

# LEGISLATIVE COUNCIL

THURSDAY, 4TH DECEMBER, 1952

The Council met at 2 p.m., His Excellency the Officer Administering the Government, Mr. John Gutch, C.M.G., O.B.E., President, in the Chair.

## PRESENT

The President, His Excellency the Officer Administering the Government, Mr. John Gutch, C.M.G., O.B.E.

The Hon. the Colonial Secretary, Mr. J. L. Fletcher, O.B.E., T.D. (Acting).

The Hon. the Attorney-General, Mr. F. W. Holder, Q.C.

The Hon. the Financial Secretary and Treasurer, Mr. E. F. McDavid, C.M.G., C.B.E.

The Hon. C. V. Wight, C.B.E. (Western Essequibo).

The Hon. Dr. J. B. Singh, O.B.E. (Demerara-Essequibo).

The Hon. Dr. J. A. Nicholson (Georgetown North).

The Hon. V. Roth, O.B.E. (Nominated).

The Hon. T. T. Thompson (Nominated).

The Hon. G. A. C. Farnum, O.B.E. (Nominated).

The Hon. Capt. J. P. Coghlan (Demerara River).

The Hon. J. Fernandes (Georgetown Central).

The Hon. Dr. C. Jagan (Central Demerara).

The Hon. W. O. R. Kendall (New Amsterdam).

The Hon. A. T. Peters (Western Berbice).

The Hon. W. A. Phang (North-Western District).

The Hon. G. H. Smellie (Nominated).

The Hon. L. A. Luckhoo (Nominated).

The Hon. W. A. Macnie, C.M.G., O.B.E. (Nominated).

The Clerk read prayers.

The minutes of the meeting of the Council held on Wednesday, 26th November, 1952, as printed and circulated, were taken as read and confirmed.

## REPORTS AND DOCUMENTS

The Colonial Secretary laid on the table the Draft Specialist Officers (Consultation) (Amendment) Regulations, 1952.

The Financial Secretary and Treasurer laid on the table the minutes of a special meeting of Finance Committee of the Legislative Council held on the 19th of November, 1952.

## GOVERNMENT NOTICES

### SPECIALIST OFFICERS REGULATIONS

The Colonial Secretary gave notice of the following motion:—

"That this Council approves of the draft Specialist Officers (Consultation) (Amendment) Regulations, 1952, which have been laid on the table".

# CONTINUATION OF RENT RESTRICTION ORDINANCE

The Attorney-General gave notice of the following motion and of his intention to move the suspension of the relevant Standing Rules and Orders at a later stage to enable him to move the motion:—

"Whereas the Rent Restriction Ordinance, 1941 (No. 23 of 1951), came into operation on the 8th day of November, 1941;

"And whereas section 16 of the said Ordinance, as amended by section 17 of the Rent Restriction (Amendment) Ordinance, 1947 (No. 13 of 1947), provides that the Ordinance shall continue in force up to and including the 31st day of December, 1951, but that, prior to the expiration thereof, the Legislative Council may, by Resolution published in the Gazette, declare that the said Ordinance shall continue in operation for a further period of one year;

"And whereas the Legislative Council on the 19th day of December, 1951, by Resolution No. VII published in the Gazette on the 22nd day of December, 1951, declared that the said Ordinance should continue in force for a further period of one year to the 31st day of December, 1952.

"And whereas it is expedient that the said Ordinance be continued in operation for a further period of one year;

"Now, therefore, be it resolved that the Rent Restriction Ordinance, 1941, (No. 23 of 1941), shall continue in force for a further period of one year up to and including the 31st day of December, 1953."

## INTRODUCTION OF BILLS

The Attorney-General gave notice of the introduction and first reading of the following Bills:—

A Bill intituled "An Ordinance to provide for the management, control and supervision of Atkinson airport.

A Bill intituled "An Ordinance to make provision for prescription and limitation in respect to titles of land and for purposes connected therewith."

## UNOFFICIAL NOTICES

### COMPASSIONATE ALLOWANCE FOR MRS. P. C. MC WATT

Dr. Nicholson gave notice of the following motion:—

"Be it resolved that this Honourable Council recommends to Government a compassionate allowance for the widow of the late Percy Carlton McWatt who was employed in various Departments of Government between 1944-1952 and who would have been placed on the fixed establishment from 1st January, 1953, Mr. McWatt being survived by a young wife and five children aged 11 years — 4 months".

## NOTICE OF QUESTIONS

### HOURS AND WAGES OF WATCHMEN

Mr. Roth gave notice of the following questions:—

1. Does Government propose to lay on the table of this House the report of the Advisory Committee on Hours of Work and Wages of Watchmen other than those in Georgetown and New Amsterdam which was submitted on 4th July, 1952?
2. If so, when?
3. If not, why?

