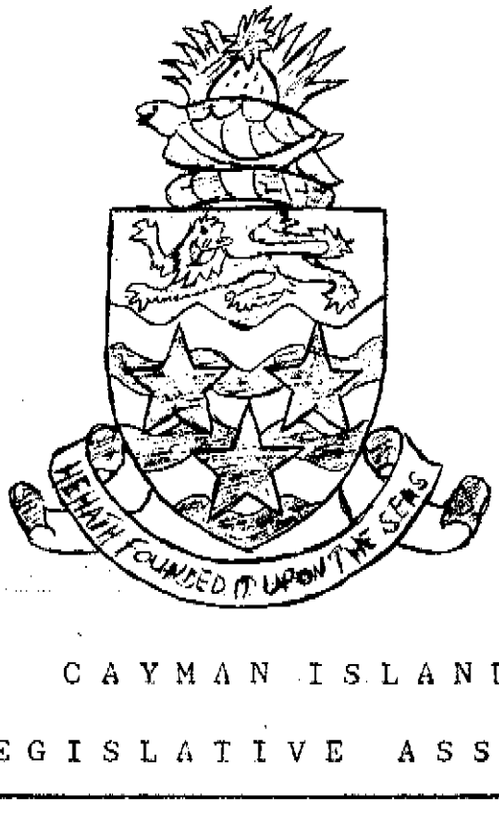


C A Y M A N I S L A N D S

L E G I S L A T I V E A S S E M B L Y

M I N U T E S

LEGISLATIVE ASSEMBLY OFFICIAL REPORT

STATE OPENING AND BUDGET SESSION

OF THE LEGISLATIVE ASSEMBLY

AT THE LEGISLATIVE ASSEMBLY BUILDING

ON TUESDAY, 6TH FEBRUARY, 1973

TUESDAY, 6th FEBRUARY, 1973

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR	PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D.V. WATLER, O.B.E., J.P.	FIRST OFFICIAL MEMBER
HON. G.E. HADDINGTON, Q.C.	SECOND OFFICIAL MEMBER
HON. V.G. JOHNSON, O.B.E.	THIRD OFFICIAL MEMBER
HON. A.B. BUSH, J.P.	SECOND ELECTORAL DISTRICT GEORGE TOWN
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT LESSER ISLANDS
HON. B.O. EBANKS	FIRST ELECTORAL DISTRICT WEST BAY
HON. W.W. CONOLLY, J.P.	SIXTH ELECTORAL DISTRICT EAST END

ELECTED MEMBERS

MR. T.J. FARRINGTON, C.B.E., J.P.	FIRST ELECTORAL DISTRICT WEST BAY
MR. JOHN JEFFERSON	FIRST ELECTORAL DISTRICT WEST BAY
MISS ANNIE H. BODDEN	SECOND ELECTORAL DISTRICT GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT GEORGE TOWN
CAPT. A.A. REID	THIRD ELECTORAL DISTRICT LESSER ISLANDS
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT NORTH SIDE

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TUESDAY, 6th FEBRUARY, 1973.

1. FORMAL OPENING OF THE 1972/1973 SESSION OF THE LEGISLATIVE ASSEMBLY (SEE PROGRAMME)

HOUSE TO ADJOURN UNTIL 11 A.M.

11 A.M. RESUMPTION OF THE HOUSE

2. PRESENTATION OF PAPERS: BY HON. V.G.JOHNSON,O.B.E.
THIRD OFFICIAL MEMBER AND
FINANCIAL SECRETARY

ACCOUNTS OF THE GOVERNMENT OF THE CAYMAN ISLANDS FOR THE FINANCIAL YEAR ENDING 31ST DECEMBER, 1971 TO BE TABLED:

HON.JOHNSON: I BEG TO MOVE THAT THESE ACCOUNTS BE REFERRED TO THE PUBLIC ACCOUNTS COMMITTEE, FOR STUDY, TOGETHERWITH THE AUDITOR GENERAL'S REPORT THEREON.

3. GOVERNMENT NOTICES OF MOTIONS, BILLS AND OTHER PAPERS TO BE PRESENTED AT A SUBSEQUENT SITTING OR MEETING:-

HON.V.G.JOHNSON,O.B.E., FINANCIAL SECRETARY:

I BEG TO GIVE NOTICE THAT THE FOLLOWING BILLS WILL BE PRESENTED TO THIS HOUSE AT A CONVENIENT DAY DURING THE PRESENT SITTING OF THE HOUSE:-

(i) Supplementary Appropriation (1970) Law, 1973
(ii) Supplementary Appropriation (1971) Law, 1973

4. UNOFFICIAL NOTICES OF QUESTIONS, MOTIONS OR PRIVATE MEMBERS' BILLS TO BE PRESENTED AT A SUBSEQUENT SITTING OR MEETING:-

CAPT.A.A.REID:

I BEG TO GIVE NOTICE THATTHE FOLLOWING QUESTIONS WILL BE ASKED AT A CONVENIENT DAY DURING THE PRESENT SITTING OF THE HOUSE:-

(1) TO ASK THE HONOURABLE MEMBER FOR TOURISM, NATURAL RESOURCES AND AGRICULTURE:

HAS GOVERNMENT TAKEN COGNISANCE OF THE EVER INCREASING DENSITY OF SOUTH GEORGE TOWN BETWEEN WALKERS ROAD AND SOUTH CHURCH STREET AND THE GREAT DANGER TO THE HEALTH OF THE ISLAND BECAUSE SO MANY HOMES ARE BEING CONSTRUCTED IN THAT AREA WITHOUT CISTERNS FOR DRINKING WATER, AND OF COURSE THE WATER TABLE MUST SOONER OR LATER BECOME CONTAMINATED.

TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER: -

(2) IS GOVERNMENT CONSIDERING TAKING THE NECESSARY MEASURES TO CONTROL INFLATION BY THE CONTROL OF PRICES AND ALSO THE CONTROL OF WAGES IN THE BUILDING INDUSTRY AND ON THE WATER FRONT BEFORE THE INFLATION CONSUMES US?

(3) WOULD GOVERNMENT SAY WHETHER CONSIDERATION WILL BE GIVEN TO THE PRESENT PRISON CONDITIONS WITH A VIEW TO INSTITUTING REFORM IF FOUND NECESSARY AND THE POSSIBLE RETENTION OF PRISONERS IN GRAND CAYMAN RATHER THAN IN JAMAICA?

5. QUESTIONS:-

MR.CLAUDE HILL (SECOND ELECTORAL DISTRICT GEORGE TOWN) TO ASK THE FIRST OFFICIAL MEMBER:

WILL GOVERNMENT SAY WHEN LAST HAVE THE PROVISIONS AS SET OUT IN SECTION 3 OF CAP.184(THE WEIGHTS AND MEASURES LAW) BEEN CARRIED OUT?

5. QUESTIONS (CONTINUED)

MISS ANNIE HULDAH BODDEN (SECOND ELECTORAL DISTRICT OF GEORGE TOWN)

TO ASK THE FIRST OFFICIAL MEMBER:

(1) IN 1961 A SETTLEMENT WAS REACHED AND/OR COURT ORDER BY THE THEN HONOURABLE JUDGE OF THE GRAND COURT WHICH WOULD HAVE RESULTED IN MONIES ACCRUING TO GOVERNMENT ON THE DEATH OF THE ADMINISTRATRIX OF THE ESTATE OF THE LATE HELEN LAMBERT (ON THE SALE OF PETRA ESTATE): WOULD GOVERNMENT SAY WHAT AMOUNT OF MONEY HAS BEEN COLLECTED? IF THE ANSWER IS IN THE NEGATIVE, WILL GOVERNMENT STATE WHAT HAS CAUSED THE NON-COLLECTION OF MONEY?

(2) WILL GOVERNMENT SAY IF CONSIDERATION WILL BE GIVEN TO THE HOUSING OF ALL THE REGISTERED COMPANIES FILES IN THE NEW COURT HOUSE OR IN SOME OTHER SAFEPLACE AS THE OLD WOODEN BUILDING COULD BE A FIRE HAZARD?

(3) TO ASK THE MEMBER RESPONSIBLE FOR TOURISM, NATURAL RESOURCES AND AGRICULTURE:

HAS THE GOVERNMENT CEMETERY AT "PROSPECT" EVER BEEN SURVEYED AND MAPPED, AND THE PLAN PUBLISHED, SO THAT LOTS COULD BE SOLD?

(4) TO ASK THE FIRST OFFICIAL MEMBER:

(i) WHAT AMOUNT HAS BEEN EXPENDED ON THE CADASTRAL SURVEY UP TO THE 31ST DAY OF DECEMBER, 1972?

(ii) WHAT AMOUNT HAS BEEN COLLECTED FROM THE BRITISH GOVERNMENT?

(iii) WHAT AMOUNT (IF ANY) HAS BEEN PAID BY THIS GOVERNMENT, AS A CONTRIBUTION TO THIS SURVEY?

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6. GOVERNMENT BUSINESS:

DEBATE ON THRONE SPEECH.

