

LEGISLATIVE COUNCIL

Friday, 20th April, 1951.

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

PRESENT:

The President, His Excellency the Officer Administering the Government, Mr. J. Gutch, O.B.E.

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

The Hon. the Attorney General, Mr. F. W. Holder, K.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. W. J. Raatgever (Nominated).

The Hon. V. Roth (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. G. M. Gonsalves (Eastern Berbice).

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. J. Carter (Georgetown South).

The Hon. F. E. Morrish (Nominated).

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

The Clerk read prayers.

The minutes of the meeting of the Council held on Thursday, the 19th of April, 1951, as printed and circulated, were taken as read and confirmed.

ANNOUNCEMENT**U.K.-CUBA TRADE DISCUSSIONS.**

The PRESIDENT: Hon. Members, I have received a telegram from the Secretary of State for the Colonies in which he has asked me to inform the Council, with reference to the motion which was passed on Friday last, that he has received the Council's Resolution of April 13 on the subject of the trade discussions between the United Kingdom and Cuba.

REPORT OF DENTAL MECHANICS
REGISTRATION COMMITTEE

The Council resumed the debate on the following m o t i o n by the COLONIAL SECRETARY:—

“That, this Council accepts in principle the recommendations in the Report of the Dental Mechanic Registration Committee which has been laid on the table.”

Mr. PETERS: Sir, yesterday, when we adjourned, I think I was at the point of my speech where I was calling the attention of this Council to the fact that the practice of dentistry, if it is to be done in a proficient manner, must take into consideration such matters as Embryology, Physiology, Anatomy and Bacteriology, because, fundamentally, dentistry is a profession which has to do with the health of the populace in the last analysis. When we search our minds and have a look at the facts as we are supposed to know them, we cannot but be aware that the dental mechanics lack the technique and specialized training necessary to be able to give the greatest service to the community. If I have been rightly informed—and I believe I have some measure of horse sense to be able to arrive at some conclusion—most of the time of a dental mechanic is spent in the laboratory. He has very little opportunity, if any at all, to be about the dentist's surgery when surgical operations are taking place.

We are being asked to take certain risks by those who are disposed to have the report of the Committee thrown out. We are told that we have too few dentists in the Colony, having regard to its population, and that because of the paucity of registered dentists we should embark upon the very dubious, dangerous, and disastrous experiment of turning loose upon the community a number of untrained men—I might almost say *sans* technique and *sans* talent. We are told that we are taking a serious risk in trying to run our Colony with so few dentists to look after

the dental needs of our population, but if we lowered the standard which has been set for the admission of aspirants to the dental profession, might we not be running the risk of discouraging the few trained dentists we have on the spot? If we embark upon the dubious experiment of allowing so many untrained men to be turned loose upon the community, where would we be able to draw the line? The qualified dentists who are already established might decide to pull out if the Colony was overrun by untrained men. Another risk is that the youths of our Colony who may be disposed to take up dentistry as a profession, would not bother to go to England or to the U.S.A. to qualify themselves if it is made so easy for unqualified persons to be registered as dentists. Apart from that, those dental students abroad would not consider it worth while returning to this Colony to practise when it was so easy for unqualified persons to be registered as dentists. That would be a new problem we would be creating for ourselves.

I am speaking as I am because I have the health of the community at heart, and as my conscience dictates. It is all well and good to say that we are allowing these dental mechanics to be registered as dentists, and that they would only practise in the rural areas. It would be necessary to make legislation to keep them in the country districts all the time. Who is going to prevent them from coming to the City and practising? Again, what is to prevent people in the City who are satisfied with that class of dental work, going into the country districts for treatment by those persons? That would be a new problem we would have to face in order to make sure that such dentists are kept in water-tight compartments. That would be adding to the dangerous experiment we are being asked to embark upon. I would say that if any consideration is to be shown by this Council towards those men who have been working as dental mechanics for a number of years, they should not be

admitted to the dental register unless certain precautions have been carefully observed. My friend, the hon. the Seventh Nominated Member (Mr. Luckhoo) has spoken about examinations. I too am inclined to the view that an examination of sorts should be faced by those who want to be given an opportunity to be registered, but there is no concealing of the fact that there is fear on the part of the present aspirants to registration, that if they had to submit to an examination the papers would be so rigorously set that they might just as well consider themselves failures before they sat the examination. As a compromise I would suggest that the papers be set in England, or by somebody outside the Colony.

In summing up my attitude in this matter I should say that I am somewhat in sympathy with the dental mechanics, but I am more in sympathy with the health requirements of our people throughout this land of ours. I am not prepared to suggest that anything be done which might create the risk of a person developing one disease after another because I have contributed to exposing the public to dental treatment by one who has not been trained to practise dentistry. As I hinted yesterday, our mortality rate and our morbidity rate are things of which we may be proud. As a minister of religion I stand at the point where I can keep a check on the mortality rate among the people in my parish, as compared with what it used to be some years ago. The death rate among children and young people has been considerably reduced. I am certainly not prepared to do anything which would contribute towards a change in that state of things by embarking upon the dangerous experiment of allowing untrained men to perform surgical operations upon members of the community.

Dr. NICHOLSON: I would like to speak on the motion from a medical and professional point of view, as a citizen of this country, and from the

point of view of my duty as a legislator. The report of the Committee might well be considered as a very comprehensive and excellent document and worthy of the Committee which was entrusted with the examination of the question. In contradistinction to what has gone before, the modern trend is to regard dentistry as a speciality. In other words, a dentist must have precisely the same training as a medical man. He must know something about the body as a whole; he must know something about anatomy; he must know something about physiology, that is the normal function of the body. He must know pathology; that is, the body in disease and its return to normality. He must know about drugs and he must know something about sanitation and hygiene. In other words, he must be trained precisely in the same manner as a medical man, and after that training he takes up dentistry as a specialised subject in the same way as the ophthalmologist takes up the study of the eye or the oto-rhino-laryngologist specialises in the study of the ear, nose and throat, or for that matter one who studies any particular part of the body. That is the place to which dentistry is elevated. That is how it is regarded in the U.S.A. and Great Britain and other enlightened parts of the world, but what do we seek to do here? Unless we accept this motion we will be placing dentistry on a very much lower level than it is in those parts of the world I have mentioned.