### VISIT BY MEMBERS TO CORENTYNE DISTRICT

Mr. Phang: Before the Order of the Day is proceeded with I should like, on behalf of myself and my colleagues, to thank Government for having enabled us to visit Berbice and inspect the Manarabisi pumping station and Blocks I, II and III, Corentyne. We have had the assistance of Mr. Leeming, Deputy Director of Public Works for Drainage, Irrigation and Sea Defences, and also of Mr. Sherrett, Road Engineer, and we are grateful to them for having given us a lot of information. We are also indebted to Mr. Abraham of the Colonial Secretariat and to Mr. Luck, Hydrographic Surveyor, who looked after our welfare on the trip which was a very interesting one.

The President: I am very glad to hear that hon. Members had an interesting trip. The more often we can get around and see things for ourselves the better it would be.

#### ORDER OF THE DAY

##### BILLS—FIRST READING

On motions moved by the Attorney-General seconded by Mr. Wight, the following Bills were read the first time:—

A Bill intituled "An Ordinance to amend the Limitation Ordinance."

A Bill intituled "An Ordinance further to amend the Criminal Law (Procedure) Ordinance with respect to the qualification of jurors and of special jurors: the control of publication or proceedings at preliminary enquiries; and for purposes connected with the matters aforesaid."

A Bill intituled "An Ordinance further to amend the Pensions Ordinance, 1933, with respect to the payment of a gratuity where an officer dies in the Service after attaining the age of fifty-five years."

A Bill intituled "An Ordinance to make provision for the grant of licences authorising the utilisation of the waters of rivers in the Colony for the purpose of generating electrical energy, and for matters connected therewith."

A Bill intituled "An Ordinance to consolidate and amend the law relating to Customs."

##### POMEROON LAND TITLES MOTION WITHDRAWN

The next item on the Order Paper was the following motion by Mr. Wight:—

"Whereas the majority of land in the Pomeroon is not held or occupied under title by transport;

"And whereas the lack of such title creates difficulty in the obtaining of loans;

"Be it resolved that this Council recommends the appointment of a Committee to investigate and report on the legislation most appropriate for the acquiring of titles by transport in the cheapest and most expeditious manner."

Mr. Wight: In view of a communication by Government stating that a Committee is about to be appointed to go into this matter, I beg leave to withdraw this motion.

Agreed to.

Motion withdrawn.

##### REDUCTION OF POUND FEES

Council proceeded to debate the following motion by Dr. Jagan:—

"Whereas the recent increases in the pound fees for strays found in the City of Georgetown are exorbitant and are creating severe hardship on the residents of the suburbs of Georgetown;

"Be it resolved that this Council recommend to Government that the pound fees be reduced to the amounts charged prior to the last increases."

Dr. Jagan: Before I proceed with this motion I would like to ask your permission, sir, to make an amendment to the resolve clause. I would like to delete the word "the" in the second line and all the words in the third line substituting therefor the words "an amount equivalent to 100 per cent. increase on the old fees." The resolve clause will then read:—

"Be it resolved that this Council recommend to Government that the pound fees be reduced to an amount equivalent to 100 per cent. increase on the old fees".

The reason why I have brought this motion is because of the great hardship which many residents have been experiencing in the payment of these high fees. I do not recall exactly when these fees were raised—some time in 1949 or 1950—but before they were raised to what they are at the moment, the charges for big animals, were 48c. per head per day in the City pound, while for small animals like goats and sheep the fees were 24c. per head. These figures were increased on the last occasion from 48c. to \$2.00 and from 24c. to \$1.00 — an increase of a little

over 300 per cent. While I agree that strays found in the City can certainly be a terrible nuisance — not only to people using the roads but also to those who cultivate kitchen gardens and so on—at the same time we must remember that there are many persons living around the City who have to make their living from farming, including dairy farming, producing milk in some cases and in others rearing goats, sheep and so on. Many of these people have, for a long time been earning a livelihood by these activities—people in Campbellville, Bel Air, Sophia, Vryheid's Lust, Liliendaal and so on.

The complaint about the pound fees is that while they are \$2 and \$1 in Georgetown for large and small animals, respectively, in Kitty they are very much reduced. I can see no reason why pound fees should be so low in Kitty, those in Georgetown being some three and six times as high. We have been told that Kitty is merely a suburb of Georgetown and that the strays caught there have been reared in the area so that the owners only have to pay a small fee when they are impounded there. On the other hand, if the strays are impounded in the City the fees are very much higher. This discrimination in pound fees has resulted in stray-catchers bringing animals from the vicinity of Kitty and Subryanville to the Georgetown pound. Some time ago a gentleman who is residing in Kitty had to write the Georgetown Town Council a very strong letter of protest about this matter. He pointed out that sheep and other small animals were being brought from Kitty and impounded in Georgetown instead of being taken to the Kitty pound. The reason for that is that there is a practice which entitles the stray-catcher to 50 per cent of the pound fees, so that the higher the pound fees are the more money he would get.

