted in good faith?" Why can't you use straight-forward and simple language? No! You say, "No proceedings shall be brought . . ." Why can't we have it drafted here "No officer who has acted in good faith under these Regulations, shall be held liable", so that at least you allow proceedings but the Court has the right to decide about the "good faith" or the "bad faith"?

I am not persuaded by the arguments of the Prime Minister. It means to me clearly what it says here: "No proceedings shall be brought against any person". What is going to be the position if a citizen finds and believes that he is aggrieved and he goes to the Justice of the Peace and the Justice of the Peace says: Look here, I am not going to allow you to bring these proceedings because this man acted in good faith?" How can a Justice of the Peace say that? Let us say that he goes to the Registrar and the Registrar says: "Look here, I am the one to decide that proceedings can be brought, but before I do that I want to be satisfied about what is 'good faith' and 'bad faith'". It is a monstrous interpretation.

Why don't you say "No officer who has acted in good faith shall be held liable in a Court of Law"? Why did you say "No proceedings shall be brought"? You know why? Because some independent thinking citizen, some fearless solicitor might file an action against the Governor-General himself. That is what has happened in Trinidad — I don't know what happened in Barbados — and when a case like this occurred we sat in

Finance Committee and opposed the passing of any money in Finance Committee to indemnify the Governor. Because we said that what he was doing was wrong and he acted contrary to our warnings and therefore we refused to pass any money to indemnify the Governor. It was in the Musson case. We warned them that they were acting wrongly and when the matter went up to Her Majesty's Privy Council the Mussons got the verdict.

So why do you say "No proceedings shall be brought" at all? It is because if the Governor-General did act in "bad faith" no proceedings could be brought against him. The Federal Court must be in a position to say that the Governor-General acted in bad faith against any humble citizen.

I believe I understand English. I know the ordinary basic English and I understand legal drafting, and nobody can convince me, not even the Prime Minister, that this does not mean that before a Court takes into account any proceedings, somebody has got to be satisfied as to whether the act was done in good faith or bad faith. Somebody has to decide about good and bad faith before proceedings can be brought.

No amount of sarcasm would change my attitude.

The Prime Minister: The Court has to decide whether proceedings shall be brought.

Mr. Sinanan: The Prime Minister is saying that a Court has to decide whether proceedings shall be brought. Does he understand what he is saying? The Clause says:

"No proceedings shall be brought against any person for anything done in good faith in the exercise of any powers conferred by any regula-

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tion made under this Act or by any order or rule made in pursuance of any such regulation.”

If that is the intention of the draftsman, to allow the Court to decide on the question of good faith and bad faith, it would have been stated here in unmistakable terms that — no officer shall be liable.

I understand what proceedings mean. I am a solicitor. The Prime Minister is a barrister. The Prime Minister only gets the proceedings in brief form accompanied by the most important document, but the solicitor knows what proceedings mean and we know how proceedings are initiated and you cannot have a proceeding in a Court until it is first filed and thereafter they are proceedings. What you are saying here is that no proceedings shall be brought against anybody until there is a decision as to good faith or bad faith.

I come back to another point that is troubling me. Mr. Chairman, why is there concern and consideration for the officers and the officials who are to interpret and to fulfil the regulations of this Bill? The obvious reluctance of hon. Members opposite to make sure doubly sure — if I might use the language of my Friend from St. James — why are they not anxious to make sure doubly sure for a citizen to bring his action on the legality — [*Interruption*]. That is what your Colleague said, to make assurance doubly sure. But all the concern is being shown for the Officer. There is no provision for the citizen to challenge the legality of the Governor-General's action.

The Prime Minister: That is not so.

Mr. Sinanan: Well, prove it to the contrary. I want the complete deletion of this Clause for this reason — I understand this Clause and I take this Clause to mean

that there is not only going to be no provision and safeguard for the citizen to exercise his right in a Court, but that is inserted here to prevent him and prohibit him from bringing any action at all. Not only is there going to be an absence of protection for that citizen, but he is going to be prevented from bringing proceedings by this. That is the intention of this; to prevent him from bringing proceedings. That is why there is a reluctance to accept our amendments. That is why they have brought this nice little paragraph:

“5. No proceedings shall be brought against any person for anything done in good faith . . .”

Mr. Bradshaw: Mr. Chairman, I wonder if the hon. Member would give way? I would like to enquire whether he could help me on the phrase “good faith”, and its true connotation here: “No proceedings shall be brought against any person for anything done in good faith . . .” Suppose proceedings are instituted against a person against whom bad faith is alleged: does the hon. Leader of the Opposition say that that cannot be entertained by any Court?

Mr. Sinanan: I welcome the question from the hon. Leader of the House. As a matter of fact he has put the question very succinctly. If a citizen alleges bad faith and the Officer on the other hand contends that he acted in good faith, then it is for the Court to decide whether the Officer was acting in good faith or bad faith and give a decision accordingly. Our contention is that, worded as it is, you are preventing proceedings completely. You are not allowing the Court to decide whether there is good faith or bad faith, you are saying “no proceedings shall be brought”. In other words a man hasn't even got the right to file any action.

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The Chairman: It is now 9.30 p.m. and the Standing Orders direct that at this time I shall interrupt Business and call upon the hon. Member in charge of Business to report progress and ask leave for the Committee to sit again.

House resumed.

Mr. Bradshaw: Mr. Speaker, I beg to report that the Committee dealing with the Emergency Powers Bill made some progress and asks leave to sit again.