CAYMAN ISLANDS

STATE OPENING OF THE LEGISLATIVE ASSEMBLY BY HIS EXCELLENCY THE GOVERNOR MR. K.R. CROOK ON TUESDAY THE 6TH OF FEBRUARY, 1973 at 10 a.m.

9.25 a.m. to 9.35 a.m. — Members of the Legislative Assembly and Members of the public seated (Rev. Dr. A.N.Banks at right of Dais).

9.45 a.m. — Guard of Honour in position.

9.50 a.m. — Arrival of Mr. Justice Horsfall (Met by Clerk Assistant and escorted to seat on left of Dais).

9.55 a.m. — Arrival of His Excellency the Governor and Mrs.Crook (Mrs.Crook met by Deputy Clerk).

INSPECTION OF GUARD OF HONOUR.

9.58 a.m.

The Clerk
The Deputy Clerk
The Governor
Mrs. Crook
The Acting Commissioner of Police

proceed to main door of building.

The Acting Commissioner of Police will give three knocks on the door.

The door will be opened by the Serjeant-at-Arms As the doors open, the Serjeant-at-Arms will head the procession and will announce -

" HIS EXCELLENCY THE GOVERNOR" (ALL STAND)

The procession will consist of -

The Serjeant-at-Arms
The Clerk
The Deputy Clerk
His Excellency the Governor
Mrs,Crook
The Acting Commissioner of Police.

The procession proceeds up to the Dais and the GOVERNOR WILL BOW TO THE RIGHT AND LEFT.

THE GOVERNOR will request the Minister to say a Prayer. At the conclusion of the prayer the Governor will say "PRAY BE SEATED".

THE GOVERNOR READS THE SPEECH FROM THE THRONE.

The Senior Elected Member of the Legislature thanks His Excellency the Governor for his speech.

THE GOVERNOR, MRS. CROOK, THE ACTING COMMISSIONER OF POLICE, THE SERJEANT-AT-ARMS AND THE CLERKS RISE (ALL STAND)

THE GOVERNOR BOWS AND PROCESSION LEAVES IN FOLLOWING ORDER -

SERJEANT-AT-ARMS
THE CLERK
THE DEPUTY CLERK
HIS EXCELLENCY THE GOVERNOR
MRS.CROOK
ACTING COMMISSIONER OF POLICE

AND DEPART.

THE CLERK RETURNS TO THE TABLE AND ANNOUNCES THE SUSPENSION OF THE HOUSE FOR THIRTY MINUTES.

THRONE SPEECH BY

HIS EXCELLENCY THE GOVERNOR, MR. K. R. CROOK

STATE OPENING OF THE CAYMAN ISLANDS LEGISLATIVE ASSEMBLY
(1973 SESSION)

ON TUESDAY, 6TH FEBRUARY, 1973.

HONOURABLE MEMBERS OF THE LEGISLATURE, LADIES AND GENTLEMEN:

On the 7th August, 1972, I opened the 1972 Session of the last Legislature in this new building, which was the first meeting in your new home and the first time that a Governor had delivered a Throne Speech. Today, I am opening the 1973 Session of this Legislature. More "firsts" are involved. It is the first Session to be held under our new Constitution and after the recent elections; the first time that you have an elected majority on the Government Bench; and the first time that Members of the Executive Council who form this elected majority have been charged with responsibility. I welcome you here to this new Session and would like at this time to give a very brief review of what has taken place since the Official Opening of the 1972 Session.

On the 22nd August, 1972, the new Cayman Islands(Constitution) Order 1972 came into effect. It brought to an end the system whereby nominated members were appointed to the Legislature and to the Executive Council; instead of having two elected members on the Executive Council you now have four, and instead of two official members you now have three. The elected members in the Executive Council are charged with collective responsibility. New residential qualifications both for the voters and for the electorate were brought into effect.

Honourable Members, I said quite a lot about the new Constitution last August and don't want to repeat myself. But three points need emphasising.

The first is that this Constitution fulfills the wishes of the people of the Cayman Islands. It gives them more say in the running of the affairs of their Government, whilst leaving the Secretary of State with the power of intervention, through me, should it become necessary to use it.

The second point is that any Constitution is only as good as it is made to be in day-to-day operation. There will be no lack of determination on my part to make it work. It is really a matter of settling down to a new relationship between Elected Members, Civil Servants, and of course myself. So far, this is working out very well.

/Thirdly.....

Thirdly, there is the question of internal self-Government, of which a great deal was said in the weeks prior to the Election. When this new method of working has been tested for a long enough period, the people of the Cayman Islands will no doubt make up their minds whether they want to seek further changes. As I have so often said, Her Majesty's Government will place no artificial obstacle in the way of any constitutional advancement which is endorsed by a majority of the people. Some changes, such as the appointment of a Speaker, could be made without major constitutional amendments.

On the 28th September we had the privilege of a visit of two Members of Parliament from London - Messrs. Cockeram and Hardy - who made a suitable presentation to this House on behalf of the United Kingdom Branch of the Commonwealth Parliamentary Association.

During the short period of the 1972 Session only three non-controversial Bills were enacted:-

1. Hotel Keepers Liability Law
2. New Testament Church of God (Inc.) Law
3. Motor Vehicles (Amendment) Law, 1972.

Now we turn to the future, and start with the 1973 Estimates. I shall not anticipate the Financial Secretary's speech, but merely point out that the general picture is brighter than seemed likely a year ago, which reflects great credit on the Financial Secretary himself. Naturally these Estimates, which had to be prepared by officials some time ago do not fully reflect the views of elected members, though Appendix A does.

The Government is joining in the building boom that is taking place in these Islands. First, the new Courts Building will soon be completed, an imposing structure indeed that will complement this Legislative Building. It is hoped that the Appeal Court of Jamaica will be sitting in it early this year. If we can build up a reasonable Law Library, it is quite possible that that Court will sit here more often and that would be a great benefit to litigants.

Our burnt-out Adminstrative Building still stands to remind us of the day when it was destroyed. The insurance on it is on the point of being settled, so we shall soon be able to make arrangements for it to be demolished.

During this meeting a Bill will be presented which will allow the Government to raise a loan so as, amongst other things, to commence the building of a new Administrative block. It is envisaged that this block will house all of the Government Departments that are in rented

/offices.....

offices together with those in other and not always satisfactory Government buildings. We have tried to make it big enough, and flexible enough, to serve the needs of the Cayman Islands for some years.

There are of course many other important needs, and one of the main tasks of the Executive Council will be to allocate priorities between them.

Consideration will be given to erection of a new terminal building at the Owen Roberts Airport. The present structure has served us well over the years, but it must be remembered that it was originally the barracks for the workers who constructed the runway and it is nearing the end of its days. The runway has been extended, strengthened and improved while the terminal building has remained the same, except for slight alterations. The terminal building is the first Caymanian building to be entered by visitors, and first impressions have a lasting effect. At the same time it is very inadequate for the increasing amount of cargo that lands at the airport, and is a fire hazard too. Thus, it is essential that something be done about this structure.

The phased construction of the Comprehensive School has had to undergo some modifications but temporary buildings have been erected and the further needs of the school will be given priority.

Government has carried out studies for a harbour in Grand Cayman, and various other proposals have been submitted to Government for harbour facilities. With the amount of development that is taking place here and the increase in importation, together with new methods of handling cargo, in containers and otherwise, it is necessary to have a hard look at this problem.

It brings up the question of the roads in these Islands. It is hoped that the main road from West Bay to Bodden Town will be resurfaced as the first priority. Then consideration will have to be given to the roads within the townships, in addition to any new roads which might be considered desirable or necessary, such as the one from Savannah going into Newlands. However, if container cargo is to be unloaded here in increasing amounts, some roads will have to be strengthened in order to accommodate this type of traffic. It might be that it will be necessary for some of them to be given an asphalt surface. One problem therefore leads to another; if the roads are to be given a stronger surface, is it advisable for this

/major.....

major work to be put out to contractors or should our own Public Works Department be upgraded and more equipment purchased in order that they are in a position to undertake this job? The Member responsible for Communications and Works has a hard job!

On the subject of roads, the people of Cayman Brac have for years felt the need of a road on the Bluff. This does not meet the criteria for overseas aid, and it seems as if it will have to be done from our own resources. We have looked at it from the viewpoint of collaboration between Government, private enterprise, and the people of the Brac. It is now possible that the construction of at least an access road will be one of the first projects undertaken. The runway at Cayman Brac also needs lengthening, strengthening and re-surfacing, especially if there is to be, as seems likely, an increase in the flow of tourists by direct charter flights. Application is now before the British Development Division for assistance in this project. Cayman Brac also needs a new terminal building, and plans are being prepared for this.

Cayman Brac, like Grand Cayman, also needs better docking facilities. Visits have been made to that island by various experts, with a view to determining what would be the best project to recommend to the Government. There are a few homes being constructed in Little Cayman, and this has helped to alleviate unemployment in those two islands. A dirt road has been put in around that island, and the need for a better road must be kept in mind. If Little Cayman is to develop, which it seems as though it will, in the near future, it will be necessary for some provision to be made for Government representation there.