The days are long past when the practice of dentistry is regarded as a mere mechanical operation, that is, the extraction of a tooth and its replacement by an artificial one. The mouth is regarded as the gateway to health and happiness, but it can very well become the gateway to disease and misery. Can we consider the injury to health by having dental caries, diseased stumps, a septic condition in the mouth? Can we consider that as often

as we swallow our saliva, as often as we sip a glass of water, as often as we put the smallest particles of food into our mouth, as it passes down the alimentary canal, hundreds and thousands of organisms of every kind enter the body? Every sip of water, every particle of food is contaminated before it reaches the stomach. How often in practice someone comes to the medical practitioner, with gastritis or some other form of alimentary trouble, or even an abscess in the brain or a joint disease, and the doctor looks in the mouth for some septic focus, because there is such a thing as systemic circulation and lymphatic circulation. The blood carries with it organisms from which septic foci may settle on the heart valves, producing shrinkage of the valves and impairment of the circulation; and nutriment is not carried properly to all the organs of the body. If one suffers from an abscess in the brain the possibility is not remote that the circulating blood must have carried the organisms there from the mouth. even puerperal sepsis in women has been known to be caused in this way. This is the role which is assigned to the dentist—a person complaining of toothache but the dentist finds that it is not a condition of the teeth as such but really an expression of some disease in some other part of the body. It may be one of the social diseases demonstrating by expression in the mouth or pathological condition. How can a man who has had no training in medicine be capable of handling a situation such as that? To such a role has dentistry been resolved.

A great point was made about our sympathy for unqualified and unregistered practitioners, but we must think more so of the hundreds of persons whose health may be ruined if we were to allow unqualified dentists to be registered to carry on this health service. We must never allow sentiment to transcend reason. I was rather pained on listening to my hon. colleague in this Legislature and in my profession. He would have us place on the register

men who have had no pretension whatever to a knowledge of dentistry. My hon. friend signed this Report and on page 8, paragraph 25 I read this:

"However, no clearly defined facilities exist in this Colony for training Dental Mechanics. We have been told by graduate dentists who are responsible for their employment, that the training given mechanics is nowadays strictly limited to laboratory procedures and lacks the theoretical training given in recognised dental technician schools abroad, more especially in North America. One Dental Graduate who had been a local dental mechanic for seven years before reaching Dental School emphasized that he found he had not understood or appreciated the whys and wherefores of his craft until he commenced his dentist training"

In other words, the dental mechanic has no claims whatever to the practice of dentistry as such, and my hon. colleague signed the Report. But when we come to the question of registration—and I find there is no parallel anywhere in Law -- there are prescribed courses and examinations for solicitors and barristers; in the Church there are prescribed courses and examination for deacons and ministers; in the arts and sciences, and in teaching the same principle prevails. In my own profession, Medicine, the physician and surgeon is distinguished from the nurse-midwife, the sicknurse and dispenser, and the chemist and druggist. I want to know why this promiscuity in dealing with this branch of the medical profession—Dentistry? A practice might be tolerated, we might even wink at it even though the principle is wrong, but when it comes before this honourable Council for sanction we have to behave like statesmen; we have to put sentiment and sympathy behind our backs and give a statesmanlike decision which can be handed down to generations. We have to let reason prevail. That is what we are asked to do. It is just like a prisoner at the Bar; the judge and jury may have great sympathy for the prisoner, but the prisoner is found guilty. In years

gone by unregistered gentlemen were allowed to do the work of dentists. The principle was wrong but it was allowed to go on. Today we are asked to pronounce on it, and we can do nothing else than accept the motion. It is not that I have no sympathy for these gentlemen who have been practising all these years; we have to devise ways and means whereby we can help them.

I suggest that in the first place we accept the motion and, secondly, that we implement as early as possible the recommendation of the Committee for the operation of mobile dental units and the school dental unit. Thirdly, I suggest the subsidisation of one, two or three qualified dentists to be posted in such areas where it is difficult to secure a qualified dentist. The principle is observed in Medicine; we post medical practitioners to various parts of the country. We can do the same with our dentists. There are many young men who are well qualified and who must find it very difficult to set up a practice. We can draw upon that field and have them posted in various parts of the country as we do with medical practitioners.

What are we going to do with these 18 mechanics of whom so much is spoken? In the first place we cannot place on a medical register unqualified men on parity with men who have spent money and time in the study of their profession. It is not fair. But I would suggest that we form an Examination Board, perhaps in like manner as we have the Chemists and Druggists Board of Examiners or the Board for the examination of nurses, and have these gentlemen sit an examination. It is an unheard of thing to place names on a professional list, whether it be in respect of medicine, nursing or chemistry, without some proper testing. I am not prepared to say what should be the prescribed course or the extent of the examination, but if these 18 men are so skilled, it is only right even to themselves to ask them to sit an exam-

ination, to undergo some testing before they can be placed on that list. Another thing we can do is that we may utilize the services of the best of these men in the mobile units. A mobile unit will have a qualified dentist and he must need assistance. The services of these men in making dentures and other things can be utilized, and at the same time they can learn how to do extractions.

Government is doing everything possible by way of scholarships in the several professions, to assist young men and women who have the ability to qualify for positions. In the same way we can assist one, two or three of these mechanics whom we find willing and suitable to benefit by a regular course in dentistry. It has been a very interesting debate. I do not mind if I am speaking on the eve of an electioneering campaign. If one is to do one's duty as a legislator, one should never be afraid, even if an election hangs over one the next day, to give a wise and reasoned decision on any subject, however hard it may appear to operate against any particular section of the community or any particular individual. I am supporting the motion.

Mr. KENDALL: I have listened attentively to the previous speakers for and against the acceptance of this Report and, as you, Sir, have already heard, it has been an interesting debate. One has to take into consideration the various aspects in arriving at a decision as to what is best for the community in general. I agree that the Report is a very fine document and I would join with those who congratulated the signatories to that Report. I must observe, however, that the present situation in which we find ourselves is due to the fact that Government was unable, in the first instance, to accept the recommendation made by two medical men over three years ago, that a mobile dental unit be placed in the rural areas. It may be proper to make this observation that

there seems to be a policy on the part of the Administration to centralize the various social services in Georgetown and thereby neglect the rural areas, thus giving much scope to individuals in the practice of dentistry or medicine when they should not do so. Government has further encouraged it in certain rural areas by having dispensers doing the work that doctors should do. In the Canie Creek District a Government dispenser is sent to an area with a very large population to do the work of a medical practitioner. I suppose you find that is done in Essequibo too. So the obligation is Government's, and I think Government should at a very early stage implement that recommendation. It is well to consider that these men, these 18 dental mechanics, gave some type of service which the graduates were unable to give in the particular areas. That should be considered in some form or another. I have no desire to agree that they should be placed on the Register of Dentists, because if this Report is one for the future then at some time or other we should begin to put our house in order. But I am satisfied that these men should be given some opportunity to be placed where they can continue their work under certain restrictions that will not violate or interfere with the graduates in their profession.