Agreed to.

**PUBLIC SERVICE COMMISSION
(REMUNERATION, PRIVILEGES
AND OFFENCES) BILL**

Order for Second Reading read.

The Minister of Finance (Mr. Bradshaw): Mr. Speaker, I beg to move the Second Reading of the Bill entitled the "Public Service Commission (Remuneration, Privileges and Offences) Bill."

The object of this Bill is to give effect to the decision of the Federal Government and Territorial Governments of the Federation to institute a Federal Public Service Commission.

Mr. Sinanan: We accept it, we are not opposing it. It is non-controversial.

Mr. Bradshaw: Mr. Speaker, I am told that the Bill is not being opposed and I therefore beg to move the Second Reading.

Question put and agreed to.

Bill read a Second time.

House resolved into Committee.

House resumed.

Bill reported without amendment, read a Third time and passed.

**INTER-GOVERNMENTAL
CONFERENCE
(Report)**

Order read for the following Motion:

BE IT RESOLVED that this House takes note of the Report of the Inter-Governmental Conference on the Review of the Federal Constitution which was laid on the Table of the House on 30th November, 1959"—[*The Prime Minister*]

The Prime Minister: Mr. Speaker, I do not want Members to misunderstand me.

Mr. Hill interrupted.

The Prime Minister: I always have to warn Members not to bring their ordinary intelligence into this House.

I am asking the leave of the House to withdraw the Motion on the Order Paper for one simple reason — that it was sufficient to lay it on the Table of the House. It is merely a Report and it is no sense at this time of night and at this time in the Session to have a debate on it.

Mind you, it is no intention on my part or on the part of any Member of the Government Benches to stifle any debate in this House. We want to have any debate that could be useful, but no debate on this Report can be useful —

Mr. Sinanan: If the Prime Minister would allow me Mr. Speaker, I would suggest to him that we give priority to Motion No. 2 on the Order Paper standing in his name, and I am sure if certain statements emanate from the Government in respect of that (No. 2) Motion, my hon. Friend the Prime Minister need not press for withdrawal of this one.

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The Prime Minister: I accept that, Sir.

Question put and agreed to: "That the second Motion on the Order Paper be taken before the first.

CABINET SYSTEM

Order read for the following Motion:

BE IT RESOLVED that this hon. House of Representatives endorses the decision of the Federal Government to approach Her Majesty's Government with a request to amend the Constitution of The West Indies in order to provide for the introduction of a complete Cabinet system of Government at the earliest possible date in 1960."

[*The Prime Minister*]

The Prime Minister: Mr. Speaker, this Motion is self-explanatory and means just what it says. I will read it:

BE IT RESOLVED that this Honourable House of Representatives endorses the decision of the Federal Government to approach Her Majesty's Government with a request to amend the Constitution of The West Indies in order to provide for the introduction of a complete Cabinet system of Government at the earliest possible date in 1960.

As hon. Members are aware, we can only amend our Constitution by an Order-in-Council and by this Motion we are therefore moving a Resolution here which we will pass on to the Queen in Council and ask her to approve of the amendment. That is all this Motion means. The expression "introduction of a complete Cabinet system of Government" means only this: We have a Cabinet system of Government now —

Mr. Hill: With the Governor-General!
[*Laughter*]

The Prime Minister: I do not want to disturb the hon. Member in his hilarious expression, but let me repeat this in this House. If I have said it before, I say it for the last time, or for the first time if I have not said it before: The King of Sweden sits in the Chair of the Cabinet of Sweden and listens to the Cabinet of Sweden. And because His Excellency the Governor-General is sitting in the chair does not mean that there is not a Cabinet system of Government in spite of what the Constitution states. Our Constitution gives the Governor-General a lot of power inasmuch as he can withhold his approval of or assent to certain matters and keep them for a decision from the Colonial Office.

By using the word "complete" we are getting in line with the practice in practically every part of the British Commonwealth, whereby the Prime Minister and not the Governor or Governor-General, as the case may be, sits in the chair. That, in effect, is the meaning of the word "complete".

I think hon. Members know — [*Interruption*] I think the hon. Member for Clarendon is accustomed to using laughing gas and that some has escaped and reached the nostrils of the hon. Member for Surrey.

There is very little to say. What this Motion means is this —

Mr. Joseph: It is the same thing with a different meaning.

The Prime Minister: Instead of hon. Members laughing, they should be taking care that we do not lag forever behind Malaya, Ceylon and others. There are very few things, if any, that have come before this House that were more serious than

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this. If we had what we should have had since the Montego Bay Conference, since SCAC — a willingness on the part of all the Territories to come together and say we want a strong central Government, this would not be necessary tonight.

Nobody would like to say anything that would appear offensive to other members of the Commonwealth, so I am not going to call names for this obvious reason; but it is possible to think of some member-countries of the Commonwealth which have advanced without beginning to have the education we have.

Hon. Member: Jamaica.

The Prime Minister: Jamaica is unique; it is in a class by itself and should remain so. But why should we be the last of all the emergent colonial territories?

Hon. Member: Because of backward colonial politics.

The Prime Minister: Mr. Speaker, that sort of remark shows us how democratic we are. [*Interruption*]

Mr. Speaker: Are some of the hon. Members addressing the House or a crowd in Woodford Square?