As required under the Land Development Law, the new plan for these Islands will have to be approved by this Legislature. Much work has been done on it by our Town Planner in collaboration with the United Nations Physical Planning Division which has been good enough to send Mr. Huber here to work on this project. Unfortunately, the plan is not yet complete but a report on it from the Chief Physical Planner of the United Nations - Mr. Thornley Dyer - will be presented to this Legislature as soon as possible.

If there is one topic mentioned to me more frequently than others, it is traffic in George Town. The number of cars now on the roads, together with commercial vehicles and trucks removing cargo from ships and warehouse, has caused serious traffic jams during recent months and action is needed quickly in order to keep the traffic moving. A system of one way traffic has been devised,

/based.....

based on the need to make the section of Church Street from Cardinal Avenue to Fort Street, one way. I have authorised the Police to bring into effect such a system on 18th February after full publicity has been given. In the initial period of the introduction of this new one way system, the Police from the Traffic Section will be at convenient points to help to direct drivers until they become accustomed to the new system. I trust that all drivers will co-operate with the Police in this arduous duty.

I do not for a moment think that this one way system will cure traffic congestion. Parking, in the manner which we all-too-often see, may well be the real source of the problem. We must give serious consideration to the establishment of parking areas properly laid out. This will certainly be costly, for land in and near the centre of George Town is very expensive. But it may well have to be done.

I have mentioned school buildings. But education is more than buildings. During 1972 this Government became a member of the Caribbean Examinations Council, which body eventually will become responsible for setting up a system of secondary school examinations for the Caribbean region. These Islands are developing rapidly, and if Caymanians are to play their natural part in this development then education must have high priority. Our aim must be to ensure that the young men and women of these Islands are properly equipped educationally to take their places in an increasingly fast-moving and technological society. Every effort is being made to implement, in the Cayman High School on Walkers Road, the changeover to a comprehensive system. In January of this year the new Headmaster, Mr. F. Terry, arrived. He is entitled to full support from all of us. We have students overseas on scholarships studying engineering and medicine but more scholarships are still necessary. We hope that more boys and girls will take advantage of these and return to serve in these Islands.

During 1972 we had assistance through the British Government and the United Nations to examine our medical facilities here and as a result, we have had one Caymanian young lady trained as a Hospital Secretary and one trained in Food Services. New laundry equipment has been purchased and the extension of the Dispensary and Storeroom are projects that are now well in hand. During this period we had the services of a Hospital Manager from the United Nations and a Dispenser, who unfortunately died during his tour here.

/A study.....

A study was made of our Tourist Industry and a Report with recommendations has been received. This is one of the things that the Member responsible for Tourism will have to examine and put up to Government. In the Budget for 1973 you will find under New Services, an item for the establishment of a post of Director of Tourism. The Tourist Industry forms one of the chief means of development in these Islands and it has been recommended by the Consultancy that a Department, headed by a Director, should be established.

During this year it is envisaged that a number of Laws will be presented to this Legislature for their consideration. Some of the chief Laws will be dealing with the administration of Justice, the Judiciary, Criminal and Civil procedures, the Penal Code, new Traffic Laws, a Condominium Law and a Broadcasting Law.

Honourable Members, this is a year in which much will be expected of you. Many people, abroad as well as here, will be watching, some potential investors, others potential tourists. They will be watching to see whether the Government of the Cayman Islands can do three things at once - make a start on the process of transferring effective power to elected representatives, promote the development which Caymanian people rightly expect, and preserve the peace and stability on which the future of the Islands depends.

VOTE OF THANKS BY SENIOR ELECTED MEMBER.

MR. T.W. FARRINGTON: Your Excellency, Members of the Legislative Assembly it is my pleasant duty to express a vote of thanks on behalf behalf of the Legislature to Your Excellency for your splendid Throne Speech, which you have just delivered.

I want to assure His Excellency that in all matters pertaining to the health and prosperity and the welfare of these islands,which he has the arduous duty,to manage,that you should have the full support of all the Members of this Assembly.

May God bless you, sir, may God direct and lead you in all your undertakings. I thank you.

HIS EXCELLENCY THE GOVERNOR: Thank you Mr. Farrington.

PROCESSION LEAVES CHAMBER

CLERK: THIS HONOURABLE HOUSE IS NOW SUSPENDED FOR THIRTY MINUTES.

MR. PRESIDENT: Honourable Members we now commence the first Meeting of this 1973 Session of the Assembly. If I may be permitted just to get my nautical metaphors slightly mixed we are both launched in getting under way.

The main purpose of this Meeting, of course, is the consideration in detail of the Estimates by the Finance Committee This, if you like, is your opportunity par excellence to probe into any sector of Government Business that you feel disposed so to do. The business of Government can be conducted without that valuable contribution.

We have also a gratifying number of questions, if I may say so, because it seems to me that the asking of questions is one of the other main ways in which Members of this Assembly can keep us where we ought to be -on our toes.

In connection with one of these questions I have decided, rather at the last moment I am afraid, to make a statement in the form of a Message and this I will do when we reach the appropriate time. That Message I feel sure you will wish to debate and of course, arrangements for that will be made.

A private conversation with at least one Member of this Assembly suggests that Members may wish to study the Speech from the Throne which I have just made before debating it. I think myself that we shall be in a situation where we probably won't reach that item on the Agenda before fairly late this afternoon or even tomorrow morning. And it may well be that the opportunity will follow naturally for members to study the speech before proceeding further.

I had one point I wanted to make in connection with the Estimates and it is in a sense a reversion to something that I said in the Throne Speech and is I think rather important. As you know the Executive Council was not elected until fairly late in December and as a result it cannot be that the elected members thereof were directly associated with the formulation of the Estimates. This job was done primarily by Officials, needless to say the Executive Council has seen the Estimates and the annex thereto represents the first iniative should I say by elected members of the Council to put forward our proposals for which they themselves have responsibility. But I think you should bear in mind that the Estimates this year are, as it were, the last Estimates of the old regime with a little embroidery put on by our Members of the new regime. I suspect that we shall have to work out our procedures afresh before the presentation of the Estimates next year but we shall get to that in due course.

Now I have already taken too long and we reach at once item two 'Presentation of Papers' by the Third Official Member.

PRESENTATION OF PAPERS - ACCOUNTS OF GOVERNMENT 31ST DECEMBER, 1971.

HON. V.G. JOHNSON: Mr. President I beg to lay on the Table of this Honourable Legislative Assembly the Accounts of the Government of the Cayman Islands for the Financial Year ending 31st December, 1971.

MR. PRESIDENT: It is so ordered that these Accounts lie on the Table.

HON. V.G. JOHNSON: Mr. President I beg to move that the Accounts of the Government of the Cayman Islands for the Financial Year ending 31st December, 1971 just laid on the Table be referred to the Public Accounts Committee for study together with the Auditor General's Report thereon.

SECONDED BY: HON. D.V. WATLER.

QUESTION PUT: AGREED. ACCOUNTS REFERRED TO PUBLIC ACCOUNTS COMMITTEE.

GOVERNMENT NOTICES OF MOTIONS, BILLS AND OTHER PAPERS TO BE PRESENTED AT A SUBSEQUENT SITTING OR MEETING.

HON. V.G. JOHNSON: Mr. President I beg to give notice that at a subsequent sitting of this Legislature that two Bills will be presented during this sitting of this House. They are first, Supplementary Appropriation (1970) Law, 1973, and the second, Supplementary Appropriation (1971) Law, 1973.

UNOFFICIAL NOTICES OF QUESTIONS, MOTIONS OR PRIVATE MEMBERS' BILLS TO BE PRESENTED AT A SUBSEQUENT SITTING OR MEETING.

CAPT. A.A. REID: Mr. President I beg to give notice that the following Questions will be asked at a convenient day during the present sitting of the House:-

(1) TO ASK THE HONOURABLE MEMBER FOR TOURISM, NATURAL RESOURCES AND AGRICULTURE:-

HAS GOVERNMENT TAKEN COGNISANCE OF THE EVER INCREASING DENSITY OF SOUTH GEORGE TOWN BETWEEN WALKERS ROAD AND SOUTH CHURCH STREET AND THE GREAT DANGER TO THE HEALTH OF THE ISLAND BECAUSE SO MANY HOMES ARE BEING CONSTRUCTED IN THAT AREA WITHOUT CISTERNS FOR DRINKING WATER, AND OF COURSE THE WATER TABLE MUST SOONER OR LATER BECOME CONTAMINATED.

TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER:-

(2) IS GOVERNMENT CONSIDERING TAKING THE NECESSARY MEASURES TO CONTROL INFLATION BY THE CONTROL OF PRICES AND ALSO THE CONTROL OF WAGES IN THE BUILDING INDUSTRY AND ON THE WATER FRONT BEFORE THE INFLATION CONSUMES US?

(3) WOULD GOVERNMENT SAY WHETHER CONSIDERATION WILL BE GIVEN TO THE PRESENT PRISON CONDITIONS WITH A VIEW TO INSTITUTING REFORM IF FOUND NECESSARY AND THE POSSIBLE RETENTION OF PRISONERS IN GRAND CAYMAN RATHER THAN IN JAMAICA?

MR. PRESIDENT: Honourable Members I think it is right that the Questions asked by the Second Member for Cayman Brac be taken during the Meeting of this House after the Finance Committee, so that Standing Orders in respect of time may be complied with.