I think the time has come when those of us who represent the community should strike a happy medium in the circumstances, should be grateful to some extent for the services rendered by these men who, I am sure, would not have been so useful to the community if we had enough graduate-dentists willing to remain in the rural areas and give service that is necessary to the people in those localities. I do not agree that these men should be registered as dentists and placed in the rural areas, because I am satisfied the rural areas deserve the same quality of treatment as the urban areas. But it is left for the Ad-

ministration to see what measure of relief can be given these men, taking into consideration that only recently men similarly placed, who may not have as much practice or may not be as efficient as some of these 18 men, were placed on the Register, and placed there in some instances by Members of this Council who are stating today that it is *infra dig* to have non-graduates placed on a Register of professional men. Those decisions were not made by this Council. They were made by the Governor in Council, whereon there are medical men who ought to advise Government in that respect. Inasmuch as they have advised only recently—since this Report was published—that certain non-graduates should be placed on the Dental Register and regarded as dentists, I think the only thing that can be done is that these men be given some opportunity to be placed in the same category as those two who were recently placed on the Register of Dentists. I know fairly well that some of them were practising prior to this Report. I think that is fair and equitable.

This is a report for the future. I agree with it and support it, because something should be done at some time or other to stop non-graduate dentists practising, but those men who were practising prior to this Report should be given some measure of relief. I think in doing that we would not be doing the community any great harm as is being entertained now. Again, I say that these rural areas are being neglected by the Administration, and it may be relevant to conclude that, for some reason or another, we have a similar situation in our hospitals where there seems to be the policy to have everything in Georgetown. Even in Berbice, in spite of the population there, we find it is not the wish of the Administration to have properly equipped men in our hospitals in order to protect the lives of the citizens. If that attitude was not adopted we would have better protection and there would not be that urge to come to the City fo-

all we want, despite the fact that without the support and production of the people of the rural areas the City would be nowhere. There should be a change of heart in the whole attitude of the Administration in its treatment of the rural areas, in providing the social amenities they deserve. This debate has brought out that fact, and I hope that Government will take that into consideration as the feeling of those who speak on behalf of the people in the rural areas.

Mr. THOMPSON: Very much has been said on this question already, and I desire to be very brief and to bring things to a head. I have long advocated the need for dentists in the rural areas and if I am not mistaken, in discussing this question some time ago I actually suggested that these local dentists should take an examination and be allowed to practise in the rural areas. Nevertheless, I have heard so much within these last two days on this question that I am prepared to go no further than just to see if it is possible to strike a happy medium. Much has been said about the men's inability, and that they should not be allowed to carry on because they are not qualified. If I have to go back and just think what happens in the outlying districts, I can instance acting Magistrates who had had no examination in law or anything of that sort but were allowed to practise with one's liberty in their hands and even with lawyers appearing before them. It is only fair that everyone must defend himself, and if the hon. the Attorney-General is defending his Department I do not blame him. I maintain that these unqualified men have been allowed, in the upper reaches of the rivers, to trifle with persons' liberty and to carry on as Magistrates without having passed an examination.

Quite a lot has been said about the lack of facilities in the rural areas. I have known cases where men in anticipation have provided themselves with electrical apparatus to do necessary work. Sterilization is perfect, and I am sure

that if those men were allowed to carry on they would be able to provide themselves with all the necessary appliances to enable them to do proper work.

Much has been said about accidents but I do not think that is a point about which too much should be made, because I am in a position to prove that registered dentists have caused considerable trouble in that direction. Not very long ago I met a young man in whose jaw a registered dentist had left a needle. He has been X-rayed three or four times but is still suffering pain. That was the work of a registered dentist. I also know of the case of a woman whose mouth has been badly mutilated by another registered dentist, and she is still in a terrible condition. More than that; I have heard of many cases of bad work done by registered dentists who have taken the patients to unregistered dentists to have the defects adjusted. I said some time ago in this Council that the wife of a registered dentist had actually gone to an unregistered dentist to have her teeth looked after, and I do not see why my friend, the hon. Member for Eastern Berbice (Dr. Gonsalves) should be labouring so passionately in this matter. I may also refer to the occasion when Members of this Council visited the Rupununi district where the work performed by a registered dentist on a poor Indian woman was most disgraceful. He did not do everything possible to relieve the woman's torture, and I do not know that she was relieved at all.

I can cite several cases in which registered dentists have left patients suffering, and I know of two cases in which compensation has been paid to the patients. I have had to intervene in order to keep some cases out of Court. I say that these accidents, of which so much has been made, do not only occur with unregistered dentists. In fact, in every case which has been brought to my notice, a registered dentist has been involved. I feel that if a

certain amount of concession was granted to these dental mechanics they would be able to make good. Many of the registered dentists have spent most of their time in learning theory, and when they return to the Colony they have to employ some of those unregistered men to assist them in their work.

Dr. JAGAN: The hon. Member is making a sad mistake when he suggests that qualified dentists have very little experience in the practical side of dentistry. That is a mistake which can easily be verified by any Member who has any acquaintance with the course in dentistry. The hon. Member has also made the point that dentists have been trained by unregistered dentists. I do not think the hon. Member should make statements like those.

Mr. THOMPSON: What I have said should not be twisted by the hon. Member to suit his purpose. I have made reference to certain things which can be found in Hansard. I am not here to vilify anyone or to make statements which I cannot stand by. If called upon in a proper way I am prepared to prove every statement I have made. I do not object to an examination. I feel that a man should be fully qualified for his job, but if other men have been registered without having sat any examination, why should these dental mechanics not have the same privilege? The Committee's report is an excellent one, but in order to give these dental mechanics an opportunity to qualify themselves I suggest the following amendment to the motion:

I have just had some work done to my mouth by an unregistered dentist who is doing excellent work. I will continue to go to him and I will send as many of my friends to him as possible. I feel that I am justified in pleading the cause of this gentleman in view of the complaints I have received of unsatisfactory work by registered dentists.

Dr. GONSALVES: To a point of order! I would like to know if it is within the purview of the hon. Member to vilify qualified men in the manner he is doing. We have no objection to his pleading the cause of unregistered men but we object very strongly to his insinuations against men who have been properly qualified.