The Prime Minister: I repeat, Sir, that I have practically nothing to say. There is so obviously a duty for us to bring this about as speedily as possible that it is unnecessary for me to do more than draw the attention of hon. Members to the exact wording we have put down here — [*Interruptions*] Mr. Speaker, it is unfortunate we haven't got a law to expel people for asking elementary questions.

The implications of this are that anything that looks like a restraint on the will

of the Government, which has been elected by a majority vote, must be reduced. I put it as broadly as that. In short, that whether the Governor-General, or the Queen herself, likes it or does not like it, as soon as the majority Government say, "We want so and so", it is going to be done.

Mr. Sinanan: Hear! hear.

Hon. Member: The Government is weak.

The Prime Minister: This Government is so weak that the Opposition couldn't beat it at all the polls at the Federal elections and none of us here will be alive to see this Government sitting over on those benches.

Mr. Joseph: Don't spoil it. Some of you are Socialists, some are Marxists . . .

Mr. Speaker: The hon. Member cannot make a speech.

The Prime Minister: Rude remarks are not a speech. They are just rude remarks.

I am hoping that in view of the time it will not be necessary to have long speeches. Let me end on a note which I hope will produce seriousness on both sides of the House. Our task is not over-easy. We have to tell the Colonial Office and the British Government — I am weighing my words very carefully — that we are as determined as any other part of the Commonwealth, to have a Cabinet system of Government as early as possible. I am quite serious in that last remark.

It was not an accident that when I left Australia I came back via London. I did it deliberately. I am merely asking hon. Members to take me as seriously as it is

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possible for me to speak. We have to show the British Government that we are united — no matter what we may do or how we may differ on the two sides of the House — in wanting to have a Cabinet Government as soon as possible.

With great respect to my Friends, some of whom are now congregating in Woodford Square, April 22nd is a long way off, and if we can emphasise to the British Government that we want this system before then, we must have it.

Mr. Hill: On the 1st of April.

The Prime Minister: No, because I don't like to celebrate some people's birthday.

I end by saying that I hope we will go forth to the British Government and that they will find us completely united as regards this particular Motion.

Mr. Sinanan: Mr. Speaker, I rise on behalf of the Members on this side of the House to say that we do not intend in any way to oppose this Motion proposed by my hon. and learned Friend the Prime Minister.

We will say, however, that this is merely incidental to the ultimate goal of Dominion status within the Commonwealth, and I feel that, inasmuch as it comes at this time when we have succeeded considerably in the Federation, the Prime Minister should be gracious enough to incorporate after the word "Government" in the second to last line of the Motion the words "and for the granting of full Dominion status for The West Indies" and then continue "at the earliest possible date in 1960".

I feel, Sir, seeing that this is being passed with complete unanimity, that the

Colonial Office will give very sympathetic consideration to this request. And, therefore, this a formal amendment from the Opposition — that after the word "Government" in the second to last line, it should read, "and for the granting of full Dominion status for The West Indies at the earliest possible date in 1960."

The Prime Minister: Mr. Speaker, what I am going to do now is the decision of the Council of State. It has been decided, since I moved this Motion, that I should make a statement which, in effect, is what the Leader of the Opposition has asked me to do. These are the words agreed upon Consistent with the Motion I have just moved in this hon. House, I should like hon. Members to know that the Federal Government proposes to approach Her Majesty's Government, as early as possible in 1960, with a view to considering the fixing of a date for the inauguration of Dominion status for The West Indies.

Mr. Sinanan: As a matter of fact, Mr. Speaker, we would give this full support if it is incorporated in the Motion standing in the name of the hon. Prime Minister. It is no use our dividing on this issue. Let us show the world that The West Indies, in one Motion, are asking for Cabinet Government and full Dominion status. If the Government would add the words in accordance with what the Prime Minister has just said, and which I have just quoted "and for the granting of full Dominion status for The West Indies at the earliest possible date in 1960", we give the assurance that we would give the matter our full support.

The Prime Minister: If the hon. Member will agree, suppose I put it in this way? "Be it further resolved that the Federal

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Government approach Her Majesty's Government, as early as possible in 1960, with a view to considering the fixing of a date for the inauguration of Dominion status in The West Indies."

Mr. Sinanan: I don't quite understand. That is not what we are saying. We are saying, "as early as possible in 1960."

The Prime Minister: That is what I said.

Mr. Sinanan: I would like to see it in writing.

The Prime Minister: This does not apply to me, but I am told a certain function is going to take place in The West Indies next month. I have heard the Windward Islands are having a function, and that, therefore, there may be some parties who are not likely to be in England — they prefer to see Englishmen down here — in the first week of January. That is the only reason for phrasing the Motion as I have, "with a view to considering the fixing of a date" — we can repeat the words, "as early as possible in 1960".

I had occasion, yesterday, to speak to the Premier of Trinidad and Tobago and he asked, "Why should we wait until April, 1960?"

Amended Motion —

"Be it Resolved that this Honourable House of Representatives endorses the decision of the Federal Government to approach Her Majesty's Government with a request to amend the Constitution of The West Indies in order to provide for the introduction of a complete Cabinet system of Government at the earliest possible date in 1960; and "Be it further Resolved that this Honourable House of Representatives approves the decision of the Federal Government to approach Her Majesty's Government with a request

to consider the fixing of a date for the inauguration of Dominion status in The West Indies as early as possible in 1960".