Only a few days ago I had to take up this matter with the Drainage Board while it was discussing the question of

the City limits, because that has some bearing on what I am saying. A large number of sheep were taken to the Plaisance pound and the owner had to pay quite a few dollars in order to have them released. When I took up the matter with the Secretary of the Drainage Board he informed me that specific instructions had been given to the stray-catchers to the effect that goats and sheep were not to be impounded in the area. Nevertheless, it was not possible for the owner in question to get back his money as the Drainage Board said they could not refund it; I want to make the point that stray-catchers go out of their way to impound people's animals at certain places so that they can get 50 per cent. of the higher pound fees, and this has been brought to the attention of the Town Council on many occasions. Of course, it is always difficult to prove where the animals were straying; for instance, whether they were at the Rifle Ranges or at Kitty proper. Apart from that, however, I feel that the fees being charged in Georgetown at the moment are really very high.

This motion seeks to permit an increase of 100 per cent on the old fees, instead of the unreasonably high increases existing at present. One assumes that these increases were made so that owners of cows and other animals would exercise more care and not allow them to stray. If it is felt that a fee of \$2 would act as a deterrent in this respect, then I feel that a fee of \$1 would serve a similar purpose, since it would also represent a substantial increase on the old fee for large animals and there is no farmer who would like to lose \$1 per head per night if his cows have been found straying. Therefore, if the figures I have suggested in the motion are adopted, they would act as a deterrent in the same way as the fees now in existence. I hope hon. Members will see the reasonableness of this motion and support it. At the moment many persons at Bel Air and Sophia earn

their livelihood by dairy farming, and supply milk to the City. They complain that they are experiencing great hardship as a result of these very high pound fees and it is hoped that hon. Members will find themselves in agreement with what I have said.

**Mr. Kendall :** I second the motion for discussion.

**Mr. Luckhoo:** I appreciate the spirit in which this motion has been brought, but if I may venture to suggest I think it has been misconceived. I feel that the hon. Mover should really have been making his approach to the Georgetown Town Council because under Chapter 86, section 199, which deals with the pound, it is stated that the pound shall be under the charge and superintendence of the Town Council. It goes on to say:

"(2) The appointment of the pound keeper shall be vested in the Council, and all pound fees, penalties, and sums of money payable under the provisions of the Pounds Ordinance, shall be paid over to the Town Clerk in aid of town funds."

The money then is paid over to the Town Council and provision is made for it to be taken over as part of the funds of the Corporation. It is true that under the provisions of the Pounds Ordinance and the amendments thereto the fees charged are set up, and these have been amended from time to time, on each occasion I venture to say, at the request of the Town Council. That is why I feel that the hon. Member for Central Demerara might have been better advised to approach the Town Council first in this matter, and his representations might have borne fruit. I might observe, however, that this matter has, on several occasions, occupied the attention of the Town Council — the present Council. On the last occasion all the members present unanimously agreed that a change was necessary, but for very good reasons the change should not be as drastic as

that suggested by the hon. Member.

The Town Council's decision was sent to the Colonial Secretary requesting that the necessary amendments be made with the approval of the Legislative Council. These amendments were two-fold—one in respect of the larger animals like horses for which the fees are \$4 each, the Council receiving \$2 and the stray-catcher \$2. It was suggested that the pound fee in this respect be reduced from \$4 to \$3; and in respect of small animals it was suggested that the fee be reduced from \$2 to \$1.50. The consideration of the Town Council was that if the fees are seriously reduced the stray-catchers would not be earning a living wage. That is an important consideration because if these stray-catchers have to depend on receiving 48c. per head for the animals they impound they might not be attracted to that work.

I cannot really endorse what has been said by the hon. Mover as regards illegal impounding of animals by stray-catchers, because allegations made against them are often based on surmise and not on actual evidence. In many cases where it was suggested that stray-catchers acted improperly investigations were made and the allegations were not established. The point I am making, however, is that it would not be economic to make such drastic reductions in the pound fees as would prevent the stray-catchers from earning a living wage. The Town Council felt that the fees must be of such a nature as to be a deterrent and not necessarily a penalty which would completely vanquish the owners of the cattle. All that is desired is that they should keep their animals carefully. If we are going to maintain the City which is known as the "Garden City of the Caribbean" in a proper way, then laws such as these must be observed.