Mr. THOMPSON: I do not know that I have vilified anyone. I have stated certain facts which I am prepared to prove at any moment even regarding the last speaker, but I am not prepared to do that. What I have said I can stand by. I propose to move an amendment along these lines:

The COLONIAL SECRETARY: I must submit that that is an entirely new motion and not an amendment to the motion I moved.

Mr. THOMPSON: I will word it as an amendment.

The PRESIDENT: I think what the hon. Member proposes to move is substantially a negative to the motion now before the Council, and therefore is not in order.

Mr. THOMPSON: I will move an amendment that the Report be accepted with a proviso, and I will submit it in writing.

The PRESIDENT: Will the hon. Member frame his amendment and let us have it?

Mr. THOMPSON: I will do that, Sir. I wish to add to the motion the following amendment:

"provided that those dental mechanics who have practised prior to the date of the said Report, be given a reasonable opportunity of qualifying themselves locally for inclusion in the Register."

The PRESIDENT: Has the hon. Member finished his speech?

Mr. THOMPSON: Yes, Sir.

Mr. ROTH: I beg to second the amendment.

Mr. WIGHT: It would seem to me that the amendment is not necessary because, even if the Report is adopted, the persons concerned would always have an opportunity to become qualified as dentists. It seems to me that we are begging the question. The amendment suggests that the dental mechanics "be given a reasonable opportunity of qualifying themselves." They always have an opportunity to qualify themselves, and it is always reasonable. If it means what has been suggested by certain hon. Members and myself, that they be given some assistance, that is a different thing. I would suggest that as the majority of hon. Members are in favour of the motion, it should be adopted, and Government be asked to consider the various suggestions which have been made and report back to the Council on those suggestions. I have particularly in mind the suggestion of assistance and an examination.

With regard to the other suggestions which have been made by the hon. Member for Central Demerara (Dr. Jagan) and the hon. Member for New Amsterdam (Mr. Kendall) I may point out that they were also considered by the Committee but we were not in a position to make any recommendation. It was, however, decided that the Director of Medical Services would take the matter up administratively. I suggest that the amendment carries the matter no further.

Mr. KENDALL: If the word "locally" was inserted in the amendment would it take us anywhere? In other words I am suggesting that they be given an opportunity to qualify themselves locally.

Mr. THOMPSON: I accept the suggestion of the inclusion of the word "locally."

The ATTORNEY-GENERAL: I think the amendment suggested by the hon. Member is somewhat inconsistent with the Committee's report. He is seeking to add a proviso to the motion, which proposes that this Council accept in principle the recommendations in the Committee's report, the terms of which largely nullifies the effect of the acceptance. The report says that the circumstances and conditions of their practice were not such as to justify their continuance, having regard to the necessity to protect the health of the community. I think the amendment is not very happily worded.

Capt. COGHLAN: I would like to ask the hon. the Attorney-General for his definition of a "mechanical dentist." I have never heard of it; there is no such thing.

The ATTORNEY-GENERAL
I have adopted the language used by the hon. Member who has put forward the amendment.

The PRESIDENT: The amendment certainly does negative certain of the conclusions in the report on which the original motion is based, and I am very doubtful whether it can be accepted. I think it would be better to continue the debate on the motion and take a division on it.

Mr. FERNANDES: I am going to be very brief. I find myself in a position in which I daresay every Member will find himself once in a while, and that is to have to decide a matter in which there is on one side my duty as a Member of this Council to the community, and my friends on the other side—the members of the Dental Mechanics' Union. I have read the Committee's report very carefully. It is very well written and its findings are not unreasonable, but I find myself in this position: that if I vote for the acceptance of the report or against its acceptance the same situation arises. In other words, if I vote against the report the law remains as it stands, and the law as it stands does not per-

mit of these dental mechanics being registered. So that whether I vote for or against the motion it will make no difference from that point of view. Nevertheless, I am in sympathy with at least some of the dental mechanics who have acquired quite a lot of talent and efficiency, but I find myself in a position in which I cannot agree that they should be put on the register of dentists without any examination whatever.

The suggestion was made in the course of the debate that some consideration be given to the possibility of having those men pass an examination under Government control, and it was suggested by the hon. Member for Western Essequibo (Mr. Wight) that Government might give as much assistance as possible to enable those men who have acquired ability by practice to qualify as dentists. I will have to accept the recommendations of the Committee because I daresay every aspect of the question has been gone into thoroughly, but at the same time I appeal to Government to do everything possible to help those dental mechanics to qualify themselves to be registered as dentists.

The COLONIAL SECRETARY: In listening to the speeches in the course of the debate, particularly the speeches of those hon. Members who have found themselves unable to support the motion, it has become increasingly clear to me that there is really only one major point of difference of opinion. Looking for the moment at the conclusions arrived at in the report, I have heard no serious objection to the third conclusion which is:

"3. That legislative steps should be taken to establish a register for dental mechanics as such, and to provide for their training and examination."

I have also heard no objection to the fourth conclusion—

"4. That at least three Mobile Dental Units staffed by dental graduates

should be provided for itinerant work in rural areas; the service rendered thereby to be made largely self-supporting by the levying of moderate charges."

Nor have I heard any reference at all to the fifth conclusion—

"5. That coincident with the provision of Mobile Dental Units, a dental educative campaign should be conducted among the public generally and with special reference to children of school age."

I conclude, therefore, that those points are not a matter of controversy. As regards the first conclusion I do not think that more than perhaps a very small minority of the Members of the Council feel that those dental mechanics should be admitted to the local Dental Register without any qualifications or conditions, to practise as dentists. The controversial conclusion, of course, is No. 2 which states:

"2. That it would be neither desirable nor practicable to create a special dental registration category enabling locally trained dental mechanics to practise as Dentists in prescribed non-urban areas."

Many of the speakers who have opposed the motion have referred at length to the need for dentists in rural areas, and quoted statistics which, of course, were obtained from the report itself. I myself invited attention to them in moving the motion, and I hope I have emphasised that Government does regard the position as extremely serious. That there is a shortage of dentists is not in dispute. The facts, briefly, are that there is a serious shortage of dentists in rural areas; that, presumably as a result of that shortage, a number of unqualified and untrained persons have been practising dentistry in rural areas; and the question which we have to decide in this Council is whether the activities of those persons have benefited the community, or done harm to the community, and that is a question over which there is, obviously, considerable controversy.