I am given a note by the Clerk on a matter of mechanics and that is to remind Members, myself included I regret to say, to keep microphones in the 'off' position until they rise to speak, when they must be switched on. And the two microphones, that is mine and that of the Leader of Government Business will be in the 'on' position all the time.

QUESTIONS

(1) MR. CLAUDE HILL (SECOND ELECTORAL DISTRICT GEORGE TOWN) TO ASK THE FIRST OFFICIAL MEMBER:

WILL GOVERNMENT SAY WHEN LAST HAVE THE PROVISIONS AS SET OUT IN SECTION 3 OF CAP. 184 (THE WEIGHTS AND MEASURES LAW) BEEN CARRIED OUT?

ANSWER: THE LAST INSPECTION OF WIEGHTS AND MEASURES WAS CARRIED OUT IN 1964.

(2) MISS ANNIE HULDAH BODDEN (SECOND ELECTORAL DISTRICT OF GEORGE TOWN)

TO ASK THE FIRST OFFICIAL MEMBER:

IN 1961 A SETTLEMENT WAS REACHED AND/OR COURT ORDER BY THE THEN HONOURABLE JUDGE OF THE GRAND COURT WHICH WOULD HAVE RESULTED IN MONIES ACCRUING TO GOVERNMENT ON THE DEATH OF THE ADMINISTRATRIX OF THE ESTATE OF THE LATE HELEN LAMBERT (ON THE SALE OF PETRA ESTATE): WOULD GOVERNMENT SAY WHAT AMOUNT OF MONEY HAS BEEN COLLECTED? IF THE ANSWER IS IN THE NEGATIVE, WILL GOVERNMENT STATE WHAT HAS CAUSED THE NON-COLLECTION OF MONEY?

ANSWER: NO MONEY HAS BEEN COLLECTED FROM THE ESTATE OF THE LATE HELEN LAMBERT. THE REASON FOR THIS IS DUE TO THE FACT THAT AS YET NO RECORDS CAN BE FOUND DEALING WITH DISTRIBUTION OF THE RESIDUE OF THE ESTATE. THERE ARE COPIES OF DOCUMENTS IN THE COURTS OFFICE WHICH ARE CONFLICTING IN THIS REGARD AND GOVERNMENT MUST BE CERTAIN OF THE POSITION BEFORE EMBARKING ON ANY CLAIMS.

MISS ANNIE M. BODDEN: Mr. President and Members of this Honourable House I would like to ask a Supplementary Question on this my original question.

And the Question is this, that as far as I am aware all Wills probated in the Grand Court of the Cayman Islands there is in addition to the Judge's notebook a proceeding whereby Wills must be recorded - and my question is: Has a thorough search been made of this Estate's papers in an attempt to define and get clear the exact proceedings which should have taken place?

HON. V.G. JOHNSON: Mr. President the reply to that question is that the matter is being investigated.

MR. JAMES M. BODDEN: Mr. President I have a supplementary question to ask the Third Official Member. I would like information as to the amount of money that would accrue to Government under the settlement of this Estate? And if all the heirs as covered by law are now dead what has happened to have kept this our of Government's hands this long and whether a Court Order was given for this money to accrue to Government or whether it was by residue of the Estate?

HON. V.G. JOHNSON: Mr. President first and intimation has been given that the residue of the estate is in the sum of approximately $14,000.00(U.S).

There is no Court Order which has ordered that the residue of the estate should fall to Government. This is the question that is being examined. There is a Court Order but it says no such thing.

MR. PRESIDENT: If there are no further supplementaries, next Question.

(2) b MISS ANNIE H. BODDEN (SECOND ELECTORAL DISTRICT OF GEORGE TOWN)

TO ASK THE FIRST OFFICIAL MEMBER:

Will Government say if consideration will be given to the housing of all the Rigistered Companies Files in the New Court House or in some other safe place as the old wooden building could be a fire hazard?
The answer is yes. These will be housed temporarily in the New Court Building until the new Administrative block has been built.

MR. PRESIDENT: If there are no supplementaries, next question.

HON. W. W. CONOLLY: The next question is from the Honourable First Elected Member from George Town, and the question is- Has the Government Cemetery at "Prospect" ever been surveyed and mapped, and the plan published, so that lots could be sold. The answer is yes. The Prospect Cemetery has been surveyed and mapped by a surveyor and several lots have been sold and occupied.

MISS ANNIE H. BODDEN: The answer to my question being yes I would really like to know if a map of this cemetery has ever been published so that the public might know where to buy the lots. I would further go on to say that I am asking the question when did this survey take place? And where was the map published?

HON. W.W. CONOLLY: As far as I am aware there is no legislation that provides for the publishing of any maps of cemeteries in the islands. The plot was surveyed by Government and Government is in possession of a map drawn by a surveyor.

MISS ANNIE H. BODDEN: Another supplementary question if I may be permitted to ask it and it is this how would the public know where to bury their dead is it to continue in the haphazard manner in which they are now being buried with people being buried across roads etc?

HON. W.W CONOLLY: Mr. President could I ask to have that question again it was a bit - rather a statement than a question.

MR. PRESIDENT: Another comment.

MISS ANNIE H. BODDEN: Mr. President I'm not studying Legislation of Cemeteries now, I understand that would come at a later stage. I am asking if this map which allegedly has been made was ever published so that the public desiring to purchase lots could know where their lots would be, and if this map is in possession of Government why is it that persons are now being buried across roadways in that said cemetery?

HON. W.W. CONOLLY: I'm not much clearer on it, I've said before I think I've answered the question that there has been no legislation, there is no relevant legislation for the maintenance and the management of Cemeteries in the island. A inventory of all cemeteries on the island is being undertaken with a view to formulating general policy and enacting legislation necessary for the proper administration of cemeteries.

MR. PRESIDENT: The First Member from Bodden Town I think had a Supplementary question.

MR. JAMES BODDEN: To the Fourth Member of Executive Council Miss Annie really asked part of my question, the remainder of it is could you advise us at what price these lots are being sold?

HON. W.W. CONOLLY: There has been some tentative price of lots in that area, but there has been no firm policy as to what prices will be worked out in respect of this. I'm saying this subject to correction but I think that the lots were sold something around $18 per lot - single lots. But this is subject

to correction.

MR. JAMES RODDEN: Mr. President another supplementary question sir. It appears very difficult to be able to obtain one but just in case one was needed who would we see and how would we go about securing one?

HON. W.W. CONOLLY: At the present time I think the tentative arrangement was made with the past Collector of Customs, Mr. C.V. Thompson, who has been doing this kind of - as I said before a tentative management of this.

I would like to point out to Members that cemeteries have just been allocated as one of my responsibilities and I believe I made that in the first reply that an inventory of all the cemeteries, an investigation is going into this at the present time, when a firm policy will be determined on the care and management of cemeteries in the entire islands.

MR. CRADDOCK EBANKS: Mr. President one of the questions that I wanted to ask has already been asked so I got the answer to that. But to ask a second question that I have in my mind I will have to say then according to the Executive Council Member there is no law governing the policies, then how would one know whether there are lots available if they are not published - whether we have a law covering cemeteries or not - how will the public know if it is not published for information.

HON. W.W. CONOLLY: I think that it is public knowledge by Government Notice that this area in Prospect is a public cemetery. I think that is public knowledge and it was published. I do not know if any map has been published but I am sure that there was a notice published telling that this area in Prospect was a public cemetery for the district of George Town. This has been published as far as the area is concerned I am quite certain about it.

MR. JOHN JEFFERSON: Mr. President not belabouring the point much longer but there has been light thrown on this subject here that I would like to also inject a thought.

I would like to know why if lots are sold in Prospect for $18.00 a lot roughly, which would entail something like $108.00 for six lots why is there such a difference between the lots at Prospect price and those at West Bay which is $276.00 which Members of the public have refused as of now to buy, they go ahead and occupy them waiting for Government to set a price. Because we feel that the price at present is absolutely outrageous.

HON. W.W. CONOLLY: I think I can answer this question and this is all subject to a review that is taking place now, but the fact remains that the cost of the lots were based on the cost of the land. The land in West Bay I think cost double or three times as much as that at Prospect.

MR. PRESIDENT: Honourable Members I think this subject has had a sufficient airing now. I feel somewhat dismayed at having asked the Honourable Member to take on the subject of cemeteries I didn't realise it could cause so much controversy.

However, what has been said clearly supports the feeling that we have had in the Executive Council that it is high time that a comprehensive policy on the subject be made and this will now be done.

HON. D.V. WATLER: Question for the Honourable Lady Member from George Town:

WHAT AMOUNT HAS BEEN EXPENDED ON THE CADASTRAL SURVEY UP TO THE 31ST DAY OF DECEMBER 1972?

ANSWER: THE AMOUNT EXPENDED UP TO THE 31ST OF DECEMBER, 1972 IS $121,000.00.

QUESTION: WHAT AMOUNT HAS BEEN COLLECTED FROM THE BRITISH GOVERNMENT?

ANSWER: OF THIS AMOUNT (THE AMOUNT OF $121,000.00) $88,000.00 HAS BEEN EXPENDED BY THE UNITED KINGDOM GOVERNMENT.