The hon. Mover has put forward a very cogent argument when he points out that poor persons suffer when they are called upon to pay these high fees

for the release of their animals, but he should look at the other side of the picture and consider how these animals stray into the enclosures of other people and do considerable damage to cultivation and so on. They also enter upon roadways and cause accidents thereon, especially since there is now a much larger number of vehicles in operation than what we had formerly. For these reasons I maintain that the fees should be maintained at a fairly high level. I am not saying that they are too high, but they are sufficient to prevent owners from allowing their animals to run about wildly. I think, as I have said before, the hon. Mover should have presented his case to the Town Council although I do not think the result would have been any different.

**Mr. Wight:** I do not want to re-iterate the speech which I made in this Council in March, 1950, during the discussion on the Impounding of Animals (Special Provisions) Bill, and which is reported in column 2227 of *Hansard* of the 10th March, 1950, but I would suggest to the hon. Member for Central Demerara that if he himself reads the preamble of his motion he would see there that it states:

"Whereas the recent increases in the pound fees for strays found in the City of Georgetown are exorbitant and are creating severe hardship on the residents of the suburbs of Georgetown."

It seems to me that that very premise totally obliterates the hardship which might be created on these residents in Georgetown. I would just like to call his attention to and repeat what I stated in this Council in 1950. I said, *inter alia*:

"The cattle that the hon. Member refers to constantly come from across the way from Campbellville and as far as Bel Air. The hon. Member himself during the floods rang me up when I was ill at home and asked me to release certain cattle which, he said, came from around Bel Air mostly into the City on account of the floods. I told the hon. Member that if he satisfied the Town Clerk he would give the necessary instructions to release those animals. I believe they were released

within an hour. If the cattle can come into the City all the way from Bel Air on account of the floods, I do not think the hon. Member would deny that they do cross Vlissingen Road from Campbellville and Kitty into New Garden Street and various parts of Queenstown."

It seems that the question that should be decided is whether this hardship on the residents in the suburbs of Georgetown would not, especially in times of flooding, create a hardship also on those persons resident in or around the limits of the City who are endeavouring to cultivate gardens or little plots of land. For example, we have plots of land being cultivated along the railway line and even as far as Eve Leary. If we reduce these fees it seems to me that these cattle will continue to stray into the City. Cattle do not wait for floods to follow the way to where they get the best fallow. I do not see why those persons who are on the perimeter of the City should be open to the depredation of cattle from Bel Air Park, Kitty, Campbellville and elsewhere.

While I am in the minority, I do not agree with the decision of the Council for a temporary reduction of pound fees. It seems to me that if it continues—this stray nuisance—as it was around 1950, — the remedy, I might suggest to the hon. Member for Central Demerara, is perhaps to ask Government that wherever possible to provide pasturage for cattle so as to prevent them straying and being impounded. We know that during the rainy season we often have to request Government to hold up administering the laws of impounding because of the fact that cattle have to go on to the highways so as to get away from the water on the low lands.

**Mr. Farnum:** As regards the reduction of pound fees in Georgetown,

I do not think I am competent to say anything, but I would like to take this opportunity to point out a hardship which exists in Kitty. Very often cattle are caught in the district and, because the pound fees in Georgetown are more attractive than those in Kitty, the stray catchers invariably take the animals to Georgetown and not to the Kitty Pound. If something can be done in connection with that it would certainly do some good for the owners of cattle because, as the hon. Member for Central Demerara has pointed out, quite a large number of those people depend on dairy cattle for their livelihood.

Another matter was brought to my attention with respect to the rural areas. In certain districts on the West Bank Demerara, it has been pointed out to me, larger fees are imposed for cattle found straying on property belonging to the Government than if found on private property. The result is that the people are very careful to prevent their cattle from going on Government property but do not care about their going on the people's farms and private places. I have been asked to draw the attention of Government to that with the view that there should be a uniform fee and no preference shown towards Government property as against farmers' lands and private holdings.

Mr. Smellie: For my part I am content to leave the matter of the scale of fees in the hands of the Town Council, but I should like to support very strongly one portion of the speech made by the hon. Member for Central Demerara, and that is with respect to the reward which is given to the stray catchers. I think that is a very weak thing in the whole system. It is a very vicious thing. Actually I can speak from personal experience in this matter. A goat which I was keeping 15 years ago was mysteriously spirited out of the garden of my residence and it turned up in the pound. All the gates

were closed and, as I say, it was a mystery I always remember. The hon. Member on my right (Mr. Luckhoo), if I understood him correctly, said it is necessary to fix the reward to the stray catchers fairly high in order that they can earn enough to live on. I do not think that is very good argument, with all due respect to my hon. Friend. If you are paying a man by results, on a commission basis, it means the greater the amount he must earn the harder he should work. That is what I always understood.