I would like hon. Members to consider the evidence which we have before us, and to consider it objectively. Several Members have mentioned that they have been approached on this subject, and it is obvious that such lobbying can only give one side of the picture. I myself have no personal experience of the activities of dental mechanics in rural areas, and I imagine that the majority of Members of the Council are in the same position. We appointed a Committee to enquire into this matter, and I would here like to associate myself with those Members who have energetically repudiated the suggestion which has been made, and which I consider wholly unjustified, that the Committee was a partial body. The Committee was carefully selected, and I consider that it has done its job fairly and well. It has also done it very thoroughly. I have read the record of the evidence taken, which is voluminous and, of course, has not been put before the Council, though the conclusions which the Committee drew from that evidence are, of course, embodied in the report.

The Committee considered the question with great care and examined many of the dental mechanics personally, and the conclusion was reached that with a very few possible exceptions, the dental mechanics who have been operating in the rural areas have no training at all and no theoretical knowledge. The dangers of treatment by someone untrained and without any knowledge of what he is doing, have been emphasized by several speakers, and I need not go over all that again. It is quite obvious what those dangers must be. We have heard various appeals to Government to relieve suffering humanity in the rural areas. Government has also been asked not to remove the amenity which the inhabitants of the rural areas have been enjoying. I will not argue about the description of dental treatment as an amenity. It is not an amenity which I personally have ever enjoyed, but it

certainly can be described as an amenity.

The evidence before Government in this report indicates that the activities of the dental mechanics in the rural areas so far as they constitute an amenity, actually constitute a menace to the health of the people.

I submit that Government is not one whit less concerned about the welfare of the people in the rural areas. We have been accused of neglect. I do not think that accusation is fair when one takes into account all the practical difficulties; and the principal difficulty in this matter, as has been emphasized, is shortage of qualified dentists. That shortage, we hope, will in time cure itself, but until we get more dentists, the service we can make available is bound to be limited. The hon. Member for Central Demerara said that no service is better than bad service. I entirely agree with him where dentistry is concerned, and I submit that the evidence, taken very thoroughly and carefully by the Committee, does show that the service the people have been getting was bad service, and that there is a moral obligation on Government to protect the people from that service. That, of course, is the sole reason why I have moved this motion, recommending the acceptance of the conclusions contained in this Report.

Much has been said about the position of dental mechanics, and it has been pointed out that we have had appeals not to deprive them of their livelihood. One may have some sympathy, but that sympathy must be tempered by the comment of the Committee in paragraph 39 of the Report which reads:

"In view of the circumstances related, it is considered that dental mechanics should themselves have been well aware of the steps to be taken to obtain registered status. Those of their

number with claims to training and experience in the practice of dentistry prior to 1924 were clearly afforded an opportunity of applying for registration in 1939. The remainder, whose training and experience were acquired after 1924, ought to have known that they stood no chance of gaining for themselves registration as dentists, since the terms of the 1924 Ordinance were clearly intended to close the register from that year onwards to all but graduates of recognised dental schools."

In short, they were practising dentistry illegally, and they ought to have known it. I imagine that in fact they did. I doubt if any Member of this Council would contend that if a man succeeded for 20 years in making a profitable livelihood out of burglary he should thereafter be immune from arrest. I do not think that is a logical argument. It has been suggested that there should be some form of examination to enable those dental mechanics who can show themselves to have the necessary skill and competence, as the terms of reference said, to practise in a limited area. I do not think it is possible to limit the practice; we may only limit the area in which one may practise. As you have heard, the dental mechanics intimated before the Committee that they were not themselves in favour of such examination, and I have been given to understand, an examination of any standard, one that would afford protection to the people on whom the successful candidates would practise, could only be passed by a very small number indeed of those at present practising as dental mechanics. I have been told that possibly two at the most would pass. Well, I frankly do not think we would be justified in going to the trouble of arranging for such an examination, in view of the practical difficulties and the fact that the results are likely to be so small.

Another point that has been made is that in fact a large proportion of these dental mechanics are not practising in the rural areas but are practising in Georgetown. An alter-

native that has been suggested is that of giving assistance to these people to enable them to qualify as dentists. That is, perhaps, a more reasonable suggestion and certainly it can and will be considered. I may say here, of course, that if for example a scholarship was awarded to enable a dental mechanic to qualify, it would take him at least four years to do so, and by the end of four years one does hope the situation would have been somewhat relieved by the return of some or a large proportion of the 53 Guianese now studying dentistry abroad. I would like to say here, on the question which has been raised about studying dentistry in the U.S.A., that I do not propose to enter into an argument on the respective merits of studying in the U.S.A. and in the United Kingdom, but that it is extremely difficult to get into a dental school in the United Kingdom, and so we have in any case to rely to a large extent on the U.S.A. for our dentists. That is the reason why the Currency Control make dollars available to enable students to go to the U.S.A.

On the question of assistance the Scholarship Committee, whose duty it is to consider how best to use the limited funds which we are able to make available to scholarships, has not in the past recommended scholarships for medicine or dentistry. The reason for that has been partly because there were already a considerable number of people studying dentistry and medicine either in the United Kingdom or the U.S.A., and also because it was thought better to spend the limited funds available on providing training which parents would not usually think of providing for their sons, such as training in agricultural engineering, forestry, etc., technical professions for which openings are limited. One can quite understand a parent spending money on having his son trained as a doctor or a dentist, because he knows whether he gets a Government job or not he will have an opportunity of making a living, but in his taking a

course in forestry or agriculture it is rather a different position, as the openings are limited if he does not get a Government job. For that reason the Scholarship Committee has not recommended funds for a scholarship for medicine and dentistry. There was a special scheme from which we are beginning to enjoy the results. I think four young doctors recently qualified and returned to the Colony, all trained under that scheme. However, as I say, the possibility of assisting any really deserving individuals who are among the ranks of these dental mechanics would certainly be considered, though it seems to me the task of selection is likely to be an invidious one. I do not know how the Committee would determine who is the most deserving one without having an examination.

As regards the amendment suggested by the hon. the Third Nominated Member (Mr. Thompson), I am not entirely clear as to its purport, if he means a proviso that those dental mechanics who have practised prior to the date of the Report should be given reasonable opportunity to qualify. As the law now stands, there is only one way you can qualify yourself for inclusion on the Register, and that is to obtain qualification as a dentist. But I imagine that is not what he means, particularly as he used the word "locally." It is well known that it is not possible to qualify as a dentist locally. Therefore I can only assume that what he is suggesting is exactly the opposite of Conclusion 2 of the Conclusions in the Report—that there should be a special registration category or special examination of some sort which would give these people the right to practise dentistry. That being so, I cannot possibly accept that amendment, and I have already touched on the reasons why I cannot agree that we should introduce an examination, because in the light of the evidence taken by the Committee it is quite clear that the results would not justify the difficulties involved.