QUESTION: WHAT AMOUNT IF ANY HAS BEEN PAID BY THIS GOVERNMENT AS A CONTRIBUTION TO THE SURVEY?

ANSWER: THE AMOUNT THAT THIS GOVERNMENT SHOULD NORMALLY CONTRIBUTE IS $33,000.00.

MR. PRESIDENT: Honourable Members this is the matter on which at a rather late stage, I decided that I should make a statement, which I shall now do in the form of Message No.1.

The Members will then be entitled to debate this Message and time will be allowed for them to do so.

MESSAGE NO. 1
FROM THE GOVERNOR

MR. PRESIDENT: Confusion about the local cost of the process of Adjudication and Land Registration seems to stem from a misunderstanding of what took place when these Bills were being discussed with the people and the Members of the Legislature and the Secretary of State Land Tenure Officer Mr. Lawrence.

I was not here when this took place and I can find no written records of these discussions. Further the position as I understand it is that when these Bills were being discussed here the process of adjudication was taking place in other Caribbean Territories including the Turks and Caicos Islands and the British Virgin Islands. Indeed two Members of this Legislature visited the Turks and Caicos Islands to see how the process was progressing there.

The Turks and Caicos Islands and the British Virgin Islands are grant-aided. In those two territories therefore, the full cost of the process is being borne by the United Kingdom Government. It is quite possible that the impression was inadvertently given that as the laws which were being enacted here were based on the ones in those two territories the full cost would also be borne by the United Kingdom Government.

Particularly when you bear in mind the officers who were explaining the workings of the law were concerned mainly with the actual administration of the laws and not with the financial aspects of them.

If such a misunderstanding was inadvertently conveyed I apologise for that but the Cayman Islands have never been grant-aided. And I do not think that the people here who are known to be of an independent nature and rightly so would wish to lower the Cayman Islands to the position of being known as a grant-aided territory. But the only manner in which to keep our self-respect would be for the Cayman Islands Government to bear the local costs.

Whatever may have been the misunderstandings of the past we have to look at this in terms of the present situation. The new form of participatory Government which we have embarked upon in the Cayman Islands is so far going well and I would be very sorry,,,/

MR. PRESIDENT (CONT'D): to see it affected by past bitternesses.

I trust, therefore, Honourable Members that you will see fit to accept and meet the local cost of this process. That is Message No 1 from myself to the Members of the Assembly it is now open for debate.

I would like to add one thing. This relates to time past, to time when the Members of the Executive Council were only associated with and not directly responsible for their subjects. I think it right therefore that Members of the present Executive Council should in the debate, which I have no doubt will take place, speak according to their consciences and without regard to the principles of collective responsibility.

MISS ANNIE H. BODDEN: Mr. President and Members of this Honourable House as the one who has been a culprit because I understood from the start that it was not a free process. I am old enough to know that anything you get that is worth anything you pay for. I , as I have said, was the only culprit who had to pay for these cadastral survey etc., etc., etc.,I am not going into any personal details. I would do nothing to harm or destroy this present set up of Government. I am here to fight with the people, for the people and I intend to do that with all the power that I have.

I am not going to oppose any payment this Government has made because I had senso enough from the start to know that it was not a free process. I was degraded I must say and made a laughing-stalk at because they said I would lose some income. That was not my point, my whole point was this that if you are getting something which now cost private litigants thousands of dollars naturally the Government took over the job they too would have to spend money and that money would come from taxpayers purses. I am not going to oppose any amount which Government has paid in the past because I knew from the start that Government would be called upon eventually to pay some if not all of this cadastral survey, so I am not going to fight the issue but I like things done in an understanding upright way. It was made specifically clear that not one penny would come out of taxpayers money, the process would take three years - well a very respectable member of this public who has gone to the better land he said it would take three hundred, I don't think it would take three hundred and I think it is a necessity that we have a proper survey, Government managed and proper records kept so that we might end, if possible, land disputes.

I repeat I am not going to oppose what Government has spent in the past because I had foresight enough to see that Government would have to pay. I don't know about the eleven men if they were so blinded that they believed otherwise but I knew the difference and I am not here to oppose it. It is a good thing provided we can afford it but $33,000.00 over a period now I would say of six months and as I understand it is costing ordinary labour etc., not less than $2,000.00 per week - I am not sure if the British Government has paid the $88,000.00 but I am very confident that if they have so promised they will live up to their obligation. But I still feel it is a rather expensive process and it has not ended litigation because up to this week I had to go to a Land Adjudication Tribunal in West Bay and the same argument produced there was an argument which would be in a Court of law. They had to pay lawyers and they did so - and I would love to see that this set up now is able to cope with the situation but I would like to see some minimum figure placed on the expenses this Government will be called upon to bear.

I am not going to oppose anything that is for the betterment of the Cayman Islands, I have fought it all my life to have a

MISS ANNIE H. BODDEN (CONT'D): better Cayman to live in, not for any personal gain, I have nothing to gain out of this but the pleasure of serving this Assembly. But I would like the eleven men who are associated with me to have the foresight that when they hear you can get something for nothing that in their brains they use that as not the philosophy of life to live by. Anything that is worth anything you pay for it and we have to pay for this survey and I shall not object to any money that has been spent on it. Thank you.

MR. CRADDOCK EBANKS: Mr. President I suppose most Members are some what waiting to find out if I would speak on it.

As to what the Lady Member has said in her remarks she does not understand or know whether the eleven men realise that it would cost this Government some money. I think if it was at all possible for the gathering here to hear for themselves they would quite understand that I haven't been reluctant in expressing my views and my feelings that it would cost this Government or somebody an enormous sum of money.

It has been stressed for the past few years, particularly, that we would like to keep the Government of these islands stable. I think it is the intention of every Member and the people of these islands to keep the Government a stable one. But if you want to lead a baby take it by the hand and not the shirt collar, because it leaves an impression that it is not the right leading. Tell the people the truth and there can be no misunderstandings.

In Mr. Lawrence's visit to this island for his preliminaries with Government about an Adjudication system, on a Saturday when he met the elected members for a brief run over he said these words: 'I feel that it can be accomplished within 18 months'. I said: 'Mr. Lawrence you don't know this country, you don't know its surroundings, you don't know its difficulties, you don't know its setbacks, you don't know the weather and all the rest that goes with it. If you can do it in five years it will be at the best'.

I was one that went to Turks Island to see for myself and I think most of the people of this island with due respect to Turks and Caicos, my sympathy, my love go out to them - but the people of this island has never been in the situation that those people are in and I don't think that we could use them as an example to guide our future on.

It was told by the predecessor Mr. Long that it would not cost us the people anything when can you be so ignorant as it were to let this go by, when it will avoid breaking up your families, separating your families, law suits, court suits, this,that - let us end it once and for all. I said it could not be that cheap if it were that cheap we would not get it.

We further have learnt that it only demarcates a piece of land and put a number on it and say this is John Brown's piece of property, but it does eliminate future disputes the same as we have had and we are having. We were told we could have it defined to the inch but we pay for it.

I said it publicly, I said it in the Assembly that before it would be completed we would have six, eight or ten highly paid officers in this field - and it is coming fast. Yet we were told it wouldn't cost anything.

Mr. Lawrence came back,after Government seemed to have found it a little bit difficult to get it established, and tried to preach to the people by going from district to district but I must say that Mr. Lawrence told, at least, thepeople at North Side if

MR. CRADDOCK EBANKS (CONT'D): you the people say you don't want it, well we guess we'll go out and don't bother any more. Now that doesn't free the district of North Side because the law covers all, it is only in some laws that some people be exempted, but North Side does not get exempted under any.

And when the machinery was finally put in motion one year has lapsed since the first officers arrived in the island or round about, and it is a very small percentage of the island that as yet has been adjudicated, and this cost is fantastic and every day it will cost more. If Government had told the people we will try to keep the cost on you the taxpayers as low as possible but we cannot get it done without some costs, then even if they were not happy in wanting the bill they would have known the fact that it would have cost something, but the public was told it would not cost this Government one penny.

I will, I suppose, agree in principle to what has been spent on it, but I am saying here I am not going to approve of one other penny of taxpayers money to be spent on it, whether it gets adjudicated or whether it don't. And it only means in due time taxation, the Adjudicator has been trying to tell the people it does not mean that, you're a tax free country. That don't have anything to do with taxation, we've got to have taxes of some kind to run the country - we have to get money to run the country - but when the Government knows every piece of land that is owned in this country and who it is owned by and the size, they don't have to query they can easily establish a tax system on land. And it will come, it will come if this continues. It is just as well we face the fact, no government is going to spend a million dollars to have a job done and get the returns back from some place some time, somewhere, somehow, tell the people the truth.

Thank you Mr. President.

MR. JAMES BODDEN: Well Mr. President I was hoping that the Honourable Members of Executive Council would give us some of their views being they have had a lot of experience with this, but evidently we are not going to get it so I will have to take my turn.