Mr. Macnie: Like the hon. the Fifth Nominated Member (Mr. Smellie) I cannot support any idea that pound fees should be related to fair wages, but, at the same time, I agree with the hon. Member for Western Essequibo (Mr. Wight) and the hon. the Sixth Nominated Member (Mr. Luckhoo) when they spoke of protection for the man who is trying to grow something, whether it be flowers or vegetables. One of the troubles in this country, speaking generally, is that cattle-owners do not recognize and certainly do not carry out their responsibilities—a great many of them—in keeping their animals under control. That in itself is one of the reasons why people are discouraged from planting up the little bits of land they have and even from going in for the growing of ground provisions on a large scale on the suitable reef lands, where there are such lands in various parts of the country.

I have seen cases—and I myself have experienced it when I tried to grow things myself—where just as the farmers' crops are coming along nicely cows, or goats, or sheep and even horses and donkeys get into those places, and all the people's labour is lost. Even if they recover the money value, they never recover from or are recompensed for the discouragement they receive at the hands of animals be-

longing to people who will not carry out their responsibilities as cattle-owners and keep their animals under proper control, either by fencing their lands or keeping their animals tethered in a small area.

In other countries the owner of a four-footed animal, whether goat or cow or whatever it is, has to carry out that responsibility. Here many of them do not accept that responsibility and carry it out. Rather than that, they expect the people to fence around their little plots and keep the gates closed. They should keep their animals under control. Furthermore, they should expect their animals to be attracted by the nice sweet smell of growing lettuce, cabbages and other crops on which a man has spent hours and days trying to grow. After he has done that, then to have it devoured overnight it discourages him from going in for that and, therefore, he prefers to let his land run waste. I am unable to support any suggestion for the reduction of the pound fees in town or country. The hon. the Fourth Nominated Member (Mr. Farnum) referred to the fees in the country with regard to Government property. I feel there is something in that, but I will say this: there should be no reduction of the fees to meet the request of the hon. the Fourth Nominated Member.

**Mr. Fernandes:** I happen to live in one of the pastures of the suburban area—Subryanville, which comes under the jurisdiction of Kitty. The pound fees of Kitty are very low and at any time, day or night, anyone driving through Subryanville can see quite a number of cows feeding on the grass growing there. Nevertheless, I feel there is some excuse when cows stray from Bel Air or Campbellville, which is across the railway line, and go into Subryanville. But when a cow strays far enough as to come into the City, that leads one to think that the cow had not strayed but was driven there. If it was driven into the City for the purpose of making the City a pasture, then I am

afraid I would have to oppose any reduction of the pound fees whatever, in respect of cattle straying from an outside area or being driven from an outside area into the City for feeding.

I am in very great sympathy with those owners whose cattle may be caught in Subryanville and brought into Georgetown and made to pay Georgetown pound fees. It is not only wrong but absolutely illegal, and I feel certain that if the Town Council should see to it that those whom they authorize to catch strays in the City are also not at the same time holding an authorization to catch strays in Kitty, the trouble would easily be remedied, because any of them caught with animals from outside the City—from Subryanville, Kitty or any part of that area—can be charged criminally for being in possession of cattle without any authorization whatever. They can actually be charged with stealing the animals they have in their possession, as they would have no right to catch people's cows outside of the City.

Like the hon. the Fourth Nominated Member, I know what happens at nights, and it is wrong. I am sure, now that it has been drawn to the Government's attention, the Police will be on the look-out to see that cattle are not caught outside the City and brought into the City on account of the high pound fees paid in the City. It is nice to think about those who own cows, but one has also to think about those who are trying to keep Georgetown as the Garden City we have always spoken about and would like other people to speak about. One does his best to cultivate a few square feet of land that he has, and the first time he leaves the gate open everything is gone. There is nothing more heart-rending than that. But it goes even further than that. I know of a case in the Subryanville area where a man bought land and fenced it completely and properly. Naturally as a result of the land being fenced the grass inside the fenced area grew undisturbed. When those people who

own cattle in the area realized that the grass there was better than that elsewhere, they smashed the man's gate completely in order to get their cattle in and out of his land.

Only a short while ago this Council gave some further protection to owners of livestock to the extent that if a cow goes into your yard and your dog damages it, the fact that the cow had no right there does not help you, you have to pay for that damage. That gives a certain amount of protection but, you will admit, it is very hard for one to have to stay and watch everything one has planted being eaten down and be able to do nothing. You can no longer protect your yard by keeping dogs, because if you do, you are liable to have to pay for a cow or a couple of sheep which have strayed into your yard. Speaking as a Member of this Council who represents the City of Georgetown, I am afraid that the very wording of this motion leads me to oppose it because it says:

"Whereas the recent increases in the pound fees for strays found in the City of Georgetown are exorbitant and are creating severe hardship on the residents of the suburbs of Georgetown . . ."