There is little more I think I need say, sir, but to point out again, what has already been pointed out by the hon. Member for Georgetown Central, that if the motion is negatived the position would remain exactly as it is, and the practice of dentistry by unqualified persons not on the Register would continue to be illegal. I have listened to the speeches, and, what has been quite a lengthy debate, with great care. I have studied the amendment proposed by the hon. the Third Nominated Member, but I have heard nothing in the course of the debate which encourages me to believe that the object of Government in bringing this Report forward for approval would be furthered by any amendment of the motion which I originally moved. I would just like to say that Government's sole object in bringing this Report forward for the approval of the Council is to promote and protect the health of the people in British Guiana. I, therefore, have to move, sir, that this Council accepts in principle the recommendations in the Report of the Dental Mechanic Registration Committee which has been laid on the table.

Mr. THOMPSON: By way of explanation, what is operating in my mind is a course of lectures by the Medical Department whereby these men would be given the opportunity of qualifying. I am not against examination.

The PRESIDENT: I do not think the hon. Member can make another speech.

Mr. THOMPSON: I was just making an explanation.

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

For—Messrs. Morrish, Carter, Smellie, Peters, Kendall, Fernandes, Wight, Dr. Jagan, Dr. Gonsalves, Capt. Coghlan, Dr. Nicholson, Dr. Singh, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—15,

Against—Messrs. Luckhoo, Phang, Farnum, Thompson, Roth, and Raatgever—6.

Motion approved.

AMERINDIAN BILL

SECOND READING.

The ATTORNEY-GENERAL: I beg to move the second reading of a Bill intituled—

“An Ordinance to make provision for the good government of the Amerindian tribes of the Colony.”

Hon. Members of this Council will recall that two years ago a Message, No. 3, dated 2nd February, 1949, from His Excellency the Governor, was communicated to this Council, and in that Message a policy was outlined in connection with the Amerindian community of the Colony. That Governor's Message was considered in this Council on the 17th November, 1949, when a resolution was passed accepting in principle a statement of policy regarding the Amerindians of the Colony, as outlined in that Message to which I have referred, and further approving of the introduction of legislation necessary to implement that policy. The resolution was adopted unanimously by this Council and I think it will be within the recollection of Members of this Council that on the occasion of the debate the hon. the First Nominated Members (Mr. Roth) gave us a very admirable survey of the historical background of the Amerindians of British Guiana.

In accordance with the policy outlined in the Governor's Message to which I have referred, and which was, as I stated, accepted by Resolution No. XXIII passed by the Council, it is considered desirable that the Amerindians should not be permanently segregated from the other inhabitants of the Colony, but should be given an opportunity of fitting themselves under proper guidance for the full privileges and responsibilities of citizenship so that they may take their proper place with

other communities in the economic, social and cultural life of the country. There is an Ordinance on the Statute Book, the Aboriginal Indians Protection Ordinance, Chapter 262 which, although providing for the protection of Amerindians, does not contemplate any progressive development of this kind, and this Bill seeks to introduce legislative measures, as approved by that Resolution to which I have referred, for carrying the new policy of Government into effect.

As will be seen, the Bill is divided into nine parts. Part I enables the Governor in Council to declare portions of the Colony to be Amerindian Districts, Areas and Villages, and contains provisions restricting the entry of persons who are not Amerindians into such Districts, Areas or Villages without the permission of the Commissioner of the Interior. That provision is found in clauses 3 to 6. Part II seeks to provide for the registration of Amerindians and the issue to Amerindians of certificates of registration. That provision is to be found in clauses 7 to 11. Part III contains provisions to enable the District Commissioner to take such steps as may be necessary for the care, protection and management of the property of Amerindians with their consent, and to take legal proceedings on their behalf. Those provisions are in clauses 12 and 13. Part IV seeks to provide for the appointment of captains of Amerindian Districts, Areas and Villages, and to prescribe their duties—clauses 14 to 16.

Part V seeks to provide for the establishment and functioning of District, Area and Village Councils, and to empower these bodies to levy taxes, subject to the approval of the Governor in Council. It is sought to give these Councils power to make rules for the good government of the Amerindians of the District, Area or Village as the case may be, and to impose a small penalty in the event of a breach of any

rule. Those provisions are made in clauses 17 to 21. Part VI deals with an Amerindian Purposes Fund, and seeks to establish such a fund into which shall be paid the money lying to the credit of the fund known as the Aboriginal Indian Reservation Fund—clauses 26 to 29. Part VII relates to the employment of Amerindians, and seeks to regulate such employment and to prohibit the employment of Amerindians unless the conditions of employment have been approved by the District Commissioner.—clauses 30 to 34.

Part VIII deals with intoxicating liquor, and seeks to prohibit the supply of such liquor to Amerindians in any District, Area or Village, except when administered by certain persons in cases of illness. An exception is made in the case of "piwarri" and other similar drinks. Under clause 22 of the Bill the District, Area and Village Councils will be empowered to make rules restricting the manufacture of "piwarri" and similar drinks. Part IX contains certain miscellaneous provisions to be found in clauses 38 to 41. If this Bill is passed, as Members will appreciate, it would be necessary to provide for the Ordinance to come into operation by stages, and clauses 1 to 41 seek to make such provision. I may say it is intended that all Amerindians shall continue to enjoy their present privileges, e.g., free firearms licences, etc., for a period of ten years. Hon. Members will recall that we passed an Amendment Ordinance with regard to this question of firearms licences. Those, in short, are the provisions relating to this very important question of the Amerindians of this Colony.

As I have said, by the acceptance in principle by this Council of the policy outlined in His Excellency's Message, it is now proposed to implement it in the form of legislation which aims at the advancement of the interests, the well-being and development of the Amerindian community in this Colony, so that they may, under proper guidance, reach the full responsibility and privilege of citizens, and take their

proper place with the other communities in the economic, social and cultural life of this Colony. I beg to move that this Bill be now read a second time.

The FINANCIAL SECRETARY & TREASURER seconded.