— *put and agreed to.*

CIVIL ESTABLISHMENT (No. 2)
ORDER, 1959

The Minister of Finance (Mr. Bradshaw): Mr. Speaker, I beg to move the Motion standing in my name on the Order Paper.

Motion read:

"Resolved that the House of Representatives approve the Order entitled "The Civil Establishment (No. 2) Order, 1959 made by the Governor-General on the 10th December, 1959, under the provisions of Section 4 of the Civil Establishment Act, 1958.

Question put and agreed to.

EXTRAORDINARY SITTING

Mr. Bradshaw: Mr. Speaker, I beg to move, notwithstanding the relative standing rule and order, that this hon. House agrees to sit tomorrow (Friday) at 2.30 p.m.

Mr. Joseph: Why not 10 o'clock in the morning?

Mr. Sinanan: Does that mean we would go through the Emergency Powers Bill tomorrow?

The Prime Minister: The Senate will have to come back.

Mr. Sinanan: Am I to understand that the Prime Minister has in mind that we should conclude the Emergency Powers Bill tomorrow?

The Prime Minister: Why not? We can suspend any Standing Order.

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Mr. Speaker: I have looked up the records and the only case in which an extraordinary sitting has been sanctioned is that of an emergency, something which has to be decided immediately. I understood that this meeting tomorrow was for the purpose of making a particular announcement. For such a purpose, the House can be asked to sit. As I understand it, in England there is never a Saturday sitting except in cases of emergency and it has then to be sanctioned by the House.

The Prime Minister: We can sit until 11 o'clock on Friday.

Mr. Sinanan: May I point out this difficulty? The majority of the hon. Members from Jamaica are booked to return home tomorrow, and I am informed their passages cannot be cancelled.

The Prime Minister: Why not?

Mr. Joseph: If they do, they would not get passages again until the New Year.

Mr. Sinanan: I am informed they cannot get passages again. They have to leave at eight o'clock in the morning.

The Prime Minister: You can cancel anything, even a marriage.

Mr. Sinanan: I would not know about cancelling marriages. While we don't mind continuing the Emergency Powers Bill tomorrow, the majority of the Members are booked to go back.

The Prime Minister: The House can do whatever it wants.

Mr. Sinanan: That is the Government, not this House.

The Prime Minister: The House can cancel every Standing Order.

Mr. Speaker: The hon. Prime Minister should not make such statements. After all, we have to proceed by the Standing Orders. It is fixed that we can only sit from Monday to Thursday. If you want to sit another day it can only be done as a result of an emergency.

I understand it can be done without changing the Standing Orders, but it must be done by proper resolution. However, if it is desired to alter the Rules, it must be done by Resolution which must be referred to the Standing Orders Committee. That is a matter which the House has already refused to approve.

Mr. Sinanan: It can be done by the W.I.F.L.P.

Question put and agreed to, "That the House do sit on Friday, December 11, at 2.30 p.m."

FAMILIARIZATION TOURS OF UNIT TERRITORIES

Motion made and Question proposed, "That the House do now adjourn".—[Mr. Bradshaw]

Mr. Hill: The hon. Leader of the House, having moved the adjournment, and I having given due notice under the Standing Orders, I now beg to raise the question of which I gave notice. That question is: Whether the time has not come, or is not long overdue, when under the sponsorship of the Federal Government, all the Members of this hon. House — Members of the Opposition as well as Ministers and other Members of the Government benches — should not be afforded the necessary facilities to familiarize themselves with the ten Unit Territories which comprise the region known as the Federation of The West Indies?

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I was tempted, Mr. Speaker, a few nights ago, to withdraw the notice that I had given, and that was because of certain attitudes taken by the Prime Minister and his Ministers; but upon due consideration and upon reflection, I have decided to proceed to call the attention of this hon. House to the fact that in spite of our pretensions that we are federated, and despite all the proclamations and declarations of unity, ostensibly for the outside world, in so far as the people and the Representatives of the people in the respective Territories of the Federation are concerned, we are as remote or a little less remote than we were ten years ago.

It has been proposed by one of the Premiers of the Federation that on the 22nd of April next year we should proclaim our Dominion status. But with great respect to the Government Benches and to this hon. House, may I point out that it seems to me that laudable as that might be we are merely building a roof before we have laid the foundation. Because the truth of the matter, Mr. Speaker, is that the majority of Representatives do not know — with the exception of the Ministers and one or two Members of this hon. House — the rest of The West Indies, and it seems a strange land to them indeed. So that I feel that the principle should be accepted by the Government as a deliberate act of policy, and in fact there should be given an expression of opinion in this hon. House as to the feeling of this House and the feeling of the people of The West Indies. Even though the peoples might not be able as yet to get to know one another, at least let us start to allow Representatives of all the Territories to know the other Territories from which they do not come. In the absence of this,

Mr. Speaker, I think we would be carrying on what I would call a grand political pantomime.

The Prime Minister: What have you got in your pocket?

Mr. Hill: The hon. Prime Minister is investigating what I have in my pocket, but I would like him to investigate or to concentrate for one hour on this vital question which I have introduced and which I am sure has engaged the minds of many responsible Ministers in his incomplete Cabinet, or rather his Cabinet with incomplete status.

The Prime Minister: What has he got under his belt?

Mr. Hill: I do not understand what interest the Prime Minister could find in my belt or my waistline. All I can say is that he may be including one more proclivity for his dispensation to take care of minors, but I would like him to give all of us the facilities to get to know the adults better in order that we may be better able to take care of the interests of The West Indies.