Now I have always stood against this island being grant-aided. I think it would be a retrograde step the day that we have to do it. It may have been done in the past and I may not have known about it but I feel that the Cayman Islands should always stand on its own feet. The English taxpayer has to pay a lot of his income, we are fortunate that we pay very little, so Honourable Members I would not want to see Cayman stoop to being grant-aided. But this was a very controversial subject and attempts were made to present a very good selling job.

We were told that the Land Adjudication and all of its accompanying Bills would establish an era of love in these islands, which would create a Uthopia that had never been known before. When I spoke against it I was a radical. I think my points for once will be seen in this island. I think that you will come to see that a Uthopia is not going to be established by a Land Adjudication Bill.

I attended meetings in this island where we were assured by everyone associated with this law that the job coul' be done in eighteen months, at that time I said it would take ten years and I think it will take longer than that.

MR. JAMES BODDEN (CONT'D): I would be foolish to say that there is not some merit attached to this Bill or to this Law rather. But it has become very expensive, not only to Government but to the individual landowners concerned because they have to lose a lot of time in attendance, they have to clear their trails and mark their boundaries so it does become expensive, it does become time consuming.

But the big point I'd like to stress here today - that in my mind, when statements are made by the Government Officials of our island they should be statements of fact and the public should not be deluded into thinking that they are getting something that they are not.

I would further like to stress that in my mind any money that is spent on any department of Government over and above the appropriated amount of this House should first come back to this House and receive the full assent of the Legislative Assembly. I do not believe in giving a blank cheque and this is what we evidently are doing.

This Law somewhat reminds me of an old proverb that laws were like cobweb where the small flies were caught and the great ones break through. Thank you.

HON. A.B. BUSH: Mr. President and Members of this Assembly may be before the other Members speak they would like to hear what I have to say on this.

There is no doubt about it that we were told that this survey would cost this Government nothing, it would be done free. This I heard from the Chief man who came here himself in the old Legislative Assembly hall, the Town Hall. And I remember him also saying that it would take eighteen months, I remember too, the Member from North Side, who just spoke a while ago, saying it would take five years or more. And he was told that 'I can only say that you don't know the system we are working on'.

I believe that it might have been because of the survey that was going on in the two other territories which Mr. President, you named in your address, your message, and probably we were thought to have been in the same category as those two territories. But there is no gain-saying the fact that we were told that it would cost us nothing. And I feel very disappointed myself to know that we are being charged for this after having been made to believe that this was free.

I can say that I remember it being said that the only thing that it would cost the landowner would be for the clearing of the trails where the Surveyors could get around his property. This was understood and this was understood to be the only expenditure that it would be to the landowner and none to the Government.

Now we have another aspect to look at, after being told and made to believe that it would cost us nothing we have to say to ourselves now, are we proud enough since being made to understand that it will cost us something be prepared to pay the cost. This I suppose is something that we will want to do. As has been said we are a proud people, sometimes I believe we are too proud, and that is why we really aren't any further ahead today. We are not prepared to make our wants known to the world and we take on responsibilities which we can ill afford. However, I for one would not want it to be said, and to lose the self-respect of the

HON. A.B. BUSH (CONT'D): Cayman Islands of that pride which we so cherish.

No doubt we will have to have a close look at this and face our responsibility since the British Government has made it abundantly clear that they are not going to stand the expenditure of the Cadastral Survey of the Cayman Islands.

I am very pleased, Mr. President, that you have said that the Executive Council Members were free to speak on the matter as they have seen it, and I know that you will remember we talked about this and I am sure that we will all do our very best to shoulder the responsibility which has been thrust upon us, even though I realise that it could bring great hardships on our financial resources. As you will see it is going to be a very expensive exercise and for it to continue for years and years we are sure to be deprived financially of things which we should have gotten from the money which is going to be expended on this survey. Thank you Mr. President.

MR. GEORGE HAIG BODDEN: Mr. President, Members of this House I am afraid that I am a Caymanian but Caymanians will lie and steal to acquire land, Caymanians do not hesitate to enter into litigation when their land is threatened.

As I understand it Land Adjudication has been going on in England for hundreds of years and will probably never come to an end. If with all their resources and all their know-how they are not able to come to a time when this job is finished, I believe that we will find ourselves in the same situation here.

I need not repeat what has been made clear that this law was passed by what I would like to call, in plain language, deceit. I cannot feel that I can approve the spending of monies for this purpose. If we now find that we have gone astray and that we have run off the road, why not be sensible and put our feet on the brake and hope that the brake will answer. If this is going to be a job that each year the cost will continue to rise and the result will not be satisfactory I can't see why we as intelligent people should pursue a course that we feel will never do any good. If, as it was hoped originally, the Land Adjudication Bill could at least cut down the litigations that goes on in our Courts and could make for peace and harmony I would be all for it. This is a Christian country but I am afraid that one of the precepts in the Bible that is most ignored is that one about removing thy neighbour's land mark. And if this Bill will not be able in the very near future to put an end to this I can't see any reason why we should go on just spending money because this has been a good thing in Turks Island or some other country, that could learn a lesson from us.

It is said that the wiseman learns from the experience of others only a fool learns from his own experience and we would be wise indeed if we sought to learn from the experience of others. And I for one would like to see this matter gone into again, although I know in the beginning it provoked a lot of agitation in this island, and of course the reason for that is that if it was ever explained it was never fully understood and this is a job that could be done. And as I see it we should put a stop to this here and now. Thank you Mr. President.

MR. CLAUDE HILL: Mr. President and Honourable Members I'm sure by this time everybody must be wondering why they voted for me - I've not said anything at this meeting.

And seeing that this Land Adjudication has brought quite a confusion in regards to the money being spent by the Cayman Islands Government I rise to say just a few words on this matter.

MR. CLAUDE HILL (CONT'D): As everyone is aware of the fact that I am small in statute and what I will say will be very short. After hearing the message from the President and his remarks as to how the misunderstanding came from the Land Adjudicators to us. I happened to attend the meetings in the Town Hall in George Town when this Land Adjudication was being discussed and during that meeting I remember quite clearly being told that it would not cost the Cayman Islands Government any money. I also remember a statement given by the Members who were sent here to explain to us about this Land Adjudication, he drew an illustration of the Turks and Caicos Islands where the land adjudication had went on, and I during question time asked a question as to how the people of the Turks and Caicos Islands reflected in regards to this land adjudication. And the answer that I received was that it worked fine. Now seeing that the Turks and Caicos Islands are grant-aided and the Cayman Islands are not grant-aided, at that time I was unaware of this fact.

I do not wish to express my feelings on the Turks and Caicos Islands being grant-aided - that is their business what they like and what they administer in their country. Grant-aided I hope not to see the day come when the Cayman Islands will become grant-aided, our prestige is a bit above that. And let us together try to keep our heads up.

The sum of $33,000.00 over a period of months that is another question. I am wondering if just in a matter of months it cost us $33,000.00 - I am wondering what the initial cost will be per year. This could curtail a lot of money, and as one Member mentioned we must look forward into that because we don't want to be borne down with large sums of money being paid up and development of a full craft Land Adjudicators getting into funds and running the Cayman Islands Government into a lot of expense.

It is a known fact that no Government can get anything without money, but we must bear in mind that we can put our hats higher than we can reach them. And with that I would like to say this much that the misunderstanding that existed can still continue to exist if we today sit here and do not know where we are going. Thank you.

MR. JOHN JEFFERSON: Mr. President and Honourable Members I also stand here voicing some of the sentiments that have been erlier voiced.

On your Message No. 1 I do not hesitate in the least to say as far as we the Members were concerned, that truly this was a great disappointment to every one of us.

I have felt that as has been explained in every district meeting in these islands that this exercise would cost us nothing. I believe that it was exactly what they said. I did forsee the need, and thought like all seconded officers that we would be called upon to bear the expense of accommodation and what not, but I felt that the Cadastral Survey would be as it was stated free to these islands. I can remember the late Mr. Weidmuller being asked, and he answered the question himself, that the reason why the British Government was doing this exercise free was because it is the English taxpayers that got involved in a very embarrassing position in the British Virgin Islands, therefore, they saw the necessity of such a programme being done throughout the Caribbean. Anyway be that as it may we were disappointed and we are disappointed and we were made to believe that it would not cost us anything but I feel that as we are here today green as those folks we too must realise that in the past several years that the litigations brought before our Court in the Cayman Islands has been an alarming amount of litigations. I believe that we or any responsible Gogernment must do its best to eliminate something that has caused such hard feelings and has brought about so much hate in the land in which we live.

I hope, Mr. President, that we will not be fooled in the fact

MR. JOHN JEFFERSON (CONT'D): that if and when the survey is completed that there will not again be a number of disputes springing up all over the place, because the job was not fairly done, and the demarcations of property, the guarantee to titles was not as it was explained and told to us here in this Assembly.

I was one Member that went to the Turks and Caicos Islands. I saw and met in public meetings with the people, heard the people express themselves and saw elation among them. They greeted it as a good Law that would for once grant to the people of the islands a clear title - I still believe that it will do that for our islands. I still believe that it is the needed thing, I still believe that it will cut down on the litigations and the number of disputes that has been brought about in these islands of ours. We are not able to judge today, Mr. President, because it has not been completed, we are not able to know what truly will be the case, we can only look at how it has worked in other places. We've seen in the Turks and Caicos that when the survey is completed that the long amount of time that is needed for people to be able to negoitate loans, be able to use their property as proper collaterals and so forth.