Mr. ROTH: First I would like to congratulate Government on bringing forward this Bill. It has been under consideration for quite a number of years, even before the new policy was adumbrated in this Council in 1949. I had the honour to be requested by Government to introduce the motion which was accepted unanimously. I have been Chairman of not less than three Committees which dealt with this matter—two with the policy upon which this Bill is based, while the third dealt with the Bill itself. Yet when it was first published in the *Gazette* and became known to the general public, there was a great outcry on the part of persons who claimed to be the friends of the Amerindians. There is no doubt that those objectors had a lot of right on their side because, as was seen, the Bill as published put the Amerindians in a worse position than they are under the existing law. However, the hon. the Attorney-General was kind enough to give a very long interview during which we hammered out a large number of amendments, the majority of which are before hon. Members in printed form, but there are still one or two very important ones which should be included.

It must be remembered that of the 16,000 Amerindians of the Colony some 10,000 live outside the reserved areas or the areas supposed to be reserved, and unless Government takes great care in declaring the areas to which this Ordinance will apply, those left outside of the protection of the existing law would have no protection whatever. However, I propose to take up these matters individually when we go into Committee. There is no object in wasting the time of hon. Members

in speaking generally now on the second reading.

Mr. CARTER: I agree that this Bill, for the most part, is a very good one for the protection of Amerindians, and I am glad to see that certain clauses are designed to prevent their exploitation by certain persons. Provision has been made for contracts to be entered into by Amerindians in writing, and so forth. There are also admirable provisions with regard to local government, but when I look at Part II on page 3 what comes forcibly to my mind is the system that obtains in South Africa—that abominable system of registration which is generally referred to as the apartheid system. I would like to know why it should be necessary for Amerindians to register like the Africans in South Africa? I refer, of course, to the black Africans.

Mr. ROTH: Aren't Africans in the United Kingdom also required to register?

Mr. CARTER: It was only during the war that it was necessary for them to have identification cards, and one knows why it was necessary, but the provision for registration in this Bill savours of the South African system under which natives of the country have to walk with cards, or produce them when required, or be prosecuted. I am thoroughly against Part II of this Bill. There is no reason why any citizen of this country should be registered like cattle, and should produce certificates of registration. I think it is a reflection on the Amerindians, and should be omitted from the Bill. I have studied the Bill and I can see no reason at all why there should be a system of registration. I have also been in communication with someone who is very close to the Amerindians, and I understand there is a great deal of objection to this business of registration. Clause 7 in Part II provides:

"7. The Governor shall appoint a fit and proper person to be the Registration Officer of Amerindians, and ma-

appoint such assistant registration officers for such parts of the Colony as he may think fit."

Clause 8 states:

"8. (1) Every Amerindian who has attained the age of twelve years shall be registered by the assistant registration officer appointed for that part of the Colony in which he resides."

Then Clause 10 states:

"10. Every Amerindian registered as aforesaid, shall produce his certificate of registration within a reasonable time when requested to do so by any officer."

This is a fair copy of the South African law which provides that native South Africans must produce their certificates of registration when called upon by the police. I object to it. Then clause 11 provides:

11. Any Amerindian who, witho reasonable excuse,—

- (a) fails to produce his certificate as required by section ten of this Ordinance; or
- (b) lends or gives his certificate to any other Amerindian; or
- (c) is found in possession of the certificate of any other Amerindian, shall be liable on summary conviction to a penalty of twenty-five dollars.

It would be presumption for this Council to pass any such provision in a Bill of this nature. We would be going back to the Dark Ages of South Africa and other countries which require this kind of registration.

Dr. JAGAN: I am glad the hon. Member has raised that point about the registration of Amerindians, but before we come to that issue, which no doubt will be discussed fully later, I would like to find out from Government whether the policy which was recommended by Mr. Peberdy, and later accepted by Mr. Gregory-Smith, is to be implemented in the future, and whether the Amerindians have given their consent to that policy. I

refer to the proposal to move them into certain reservations, and I believe it is proposed that there should be three reservations. I do not know whether those plans and arrangements have been carried out, and whether the Amerindians have agreed to move into those reservations. I recall that on a previous occasion the hon. Nominated Member, Mr. Farnum, made the point that it would be a very difficult job to persuade the Amerindians to leave the settlements they are now occupying and go into the reservations which Government wants them to move into.

Mr. ROTH: I rise to a point of information. Quite recently there has been quite a large expedition to the Barima river Caribs, to which the hon. Member referred at the time, and it was found that they were going into the reservations of their own free will.

Dr. JAGAN: I merely wanted to get that information, because it seems to me that unless we are able to get a large number of those people into these reservations we would not be doing a great number of them any great deal of good by passing this legislation. The hon. Nominated Member who spoke a moment ago referred to the fact that of a total Amerindian population of about 16,000 there are only about 6,000 living within the reservations. I do not know if those figures are correct, or if I have interpreted what he said correctly, but it would appear that there is still a large number of Amerindians who are not yet settled in those three reservations, and that it is not known whether they have any intention of going into them. That is a matter which I believe should be given very serious consideration by this Council.

Mr. FARNUM: I would like some clarification of clause 1 of the Bill which says:

"1. This Ordinance may be cited as the Amerindian Ordinance, 1950, and shall apply to such areas of the Colony as the Governor in Council may by Order prescribe."

Does that mean that only those Amerindians who are in those areas will receive the benefits of this Ordinance when it is passed?

Mr. ROTH: If the hon. Member would look at the printed list of amendments he would see that those words have been deleted.

The ATTORNEY-GENERAL: As the hon. Member has observed, the proposal is to delete the words "and shall apply to such areas of the Colony as the Governor in Council may by Order prescribe," in order to meet points which have been raised by the hon. the First Nominated Member (Mr. Roth), Mr. Long, and others interested. All I tried to do in my opening remarks was to put before the Council the general principles of the Bill and the clauses relating to them.

Mr. FARNUM: I also agree with the hon. Member for Georgetown South (Mr. Carter) with regard to the registration. Those of us who know the Amerindians very well know that after a certificate of registration is given to an Amerindian, if he is asked to produce it a few weeks after, he would not be able to do so. They will stick it in the roofs of their logies where insects would destroy it, and under the provisions of this Bill they would be liable to a fine. I do not think that should be included in the Bill and I will move its deletion.

Mr. PHANG: I would like to have some explanation myself. In clause 35 it is provided—

"35 (1) No person shall sell, barter, supply or give intoxicating liquor to any Amerindian within any District, Area or Village, or to any person for consumption by an Amerindian as aforesaid."

What about giving an Amerindian liquor in Georgetown or anywhere outside an area?

The PRESIDENT: Can't we deal with those matters in Committee?