The Prime Minister: Where are we going to get the money from?

Mr. Sinanan: The Territorial Governments could take care of that.

The Prime Minister: I would just like to ask one question. I do not wish to say that because no other country does it, we shouldn't do it; but tell me in the history of this world where you would find a Parliament that voted money to send its Members around visiting other Territories over which that Parliament had control?

Mr. Hill rose —

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The Prime Minister: The hon. Member is not to speak on this question again.

Mr. Sinanan: Mr. Speaker, a few nights ago I made a suggestion — the Prime Minister was not here — and we agreed that there was limitation on our spending of money, but we feel that if the Federal Government used its good offices and communicated with the Territorial Governments some sort of plan could be worked out where the back-benchers of both sides of this House could visit other Territories, and we could have similar exchange of visits where we could take care of the Territories' legislators when they come here. I am sure it would make for better fellowship.

The Prime Minister: We used to do that in the R.E.C.

Mr. Sinanan: Certainly. And the Federal Government might probably find that a number of Members would pay their own passages if they would only give this matter some consideration and work out a plan which would be desirable. As a matter of fact, the best way it could be done, Sir, is if the Federal Government wishes it could sponsor it up to a point and arrange for the C.P.A. to work out a plan. It can be done and I am sure it will be very successful.

The Prime Minister: The C.P.A. is doing it now with English parliamentarians.

WEST INDIANS IN CURACAO

Mr. Bradshaw: Mr. Speaker, I wonder if I would be permitted to make a few remarks on the question raised by the hon. Member opposite from Jamaica, with respect to a matter which was raised at the end of our Sitting last June,

The hon. Member, so far as I can remember, tried to accuse me of having gone to Curacao and seen only certain people and of coming back and repudiating what was said. Let me say at once how wrong the hon. Gentleman was. I felt that it was a matter of importance that a Minister should visit Curacao to investigate what was happening there and I happened to be the senior Minister here then, and I got the permission of the Governor-General to go. I sent a cable to a Kittitian there in advance and —

Mr. Sinanan: Is that someone from Mars?

The Prime Minister: Who? A young cat?

Mr. Bradshaw: — because the West Indians listen to the radio station of Trinidad — Radio Guardian — they had heard that I was due to arrive there and some of them were at the airport to meet me. I was met by the Acting British Consul-General and we went to his office where West Indians were on hand to talk with me. Arrangements were made for me to talk to the Acting Prime Minister —

Mr. Sinanan: I hope he acted well.

Mr. Bradshaw: — the Acting Governor-General, representatives of the oil company at their plant and also the local Government. Before meeting the Acting Prime Minister in the afternoon — I reached Curacao around 11.00 or 12.00 o'clock and I met at my hotel about 7 West Indians who told me what their grievances were, so that when I went to see the Acting Prime Minister I had been thoroughly briefed by these people. The matters I advanced Mr. Speaker, were:

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- (1) that they were being laid off in large numbers by the oil company.
- (2) that between the time of lay-off and having to leave, the time allowed was very short, so short that some of them did not have sufficient time to finalise their business.
- (3) that those who came away by sea transport were not being given sufficient facilities. They were not allowed to bring much of their furniture free, as they thought they would have been allowed to do, and that their accommodation was bad.

Now, the complaint made in the House, Mr. Speaker, was that the people were being chased out of Curacao. I went to see the Acting Prime Minister with the Acting British Consul-General and I showed him a copy of that morning's *Trinidad Guardian*, which carried a report of the whole thing and he said that it was the first time he had heard anything about it. He said: "The Government of Curacao is not chasing any West Indians out of here" —

Mr. Hill: Merely asking them to leave.

Mr. Bradshaw: However, he said that he would try and find out. He first rang the Mayor — who is referred to there as the local Governor, *ex officio* Chief of Police — he knew nothing about any West Indian being made to leave Curacao. He then rang the Oil Company. They knew nothing about it and he rang someone else but he also said that he knew nothing about it. They told me: "The Government here knows nothing about it, have you got any specific cases? I have none. I would advise you to see the oil people." That evening, Mr. Speaker, I addressed a meeting of West Indians — about 200 of them — I told

them of the progress made and the next day, with the British Consul-General, I went to see the oil people. We were there received by a gentleman called Mr. Jacob, who was the chief of their personnel section and he said: "You know, Mr. Bradshaw, you greatly embarrassed me as a Federal Minister, because, in my capacity, I have received no complaints at all".

I may say incidentally, Mr. Speaker, that none of our people had gone to the British Consul-General and made any complaint at all. So we went into the whole matter and he said that they were under pressure by local political parties to replace foreigners by local people in jobs at the refinery. Further to that, having instructions from their head office in London to lay-off some employees — and it is not West Indians alone that they were laying off, it was West Indians, Portuguese and Madeirans. The rate at which West Indians were being laid off, he told me, was about one a day so that they would have about 30 a month to send home. The reason why they were sent home so quickly after being laid off was that the people were without work and Curacao is an expensive place in which to live; consequently they thought that it was something good to let the people get out of the place as quickly as possible so that they would not have to spend the savings which they had accumulated in Curacao. As far as the accommodation on the ship was concerned, they had had no complaint either and he undertook to have the ships examined, along with the British Consul-General.