I too, Mr. President, hope that as you have stated in your Message here, since we are today in our new Assembly and since we have placed behind us from the battles of the past looking bravely towards the future that we will not let this particular thing mar our working together, and our dedication for the people of these islands for I believe that is what we are here for today, each one of us, to be able to make life better for the people of these islands.

I see that the British Government have, according to the record, paid $88,000.00 of the $121,000.00 already spent on the survey. I trust that the British Government will find funds to continue to help making contributions towards this. I believe that we - as time goes by will continue to look on this expenditure, hope it will meet our needs and as we are aware of the fact that it is not being the same as we thought it would there is no reason why we can't make changes.

As we realise that a lot of the money that is being spent is being spent in our own country, our own locals are being hired therefore, I trust that as you have said in the latter part of your Message, the fact that we are today operating under our new Constitution that for a change we have four elected members from this Assembly that are elected with collective responsibility that many of the battles of the past will not be necessary but that we will go on to greater representation for the people of these islands, and I trust that Almighty God will lead us and show us the path which He wants us to go. Thank you very much.

HON. W.W. CONOLLY: Mr. President I don't intend to revive past history on this particular Message, I think everyone is acquainted with what you have said. I am grateful that you have so made it possible for the Members of the Executive Council to have free discussions on this particular subject.

As the present Member responsible for Tourism and Natural Resources I consider land one of the greatest Natural Resources in this Territory. And it is very important to me, regardless of who pays for it, that this Natural Resource of land be developed to the best advantage to all the people of these islands both those now and those to come.

Much has been said about litigation in respect of land holdings, I don't think that is the most important reason why we should have a process of registration of land or adjudication of land. I think the most important part of this whole exercise is to establish a water-tight title. It is true that people in these island have gone a long way, they have owned properties and they know they own it - no one can come up and say that they don't own them - but if one takes that title to a

HON. W.V. CONOLLY (CONT'D): Bank or any other financial institution as a collateral the question arises, I would like to see a good title. Many times a person has the property, owns the property but can not prove that he owns it. As I understood all along the way that this process of adjudication would when it was completed give people titles to land and I think the question was that there would be no further disputes as to titles.

I would like to come back to the point of the payment of this exercise. I think this is what is raising the question in the House today of who should pay for this. It was understood, there is no doubt about that, that this process would be paid for by Her Majesty's Government, I understood that, most members understood that, the public understood that. But there again, Members of this Legislature know that there are two ways in which a Territory - or three ways I may say a Territory receives grants from Her Majesty's Government. The first one is a grant-in-aid there the British Government props up the Budget, puts all the money in to back up the Budget, the second one is grant under technical assistance where the British Government provides the professionals, the technical advice - if that is a team or if it is an individual the salaries of the individual or the team is paid for by the British Government and the local expenditure of housing, local expenditure in travel is borne by the respective Territory. The third phase of grant is an outright grant under C.D & W., which is a grant to put a school or a hospital or some infra-structure and even that there has to be a contribution from the receiving Territory, because I am sure before a scheme can be sent up for approval under C.D. & W., grant the land on which that particular development is going has to be paid for by the Territory or has to be acquired by the Territory.

As I see this, as I said before I don't want to revive past history on it, I would like to look at this in the terms of the importance to the development of this country. If land is wealth and if land is one of the greatest natural resources of the Cayman Islands can we or can the British Government spend money in assisting us in any better form than in securing this natural resource and in developing this natural resource to the full benefit. I would say it wasn't made clear under whatform of aid that we were going to get this money from the British Government, it is true. I understand and I think if that is the case that it is grant under technical assistance, where the British Government pays for the team - the salaries and what not of the team - and the local expenditure is borne by the local Government.

It is unfortunate that the expense involved in this exercise appears to be more of a local expense than that of an actual technical expense. This is so primarily because of the high cost of labour in this Territory and there is hardly anything that we can do about that.

I feel this way, that although there was a misunderstanding at the first with some people - I am not going to agfee altogether with the Lady Member from George Town that the eleven members didn't have the brains to see this - I must refute that statement and I would also like to refute another statement made by another member that Caymanians steal and remove land marks and this and that, there may be some Caymanians. That particular statement to me I think is a bit degrading in this Assembly, because these minutes definitely are going to be published, they are going to Secretary of State in the Foreign and Commonwealth Office and statements such as that do not, in my mind, add to our dignity.

Nevertheless, as I have said, even though this understanding was made - misunderstanding was made - if we can accept that fine, but let us look at the value, let us consider what value this whole exercise is going to be to the future of this country.

HON. W.W. CONOLLY (CONT'D): We are going to shortly ask that a loan be made to provide infra-structure such as a dock, such as roads, such as a terminal building at the airport and what not. Where are these infra-structure going to be placed? The dock will be partly in the sea, but the most important is acquiring money,and the most important thing in any development is land. And I feel if this process, which I hope it will and I am sure it will, is going to remove a lot of questions that have plagued titles to land ownership in this Territory. I feel this system is going to remove it and even though it is expensive I would like to ask myself, I would like to ask other Members of this Legislature what better - on what item could we better spend our money, than on providing the landowners with a clear title to this most important natural resource. Thank you.

MR. CRADDOCK EBANKS: Mr. President I make a motion at this time that the House adjourn until 2 o'clock.

MR. PRESIDENT: I think that we have had a good sound debate on this last subject. I have set out,as honestly as I am able,in my message what I think may have happened. You have quite clearly explained to me what your point of view is.

After fourteen months here I suppose I ought to be getting rather adept at the art of deciding what a concensus is, I spend my life doing it in the Executive Council. I believe we have here something very close to a consensus, to the effect that there may indeed have been a misunderstanding. But that the thing itself, the survey itself is right and valuable and a thing upon which the money of this Government should be spent. If that is so, if I have accurately stated a concensus I think that it should be placed on record so that we can forget this past bit and go on to planning the future of the Cayman Islands.

I think it would be right that the House should by means of a motion place its views on record.

I don't want to propose a motion myself because I just feel instinctively that a motion from the Chair is not a good way of resolving an issue of this sort, but I think you may feel that a Motion should be put and I am inclined to ask - I am looking towards guidance more than anything - that the First Official Member should in fact put a motion before this House so that this House shall have its views on record.

MR. JAMES M. BODDEN: Mr. President, I may be out of order sir, but I would beg to object to the Motion being placed on this.....

MR. PRESIDENT: I don't think Honourable Member that you have the right to speak twice in this debate.

HON. G.E. HADDINGTON: Mr. President before this Motion is put I think it is my duty to correct two mis-statements or misconceptions which were mentioned by the Honourable First Member for Bodden Town.

If I heard the Member correctly he said that land adjudication had been going on in England for a number of years and will never be finished. That is in-correct. In England there is a system of voluntary land registration whereby any landowner can take steps at any time to have his land brought on the land register, naturally that will continue forever. The same system prevails in Jamaica where a voluntary system of land registration was started towards the end of the last century and is still continuing.

In the Cayman Islands the system is a compulsory system and at the end of this land adjudication process every square inch of land in these islands will be on a Land Register.

HON. G.E. WADDINGTON (CONT'D): The second misconception of the Member was that the process of land adjudication will not cut down litigation.

As soon as land gets on the Register the position will be that there can be no question as to the title to land. And the Land adjudication process will virtually eliminate further litigations on the question of title.

However, Mr. President, as long as this Universe last there are people in it, a small percentage we hope, who are always fraudently motivated and so we will always have litigations based on people with such a motivation.

The third misconception by the Member was in his reference to the biblical quotation about removing your neighbour's land mark. I don't know whether that is a past-time of Caymanians, I should hope not, but if after adjudication anyone would dare to remove his neighbour's land-mark his conduct would be quite easily discovered and it would be a simple matter from the cadastral survey and the fixed marks from that survey to replace the marks in the place where they should be.

That is all I have to say on the matter Mr. President.

HON. BENSON O. EBANKS: Mr. President I wanted to make the point sir, that unless it was the intention to permit debate - full debate - on the Motion that is being proposed I would crave your indulgence to say a few words on the Message.

MR. PRESIDENT: We are debating the Message now and at the end of that I have suggested to the First Official Member that a Resolution should be put to the House, which concludes the debate.

If the Honourable Member for West Bay wishes to offer any comment on the Message now is his opportunity to do so.

HON. BENSON O. EBANKS: I presume that you are disallowing the Motion for adjournment then sir?

MR. PRESIDENT: At this moment yes.

HON. B. O. EBANKS: Mr. President I must say, sir, that this Message has taken me somewhat by surprise and the debate on it has rambled a bit as to the merits or otherwise of the adjudication process.

As far as I am concerned the meat of the Message is whether this Honourable House is going to today decide to foot the bill or part of the bill for the adjudication process.

There is no doubt in my mind that Members of the Legislature and the general public were made to understand that this process was free to all and that it would not cost this Government any money. The appeal to personal and national pride I must say is very strong, but I would hope that Members would not in all instances be guided by pride.