If it was creating a severe hardship on the residents of Georgetown, then, of course, it is more likely that I would have been approached about it and I would have taken the necessary action. There have been no complaints by the people of Georgetown that they are dissatisfied with the pound fees and would like to see less strays about the City. One must not forget the great danger, when one drives at night, of suddenly having a cow or a donkey shooting out from the side of the road right across the road, and one is forced to apply one's brakes very sharply. I remember not long ago a youngster friend of mine collided with a donkey on the Sea Wall. He was fortunate in that the donkey was killed and he was not, but it could easily have been the other way about. I am in sympathy with those who

have livestock, but I cannot support anything that will cause the City to be used as an open pasture for cattle from as far as Bel Air.

**Mr. Thompson:** This question of cattle nuisance is causing a great deal of trouble in the rural areas. What we find is that cattle-owners do not protect their animals at all; they leave them to stray about. That is causing very unhealthy relationships in the rural districts. At present every bit of land is taken up in rice cultivation. There is no thought of grazing facilities. Until we get communal pasturage we will never get over this trouble. The people have far more animals than there is land for them to graze on, and the result is we have the animals causing great damage to property and unhealthy relationships among the people. I think it is a matter that Government should take up very seriously and see what can be done by way of giving protection.

At the last Village Chairman's Conference the question was brought up that in some districts there were higher pound fees for animals straying on Government's property. I could not get at the real position then, but I know that on the West Coast, Berbice, where an animal is impounded by the Local Authority the owner pays a higher fee. I am, however, told that is not so in other districts. We did ask some time ago for a reduction of pound fees on account of lack of accommodation. During the flood period it was decided that the owners of animals found straying in Government compounds should pay half of the pound fees, and that has been obtaining since. The point I am making is that those people who own animals should pay far more attention to them than they do. They just allow the animals to stray regardless of the damage they make. At present a good deal of rice would be lost on the West Coast, Berbice, through the sudden rainfall, and along with that straying animals are

breaking into places and whatever padi is stacked up there for threshing is destroyed by these animals. I do not think we should allow the fees to be such that a man can have his animals straying about without any protection to people's property. I have been all around the United Kingdom and I never saw there animals straying about. A man is allowed to keep animals according to the amount of land he has, and the animals are controlled. But that is not so in this country. Until we have legislation in some form, whereby a man must keep his animals under control, we will not get rid of this trouble.

I will not support a reduction of the pound fees in respect of animals outside of Georgetown straying into Georgetown. Those people should be able to control their animals, they should either have them stall-fed or they should have their lands enclosed so as to keep the animals in. As I have pointed out, all the lands at present are taken up for rice cultivation and so the people owning animals just dump them on other people's lands to damage their crops and give much trouble to the Magistrates in the districts. I would be glad if this matter is taken up as early as possible and something is done whereby we will have communal pasturage or some provision made for the animals to keep clear of the cultivation areas. We cannot have rice cultivation and cattle-rearing together. There must be a separation. Until the people realize their obligation to keep their animals under control we will never get rid of this trouble.

I, therefore, say I support, instead of a reduction as sought by this motion, that the pound fees continue in the same way as they are. May I enquire whether the pound fees are not the same in respect of all property and whether they are more for Government lands than for private lands, because I

was told that does not obtain in every district. I know, however, it obtains on the West Coast, Berbice. I think there should be uniformity as regards the fees.

The Colonial Secretary: I suggest that the amount of pound fees should be decided in each particular area with regard to the particular degree of nuisance that stray animals create in that area. In Georgetown the fees until 1949 were 48 cents for horses, 32 cents for asses, 24 cents for sheep, etc., and in 1949 because of the straying of animals from outside into the City becoming such a nuisance the fees were increased to the present amount of \$2.00 for the larger animals and \$1.00 for the smaller ones. Recently the Town Council considered the present fees, which are actually doubled because the person who catches the stray gets \$2.00 and the pound fee for release is \$2.00 making a total of \$4.00, and decided that they should be reduced—in the case of the larger animals from \$4.00 to \$3.00 and in the case of the smaller animals from \$2.00 to \$1.50. That request has been put in and will in due course be considered by hon. Members of this Council.

The hon. Mover of the motion referred to much lower fees being charged in the rural areas and suggested that the Georgetown fees should be reduced to that level. We have a lot of requests from different parts of the country, as the hon. the Second Nominated Member (Mr. Thompson) referred just now, to increase, and very considerably too, the fees charged in the rural areas because of the great nuisance of straying cattle at present in those areas. That again will come before Members of this Council in due course. I submit, sir, that the best judge of what the particular fee should be, if it is in the City of Georgetown, is the Town Council, and if in the rural areas the Local Authorities; and that the hon. Member's motion seeking reduced fees against the advice of the Council should be rejected.