Further than that, Mr. Speaker, Mr. Jacob said that it was their policy to give any one who was going to be laid off a few months' verbal notice—written notice was

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given but he said invariably where West Indians were concerned, the reply usually was, "If you are going to lay me off, give me three months' notice". But they made sure, he said, first to give verbal notice to allow a period of preparation and then according to the period of employment — where the people worked by the week, fortnight or month — at the end of the period they gave them written notice for the particular period.

Mr. Speaker, that was the position there. It was not possible for me to see one gentleman who had written to the Prime Minister and made a complaint—he was in hospital. I happened to be in Curacao for 36 hours but the people whom I saw were people who worked with that gentleman. He was a Timekeeper.

Mr. Sinanan: Are you sure they were West Indians?

Mr. Bradshaw: They told me where they came from and I had to take their word for it. They told me what their troubles were and I made representations accordingly. The matter was followed up by a visit by our Vice-Consul who is stationed in Venezuela, Mr. Lutchman, about two months ago. Arrangements had been made during my visit for him to be given accommodation in the offices of the British Consul-General. When I was leaving the hotel where I was living, the British Consul told the West Indians, "We would like you all to come to us and make whatever complaints you have". Remember the British Consul-General in Curacao has very few people from the U.K. to attend to in that island now and West Indians in the island come under his control; and since they do not have so very much to do, they

invited the West Indians to come and lodge their complaints with them. They are interested.

I felt myself that it was as much as I could do on the point and I had to clear it up. It was a point necessary for me to clear up. I do hope I have cleared it up, as when the Governor of Curacao gave me the assurance I accepted it on the basis of what I was also told by West Indians in Curacao—and there were Barbadians, St. Lucians and others who spoke to me — that the Government of Curacao was not putting anyone out; they had to leave and were being given every opportunity to put their business in order before they did, and that to their complete satisfaction. The Government of Curacao had gone all out to help the persons who had to leave. Of course, they had to make application — for instance there was the case of a particular man who had to make an application to the Government for an extension of the time. Indeed, it was my own belief that caused me to come in contact with this chap who had been given an extension of time up to one year to put his things in order. The Governor assured me that West Indians there are hard working people, and if ever the oil company wanted to employ people other than Curacaoans he would be the first to give the West Indian workers opportunity.

I had a conversation with Dr. DeBrun of the Caribbean Commission. He had not been in Curacao while I made my visit, but he had seen my report and he said that the Government of Curacao was endeavouring to work out a system where in the event that people have to be laid off by the oil companies, West Indians would be laid off

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last. He and his organisation were eager to assist us as we are all from the Caribbean area and have an almost common interest.

Christmas Greetings

Mr. Speaker: Before I put the question, I would like to take this opportunity, as several Members hope to be leaving before the next Sitting of this House, to express my thanks to this hon. House for their generosity in the matter of the emoluments and privileges of the Speaker. I want to take this opportunity also to extend to all the Members of this House the compliments of the season — to wish the Prime Minister and Ministers particularly a merry Christmas which means, incidentally, that they will be free from work a little, and a prosperous New Year. I wish all other hon. Members all the joys of Christmas and a prosperous New Year.

The Prime Minister: I should have been first to express such a wish, Mr. Speaker and had I known you had intended to do so now, I would have jumped up. However, Members would forgive me because having heard the Leader of the Opposition say that some of the Jamaican Members would not be here tomorrow, I should have noted the opportunity. I must thank you for what you have done, Sir. To those Members I say — I cannot wish them a Merry Christmas because they have no good old Barbados rum —

Hon. Member: Lemou heart!

The Prime Minister: Lemon heart! I thought that lemon heart is used to wash horses' hoofs, at least in Jamaica. I didn't believe any body still drank lemon heart there.

On an occasion of this sort, I really heartily, and not as a matter of form, wish Members a very happy Christmas.

I say this, and say it very sincerely: I do not like to refer to my years of public service as it seems boastful; but I do not know of any phase of my public life that has seen more friendliness on both sides of the House as exists here. I hope we will continue like this—listening and replying to each other's views, fighting lustily but eating and drinking as friends as all lawyers have been advised — and if barristers can do it I can't see why we as Parliamentarians can't. I do hope that the friendliness shown in this Session will be maintained for all the time that we are facing each other in this position — which may be the next 30 to 40 years. [*Laughter*].

On behalf of the Government, I would like to say we have been pleased to work with an Opposition which shows its friendliness even though we may differ at times. I do hope we will long remain to be Government and Opposition as we are today. [*Laughter*].

I wish also to take the opportunity of apologising to officers of this Parliament who have to put up with so many rude remarks coming from the Opposition Benches, so many interruptions coming back and forth; really I do not know how they are able to do it — to put in all those interjections in their correct places.

Hon. Member: From the Prime Minister.

The Prime Minister: The Prime Minister follows bad example. I do think that we owe a duty to all the officers of Parliament. We thank them very much for the efficiency they show in all our deliberations.

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[THE PRIME MINISTER]

I do hope, Sir, on behalf of the Government that they will feel that we really have a regard for the hard work and the difficult and late hours they put in and the efficiency they show. It must be difficult, very difficult indeed for the Reporters especially to get down in proper sequence, in the exact order in which they do it, the wrangling that goes on in the Opposition. They do a lot of wrangling after dark, I am told. On the floor of this House all of us wrangle — [Interruption].

To be brief, Sir, I hope we all have a merry Christmas and will come back here as friendly as we are today in the same positions as we are today.