It is true that the Cayman Islands has never been grant-in-aided and I believe that is because we always thought to cut our garment according to the available cloth. The exercise that is being proposed to me, is a good way to fall into the unfortunate position of having to receive grant-in-aid. Because if we are to bear this expense, it is an expense that the Legislature and the Government at no time until now thought they would be called on to bear and as I see it it was not an expense that was calculated and taken into consideration when other priorities were being arranged.

HON. BENSON O. EBANKS (CONT'D): It is true that grant-in-aid is form of assistance whereby the normal necessary recurrent expenditure of the Territory or Government is augmented by Her Majesty's Government when the revenues of that Territory cannot meet those expenditures. But the question that I have in my mind is whether a one time operation such as a land adjudication process can rightly be described as a recurrent expenditure.

We have received from Her Majesty's Government considerable sums of money in the form to finance capital projects and we have received considerable sums of money in the form of technical assistance. It was also, as I have said before, made plain that this exercise would not cost this Government any money, that it would take eighteen months and the rest of it - and the thing that really galls me about the whole situation, sir, is this that in this Territory there were movements afoot to try to solve the problems of land tenure and we were told that all of those proposals were inferior and that additionally it was going to cost a lot of money, but the land adjudication process was free. Now if this was the case there is no doubt in my mind that that is why Members decided reluctantly and under pressure to agree to the introduction and passage of the Land Adjudication Bill.

As far as I am concerned, sir, I am not at this stage going to commit myself to say that I am going to agree to place the charge of this survey as a cost against the revenues of this country. I am going to have to be argued with a lot more than has already taken place.

I too share the pride that the Cayman Islands are not grant-aided but I believe that the question could also be asked if whether at this stage we are not now suffering from some problems that could better have been solved had we had the modesty to ask for assistance when we were unable to supply them from our own resources. In the field of Education I feel that we lagged.

As far as I am concerned, sir, this process having been started under the assumption that it was free I want to go on record as saying that I will not on such short notice agree that the cost should now be charged against local funds.

CAPT. A.A. REID: Mr. President and Honourable Members of this House. I feel that no one here could deny that the Cadastral Survey is a great thing and it is needed.

I think it is a disappointment that the Members of the last Government misunderstood the matter. I think that they were expecting a great deal if they were expecting to get all that for nothing. I am sure that at least they might have thought that the labour in this country would be paid for by this Government.

I have always heard beware of the Greeks when they bring you presents - if they expect the British Government to do all that for nothing I think it is a lot.

We've had so much trouble in the Cayman Islands - I must say we didn't have too much at home because my grandfather and his brothers and his cousins owned most of it except for some that the Edens here owned - but I believe the cousins that are in existence may have some trouble coming up. I remember always hearing about the Fosters particularly in Cayman Brac and the Soots how they were fighting over land and land marks and the Edens and the Archs in Grand Cayman and the Boddens they are big families - but I would not call a man a thief because of that. I don't think that I agree with the Member for Bodden Town in calling us thieves. After all it is not an inherent quality I haven't taken any land yet - and a

CAPT. A.A. REID (CONT'D): man is not a thief - he isn't determined a thief until he removes something and slipping up a mark is not removing the land.

No one wants to buy land today without proper registration and I know for sure that not long ago, about two months ago -three months may be, a sizable piece of land on the West Bay Beach was turned down for the very reason they did not have proper documents. It is a great pity that it is going to cost that amount of money, in fact does anybody know really how much money it is going to cost, and what we can do about it, so I would say I am all in favour of it but we should debate the cost may be we could get - may be there is a means of reducing it.

In one of my questions to the Government if they were proposing or had any plans to control labour and prices before they consume us and I am afraid if we don't that will come about. When you pay an ordinary man $20.00 a day a man without any particular skill I think you've reached the limit.

I once had one of the biggest law suits in Jamaica over a piece of land that was sold to me in good faith and I saw it on land and the four marks and bought it in good faith and the building went up before the title was issued there was about £800 incorporated in it and it caused a lot of trouble. So I know what it means to have land you must have a proper title.

The question is it is going to cost us a lot of money but I don't see any way out of it. You've got to have it, you just can't let Cayman go on with everybody fighting over land marks. I thank you sir.

HON. D.V. TATLER: Mr. President and Honourable Members in keeping with the Message and in keeping with section 23 of our Standing Orders I beg to move that the recommendation as contained in the Governor's Message No. 1 be accepted.

And in moving that I would just like to say a couple of words in respect of this very controversial subject. You are speaking about the cost that is being borne here and I told you in answer to the question by the Lady Member that it was $33,000.00 of that amount over $21,000.00 was in local labour, paid to your own fellow Caymanians and if you didn't pay them well they would have had to find jobs elsewhere - these are to your own local Caymanians that you paid that to, who are being employed as survey technicians and draftsman technicians and helping in the whole process and therefore, receiving a certain amount of benefits and training, and could later on be employed in your Survey Department without having to import people from oversees.

So I hope that you will bear that in mind when you are considering this Motion. Because most of this cost - over ninety per cent of it - is for the local labour. There is $9,000.00 yes, for office equipment but that will remain with you and the Government afterwards. Otherwise there is a little for telegrams here and transport and telephones but that is a very small amount, the bulk of it is to your own fellow Caymanians who are actually receiving a certain amount of training.

As was stated by the Member from East End there are three methods of receiving grants from Britain: there is the full grant for capital and in most of those instances you have to find the land and in some cases you have had to contribute a percentage of the cost.

HON. D.V. TATLER (CONT'D): Otherwise then it is your technical assistance where you pay the local cost, in this case actually if you had the homes and the buildings here under the normal technical assistance you should be housing the Adjudicator and the Surveyor and those that are here. But because the Government does not have houses the British Government is paying that, which in many other territories where they give technical assistance they have to find the houses and they occupy Government houses. So we are getting away with that aspect of it also in this case.

And lastly is for grant-in-aid and I have never seen and I have never heard of a Territory that was grant-aided getting out of it. And once you are grant-aided you wouldn't be sitting here today getting ready to consider your Budget, that Budget would have to go to Britain to be examined and they would tell you whether you could spend one penny or two pennies. And I don't think as Caymanians we want to get ourselves in that condition. Thank you very much.

MR. PRESIDENT: Honourable Members the question is that the recommendation contained in the Governor's Message No. 1 should be accepted.

THE NOES HAVE IT.

HON. D.V. TATLER: Could I ask for a division please?

MR. PRESIDENT: I think that under Standing Orders you are entitled to ask for a division.

HON. W.V. CONOLLY: Mr. President I don't think that the recommendations set out in Message No. 1 is quite clear enough.

It is true that the First Official Member is making a Motion now to the floor of the House and asking Members to agree to the special recommendations as set out in this Message. As I see it it is - I know the intention - but I don't think that it is clear enough to take a vote on it sir.

MR. JAMES BODDEN: Mr. President and Honourable Members this is the point that I wished to raise a while ago because my feelings on this is that this Motion is a bit premature - we will be debating in the Finance Committee whether or not we approve the money that is going to be spent towards the Cadastral Survey team. This was the point that I wished to raise a while ago sir.

MISS ANNIE H. BODDEN: Mr. President and Members of this Honourable House I feel that as of now, since some people have been misled not Annie Bodden thank God, that $33,000.00 we should approve of because it has already been spent without leave or licence I would say, and I don't ever want to be called grant-aided.

I remember years ago coming to this Assembly, as an Observer, not this House and hearing the Economist I call him the First Official Member, some time later when I became a Member we would ask for a few thousand pounds to be spent on some project which we thought we were urgently in need of, his remark was .....

MR. PRESIDENT: Honourable Member I am allowing a certain amount of discussion but I do not think these speeches on certain debate is within our Standing Orders. If you would like to terminate your remarks briefly.

MISS ANNIE H. BODDEN: I would like but I am just trying to explain that I do not want grant-aided and I am prepared to accept the $33,000.00 as of now but I could not agree that we go on indefinitely not knowing how much money we shall spend.

MR. PRESIDENT: I think we should first resolve the controversy about the initial Motion.

The First Official Member had called for a show of hands. Those in favour of voting 'aye' to the Motion.

Those in favour of voting 'no'.

The 'Noes' have it.

That leaves me knowing fairly clearly where I stand. And I shall have to take what action is necessary when the time comes.

HOUSE SUSPENDED
HOUSE RESUMED.2.15 P.M.

MR. PRESIDENT: Honourable Members Item 6 - Debate on the Throne Speech.

MR. G. HAIG BODDEN: Mr. President I would like to make a Motion that the debate on the Throne Speech be deferred until tomorrow's sitting to give the Members time to study it.

SECONDED BY: MR. CLAUDE HILL.

MR. PRESIDENT: I don't think I have any objection to a deferment if Members want it.

What I am not sure about is whether we can go to tomorrow's business now. Third Official Member have you got any views?

MR. V.G. JOHNSON: I am prepared to deal with the Appropriation Bill this afternoon.

MR. PRESIDENT: Well I am advised that the procedure is that we can't go on to tomorrow's business because it isn't on the Order of the Day.

QUESTION PUT: AGREED. DEBATE ON THE THRONE SPEECH DEFERRED AND THE HOUSE ADJOURNED.