**Capt. Coghlan :** I did not really mean to speak, but reading the motion which says;

"Whereas the recent increases in the pound fees for strays found in the City of Georgetown are exorbitant and are creating severe hardship on the residents of the suburbs of Georgetown."

I am tempted to ask: Is the hon. Mover of the motion suggesting for a moment that there is severe hardship on the residents of the suburbs of Georgetown who do not own stray cattle? I am afraid it is the people who have no cattle who are suffering severe hardship at the hands of those who have cattle which stray to the detriment of those people. There are two ways of looking at it. One way is trespass and the other inconvenience. Is it better to reduce the pound fees by sympathizing with people who will not control their cattle and who at nights turn their cattle out on the road and sometimes into other people's pastures, rather than to sympathize with people whose relatives are killed in a motor accident at night because people will not keep their cattle under control? The only residents who suffer no hardship are those who have cattle on the roads at nights or put them into other people's pastures to feed at nights. That is something I know happens very deliberately.

Now, sir, what is the object of a pound fee? The object is that people who own cattle should be charged sufficient so as to prevent them from leaving their cattle to roam on the roadway or on other people's land. Very often these cases go to the Magistrate's Court and one has to go to a tremendous amount of trouble to get damage appraised. Sometimes one does not only get insufficient compensation but no compensation at all, because the cattle are improperly branded and one cannot determine whose they are. From my experience I would be very sorry if we allow our sympathy to be so strained as to support people who would not keep proper control over their

cattle. I do not see any reason for reducing the pound fees as suggested. When a person commits an offence such as stealing the Magistrate has a discretion to fine him on a sliding scale, but as regards pound fees there is no discretion. I submit that the amounts fixed as pound fees are quite equitable. I know of many people who keep cattle but do not own even three rods of land on which to graze them. In the daytime and at nights also they turn the cattle into other people's pastures. I think we would not be exercising a wise discretion if we interfere with the action of those who, in their wisdom, increased the pound fees.

**The President:** Does the hon. Mover wish to reply?

**Dr. Jagan:** As I listened to hon. Members I gathered the impression that it is inadvisable to reduce the pound fees because if we do that we would be encouraging owners to permit their cattle to enter other people's land and so on. I think, however, that hon. Members have failed to comprehend very fully the points I was trying to make. I was not suggesting that there should be no deterrent with respect to these owners of cattle, but that we should consider whether the fees being charged at present are not going beyond the stage of being merely a deterrent. The hon. Member for Demerara River, for instance, cited the fact that a Magistrate can exercise a discretion and impose a fine on a sliding scale for stealing, but in this case—a question of pound fees—there is no sliding scale; there is a fixed penalty. I am glad that the Colonial Secretary has details with respect to these pound-fees because we find that in addition to a fee of \$2 (for small animals) there is an additional charge of \$2 for the pound keeper. Therefore the fees were actually raised from 48c. to \$2.

**The Colonial Secretary:** I do not think the hon. Member is correct. The fee, originally, was not 48c. but 96c.

**Dr. Jagan:** From 96c. we now have \$4 and from 64c. we have \$2. As I have suggested in the motion, the increase should be one of not more than 100 per cent. My point is that if we fix a fee of \$2 for a cow or any other large animal, and \$1 for a sheep or goat, that would certainly be sufficient to cause owners to take due care to see that their animals do not roam about. I can assure hon. Members that the poor farmers cannot afford to pay \$2 as pound fees for one head of cattle per day or night in Georgetown. I repeat that a fee of \$2 for a cow and \$1 for a sheep or goat would, in my opinion, be a sufficient deterrent to prevent these animals from being allowed to stray.

The hon. the Sixth Nominated Member has stated that this matter should have been raised before the Town Council. I am not a member of that Council, but perhaps I could have written a letter to them. I remember, however, that these fees were increased by this Legislative Council and therefore I thought we had power to reduce them also. I agree that it was the Town Council which reduced the fees previously from \$4 to \$3, and from \$2 to \$1.50. If any motion is accepted it would simply mean a further reduction from \$3 to \$2 in the case of cattle; and from \$1.50 to \$1 in the case of sheep and goats. These reduced figures would represent an increase of 100 per cent on the fees which existed before 1950 and would be a deterrent to those owners who permit their cattle to stray.

The hon. the Colonial Secretary has stated that the fixing of pound fees should be left to the discretion of the people affected—the Town Council or the Local Authorities—but if that is so the Town Council might very well introduce a fee of \$20 per head for cattle because they do not want any animals to be found straying in the city at all. We have been told that these animals should be left tied but, as the hon. Member for George-

town Central has stated, it is very difficult for cattle in the vicinity of Bel Air, Sophia, Laliendaal and such places to roam around Georgetown unless they are driven thereto. The point is that with pound fees being as high as they are at present, there is a big incentive to stray catchers and it is very likely that they would drive cattle into the City, if possible, in order that they should collect the higher fees.