Mr. Sinanan: On this occasion the Prime Minister has spoken for us all. We agree entirely with the statements he has expressed and I think we both agreed before, and still agree, that it is one of the most outstanding successes of this West Indian Parliament — that while very heated in debate yet there is a very strong feeling of mutual respect and friendliness for every Member of this House.

Mr. Speaker, I wish to say this, which I believe is the point of view also expressed by the Prime Minister — that in so far as the Speakership of this House is concerned it is second to none in the Common-

wealth [Applause]. Within the few short months we have established a firm foundation of parliamentary government and developed a high sense of co-operation and spirit with which to make the Parliament succeed. This is due in large measure not only to the experience of the hon. the Prime Minister but also to the Speaker who has brought with him and exhibited all the qualities necessary for the control of this House — a sense of humour, a sense of balance and the good sense of a learned man.

Mr. Speaker, on behalf of the Opposition, I endorse fully the remarks made by the Prime Minister, and offer to you and your staff the very best wishes for the Season.

We ask also, and support the request of the Prime Minister, that our kind regards be conveyed to the Governor-General and his good Lady through you. We express the hope that we will continue to function as we have done in the past, because we are not prepared at this stage to sever this very pleasant relationship with every representative here from the various Territories. We are now definitely on the road to nationhood and we will work side by side on that great march.

Question put and agreed.

Adjourned accordingly at 10.30 p.m.

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*The following is the information: (See Column 1115)

Journeys by Ministers since Inauguration

Minister	Journey	Dates	Purpose	Cost
Prime Minister	Barbados	2-6-58	Personal	—
	"	26-9-58	"	—
	Canada and Jamaica	13-10 to 31-10-58	Invitation of Canadian Prime Minister. Discussions with Premier, Jamaica, on dates for R.C.M. meeting.	Hotel and Subs. \$2,074 Passage 1,405
	Barbados	12-12-58	Personal	—
	"	3-1 to 9-1-59	Council Meeting of Commonwealth Parliamentary Association.	Passages 75
	Jamaica	14-1 to 18-1-59	Opening of Canadian Trade Fair.	Hotel and Subs. 120 Passage 368
	Barbados	29-1 to 1-2-59	Meeting with Canadian Economic Mission.	Passage 75
	"	25-2 to 1-3-59	Personal	—
	"	7-3 to 9-3-59	"	—
	"	20-3 to 22-3-59	"	—
	"	26-3 to 27-3-59	"	—
	Geneva	28-3 to 26-4-59	I.L.O. Meeting	Cost met by I.L.O.
	Barbados	16-5-59	Personal	—
	"	30-5-59	"	—
	London	7-6 to 30-6-59	Leeward and Windward Is. Constitutional Conference	Hotel and Subs. 760 Passage 1,600
	Barbados	24-7-59	Personal	—
Barbados	1-8-59	"	—	
"	4-9-59	"	—	
New York, Edmonton, Ottawa, Toronto, Vancouver, Sydney, Canberra, London	10-10 to 23-11-59	Farm Labour Talks; Tory Lectures at University of Alberta; Meeting of Commonwealth Parliamentary Association.	(Cost met by C.P.A. and University of Alberta)	
Minister of Natural Resources and Agriculture	Leeward Islands	18-7 to 30-7-58	Discussion of agricultural problems with Territorial Governments	Subs & Hotel 397 Passage 195
	Jamaica	16-1 to 8-2-59	Constituency Visit	Passage 360
	Jamaica	20-3 to 23-3-59	Funeral of Hon. N. Nethersole	Subs. & Hotel 105 Passage 326
	Jamaica	17-4 to 30-4-59	Constituency Visit	Passage 360 Travelling 96
	London via Jamaica	8-6 to 30-7-59	West Indies Trade Mission	Subs. & Hotel 1,172 Passage 1,753
	St. Lucia & Dominica	29-10 to 6-11-59	Examination of Agricultural problems with Territorial Governments	Subs & Hotel 304 Passage 144

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Minister	Journey	Dates	Purpose	Cost
Hon. V. B. Vaughan	Barbados	14-5 to 27-5-58	Constituency Visit	Passage 73
	Barbados	29-9 to 11-10-58	" "	Passage 73
	Barbados	1-5 to 9-5-59	" "	Passage 56
	Barbados	5-9 to 19-9-59	" "	Passage 56
Minister of Trade & Industry	London	2-9 to 12.9-58	Racial Disturbances	Subs. & Hotel 750 Passage 1,600
	Montreal	13-9 to 29-9-58	Commonwealth Economic Conference	Subs. & Hotel 1,214 Passage 2,088
	Grenada	22-10 to 23-10-58	Senator Marryshow's funeral	Subs. & Hotel 25 Passage 45
	St. Lucia	2-11 to 5-11-58	Constituency Visit	Passage 90
	St. Lucia	3-3 to 12-3-59	Constituency Visit	Passage 90
	Barbados	19-4 to 22.4-59	ASTA Convention	Hotel & Subs. 60 Passage 73
	London	23-5 to 26-6-59	Trade Mission & Citrus Talks	Hotel & Subs. 1,050 Passage 1,616
	St. Thomas	27-7 to 16-8-59	W.I. Conference and Caribbean Commission Meeting	Hotel & Subs. 880
St. Lucia	6-9 to 13.9-59	Constituency Visit	Passage 90	
Hon. N. H. Richards	Antigua	27-12-58 to 2-1-59	Constituency Visit	Passage Hotel & Subs. 129
	Antigua & Montserrat	28-3 to 11-4-59	To discuss Sea Island Cotton industry at request of Montserrat Govt. also Constituency Visit	Passage 90 Passage 129
Minister of Communications & Works	Grenada, Barbados, St. Lucia, Antigua, St. Kitts, Puerto Rico, Jamaica	10.5 to 28-5-58	Discussion of telecommunications, port, Harbour & communications problems	Hotel & Subs. 665 Passage 365
	Grenada	22-10 to 23-10-58	Funeral of Senator Marryshow	Hotel & Subs. 30 Passage 45
	Barbados, St. Vincent, Dominica, Antigua, Montserrat	20-2 to 8-3-59	Discussions on Telecommunications, Shipping, Lighthouse, Authority, Marine Insurance, Civil Aviation, New Airports, Deep Water Harbours	Hotel & Subs. 480 Passage 150
	U.K. and Canada	30-5 to 4-7-59	Discussion on B.W.I.A. with U.K., BOAC — BWIA, and Canada. Discussions on ports, Federal ships, Broadcasting, Civil Aviation, and Telecommunications	Hotel & Subs. 1,440 Passage 1,766
	U.K.	7-9 to 18-9-59	Fanborough Air Show and discussions on Civil Aviation	Hotel & Subs. 400 Passage (paid by U.K. Govt.)

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Minister	Journey	Dates	Purpose	Cost
Senator Charles	St. Lucia	19-12-58 to 9.1-59	Constituency Visit	Passage 90
	St. Lucia	9-3 to 15-3-59	Ceremony of handing over of American base at Gros Islet	Hotel & Subs. 165 Passage 90
	St. Lucia	24-8 to 7-9-59	Constituency Visit	Passage 90
Minister of Labour & Social Affairs	Dominica	3-5 to 27-5-58	Constituency Visit	Passage 192
	Jamaica	14-8 to 21-8-58	Meetings with Ministers of Education, Housing and Social Services. Visits to Youth Clubs	Hotel & Subs. 280 Passage 325
	Paris	29-10 to 14-11-58	UNESCO Conference	Hotel & Subs. 864 Passage 1,368
	Dominica	22.1 to 4-2-59	Constituency Visit	Passage 192
	Geneva	29-5 to 1-6-59	I.L.O. Conference	Hotel & Subs. 280 Passage 1,753
	Kenya	2-6 to 9-6-59	Personal	—
Senator Byfield	U.K.	27.10 to 27-11-58	Investigation of Migrant Services	Hotel & Subs. 1,050 Passage 1,559
	Jamaica	14-8-58	Constituency Visit	Passage 362
	"	23-12-58	" "	" 362
	"	26-6-59	" "	" 362
Minister of Finance	Jamaica	3.5 to 8-5-58	Discussions with Government of Jamaica re Central Bank	Passage 360 Hotel & Subs. 200
	St. Kitts	27-6 to 1-7-58	Constituency Visit	Passage 163
	London	16-9 to 26-9-58	Grant-in-aid Talks	Hotel & Subs. 516 Passage 1,368
	St. Kitts	21-11 to 23-11-58	Constituency Visit	Passage 163
	British Guiana	28-11 to 30-11-58	To accompany J. B. Loynes Currency Banking	Hotel & Subs. 90 Passage 137
	Jamaica	5-12 to 7-12-58	To accompany J. B. Loynes Currency Banking	Hotel & Subs. 120 Passage 163
	St. Kitts	23-12 to 5.1-59	Constituency Visit	Passage 163
	St. Vincent, Dominica, Barbados	3-2 to 20-2-59	Discussion with Governments on Developments	Hotel & Subs. 425 Passage 190
	Barbados	27-2 to 1-3-59	Discussions with P.M.	Passage 73
	Jamaica	21-3 to 23-3-59	Hon. N. Nethersole's Funeral	Hotel & Subs. 120 Passage 360
	St. Kitts	27-3 to 3-4-59	Discussions on Salt Pond Area Tourist centre	Passage 163

Thursday, 10th December, 1959

Minister	Journey	Dates	Purpose	Cost
Minister of Finance	St. Kitts	1-5 to 4-5-59	Discussions on Preparation of Financial & Economic Survey	Passage 163
	Curacao	4-6 to 5-6-59	Investigation of treatment of West Indian Migrants	Hotel & Subs. 50 Passage 197
	London	6-6 to 30-6-59	Leeward & Windward Islands Constitutional Talks	Hotel & Subs. 875 Passage 1,775
	U.S. Virgin Islands, St. Thomas	24-7 to 13-8-59	Caribbean Commission Conference	Hotel & Subs. 1,620 Passage 232
	London	15-9 to 24-9-59	Meeting of Commonwealth Finance Ministers	Hotel & Subs. 430 Passage 1,826
	St. Kitts	23-10 to 2-11-59	Constituency Visit	Passage 163
Hon. J. Liburd	St. Kitts	16-8-58	Constituency Visit	Passage 163
	St. Kitts	25-10 to 29-10-58	" "	Passage 163
	St. Kitts	27-3 to 3-4-59	Discussion on Salt Pond Area Tourist Centre	Passage 163
	Grenada	20-6 to 23-6-59	Signing I.C.A. Agreement	Hotel & Subs. 90 Passage 50
	St. Kitts	7-6-59	Constituency Visit	Passage 163