I am not asking for the City fees to be reduced to the same level they were at in 1949 and so increase straying by cattle, but some honourable Members seem to feel that the present figures are not equitable with respect to farmers and other people whose interest we are trying to protect. I would be the last person to say that animals should be allowed to roam around the City and destroy cultivation and other things on private premises, but in the same way as we ask owners to protect their cattle, in the same way we should ask others to lock their gates and so on. We must remember that many of these cattle owners are trying, on their own, to make a living out of dairy farming and particularly in these days when there is growing unemployment—when people are trying to find every possible means of earning a livelihood—we must not penalize them too severely. I am sure farmers would not permit their cattle to roam in the City indiscriminately if they have to pay pound fees of \$2 per head, per day or per night. I hope hon. Members will appreciate the points I have made and support the motion.

**The President:** I will now put the motion.

Motion put, and the Council divided and voted as follows:

**For:** Dr. Jagan and Mr. Far-num—2.

**Against:** Messrs. Macnie, Luckhoo, Smellie, Phang, Peters, Fernandes, Coghlan, Thompson, Roth, and Wight, Drs. Nicholson and Singh, the Finan-

cial Secretary and Treasurer, The Attorney-General and the Acting Colonial Secretary—15.

Motion No. 4.

CONTINUANCE OF RENT RESTRICTION  
ORDINANCE.

**The Attorney-General:** In pursuance of the notice I gave earlier this afternoon, I beg to move that the relevant Standing Rules and Orders be suspended so as to enable me to take the following motion in the Second Schedule to the Order Paper of which I gave notice earlier:—

“Be it resolved that the Rent Restriction Ordinance, 1941 (No. 23 of 1941), shall continue in force for a further period of one year up to and including the 31st day of December, 1953.”

The motion seeks to continue in force for a further period of one year the Rent Restriction Ordinance, 1941. I think all hon. Members will agree that the housing shortage still continues to be acute and that it is necessary that this law should continue in operation. As hon. Members will see from the preamble to the motion, the Ordinance ceases about the end of the year unless it is continued by Resolution of this Council and, consequently, I am asking hon. Members to agree to the suspension of the relevant Standing Rules and Orders so as to enable the motion to be taken. The matter is beyond controversy and, as I have already said, hon. Members will agree that this is a very necessary procedure. I therefore beg to move that the relevant Standing Rules and Orders be suspended so as to enable me to take this motion today.

**The Colonial Secretary** seconded.

Question put, and agreed to.

Standing Rules and Orders suspended.

**The Attorney-General:** As I have stated, the preamble to this motion sets out fully the resolve clause. I do not think it is necessary for me to say anything further as regards the necessity for the continuance of this Ordinance. I may mention for the information of hon. Members that I am now preparing a consolidation of the Ordinance and the two amendments so that I might be in a position to provide certain amendments and present to hon. Members the Rent Restriction Ordinance as a Consolidation Ordinance, with certain amendments, early next year.

**Mr. Wight:** I beg to second the motion. In view of the fact that the Attorney-General is preparing a Consolidation Ordinance which I think is absolutely necessary, it seems that what I have in mind, namely, a request for the appointment of a Consolidation Committee, is no longer necessary for me to mention. However, I take it that Government has received certain representations on behalf of the Ratepayers' Association with regard to certain amendments to the Ordinance which have become necessary. There are certain improvements which, I may mention, need going into in detail, such as the question of expenses allowed a landlord in the fixation of rent. A certain increase was made from 12 to 25 per cent. but in these days when the cost of everything is going up—labour and materials included—it seems that some further thought should be given to the question of the actual loss of the landlord.

I think some provision should be made in the circumstances otherwise we might find ourselves in this Colony in a similar position to that in which the United Kingdom has found itself—where certain landlords said: “We are not going to repair our houses; whoever wants to take over our properties may do so, because we are not going to own property at a terrible loss.” It seems that the question of tenancy in

England also is causing a headache. However, Government has taken steps to improve the situation in England and it seems to me that our laws in this Colony should be brought up to date. It may very well be that a similar attitude will be shown towards this question in British Guiana as was done in England. I am supporting the motion, and it seems to me absolutely imperative that we should have a consolidation of these Ordinances.

**Dr. Jagan:** I am also supporting the motion and would like to remind

Government that the question of the extending of the Rent Restriction Ordinance to cover the whole Colony was considered several months ago and I hope that in the Consolidation Ordinance this matter will be dealt with. The present situation is causing a great deal of hardship, particularly to people who rent building lots outside the rural areas.

Motion put, and agreed to.

**The President:** Council will now adjourn until 2 p.m. tomorrow.