The ATTORNEY-GENERAL: I think that all hon. Members will agree that when this matter came before the Council during the consideration of the Governor's Message two years ago, it was the unanimous view of the Council that legislation along the lines as outlined in that Message should be brought forward. There may be one or two points which will require a certain amount of clarification or amendment, but those are details which can be properly dealt with in the Committee stage.

As regards the point raised by the hon. Member for Georgetown South (Mr. Carter), it is not the intention, and it never could be the intention of this Government to introduce in any form conditions savouring of the apertoid policy to which the hon. Member has referred. The object of the registration is that members of the Amerindian community move about, and if they are employed it is desirable that there should be some means of identification in their own interests in order to prevent exploitation of those people. It is not a question of the registration being required for the purpose of segregating them from other members of the community. The whole object of the policy is that these people need guidance to come within the pale of full citizenship, so that they may take their place with the other communities in the Colony. I wish to emphasize that there never has been, and never will be any idea that there should be attached to the Amerindian communities anything savouring of any apertoid policy.

The PRESIDENT: I should like to add to that that I think the intention of Part II of the Bill is made clear in sub-clause (2) of clause 8, and I envisage that instead of Amerindians objecting to be registered, they may object to having their applications for registration refused, or to the registration of other persons as Amerindians.

Mr. R TH: When we go into Committee I will suggest an amendment to

provide for cases of alleged Amerindians being refused registration. The registration of Amerindians is entirely in their own interests. The hon. Member for Georgetown South (Mr. Carter) must remember—

Mr. FERNANDES: Are we in Committee, Sir? If not I do not think it is fair that the hon. Nominated Member should be allowed to make another speech.

The PRESIDENT: I will put the question "That the Bill be now read a second time."

Agreed to,

Bill read a second time.

COUNCIL IN COMMITTEE

The Council resolved itself into Committee to consider the Bill clause by clause.

Clause 1—*Short Title.*

The ATTORNEY-GENERAL: I circulated to hon. Members some weeks ago copies of the proposed amendments as a result of discussions I have had with the hon. the First Nominated Member (Mr. Roth), and as a result of correspondence which Mr. Long had with some hon. Members. It is proposed in clause 1 to delete the words "and shall apply to such areas of the Colony as the Governor in Council may by Order prescribe."

Mr. SMELLIE: May I ask why it is proposed to delete these words?

The ATTORNEY-GENERAL: The point is that with those words in, the Governor in Council would have to prescribe the areas to which the Ordinance shall apply, whereas if they were deleted the Ordinance would apply generally, and the Governor in Council has the power to declare any portion of the Colony to be an Amerindian Dis-

trict, Area, or Village. There are certain clauses which may be applicable to Amerindians who are outside of a reservation, a declared area or a village. In other words the Ordinance will be left general with the removal of the limitation of those words in clause 1.

Clause 1, as amended, agreed to.

Clause 2.—*Interpretation.*

Mr. ROTH: I would like to take this opportunity to resume what I was saying when I was called to order by the hon. Member for Georgetown Central (Mr. Fernandes). I would like to draw the attention of the hon. Member for Georgetown South (Mr. Carter) to the definition of "Amerindian"—

"2. In this Ordinance—

"Amerindian" means—

- (a) any Indian of a tribe indigenous to the Colony or to neighbouring countries;
- (b) any descendant of an Amerindian within the meaning of paragraph (b) of this definition to whom, in the opinion of the Commissioner, the provisions of this Ordinance should apply."

That is to say that with a registration certificate a man knows he is an Amerindian and can enjoy all the privileges as such, whereas he might be mistaken for a person other than an Amerindian.

Mr. CARTER: I regret that I must differ from my friend on that explanation. If an Amerindian wants to claim any benefits under this Bill when it becomes law, and to establish the fact that he is an Amerindian, he does not necessarily need to have a certificate. It is true that before he can get a certificate he has to establish that he is an Amerindian, and where he wants to enter into a contract he can establish before the District Commissioner that he is an

Amerindian. What is meant by "any descendant of an Amerindian"? Does it mean that only one parent need be an Amerindian? A descendant may or may not be an Amerindian.

Mr. ROTH: An Amerindian may not be a full-fledged Amerindian. He need not be according to the law. The principle is if a person is an Amerindian by up-bringing or custom. For instance, if a half-bred Amerindian has lived as an Amerindian all his life, under the law he is treated as an Amerindian and becomes one by law. That is the purpose of it. Under the present law there have been very hard cases in respect of half-bred Amerindians. They were not protected by the law although they knew no other life than that of an Amerindian.

Dr. GONSALVES: I give the hon. Member credit for knowing much of the life and natural habitat of the Amerindian people, but I am rather puzzled by the explanation given for the registration certificates, because I have lived in other countries where there are Indians and half-breeds. I am really puzzled to understand what this registration is leading up to. There seems to me to be something more than what appears on the surface. If there is any element of suspicion I think it is justified from what I have seen here and in other places. I have seen some very high Government officials in other countries who are very proud of their Amerindian ancestry. What are we trying to do by this registration? I hope that we have not forgotten all the implications in the Peberdy Report. Although I give the hon. Member credit for knowing the Amerindians, I cannot agree with him that this system of registration is in their best interests.

The ATTORNEY-GENERAL: I suppose the hon. Member has read the definition of "Amerindian" in clause 2(a) and (b). The point raised by the hon. Member with regard to a person who is an offspring of an

Amerindian and a person of another race is covered by that definition. As the hon. the First Nominated Member (Mr. Roth) says, there may be half-breeds who have grown up among the Amerindians, and with all their customs, and if they were not regarded as Amerindians a great hardship would be done to them.

Dr. GONSALVES: Then I take it that if a half-bred Amerindian left the Oralla district and went to the Rupununi he may not be accepted, because paragraph (b) of clause 2 refers to any descendant of an Amerindian "to whom, in the opinion of the Commissioner, the provision of this Ordinance should apply." I think that a half-bred Amerindian, wherever he comes from, should have the same rights and privileges, and I cannot agree to legislation which creates a distinction between them.

The ATTORNEY-GENERAL: If a half-bred Amerindian goes from Oralla to the Rupununi he still remains an Amerindian as defined in clause 2. The hon. Member is proceeding on the assumption that such a person would not be accepted, which is not justified. If he has a certificate of registration as an Amerindian he is an Amerindian. The First Nominated Member (Mr. Roth) said he proposed to move an amendment to provide that where persons were refused registration they should be allowed to show that they have been refused, so as to give them the fullest opportunity to come within the four corners of the provisions of this Bill.

Mr. CARTER: With all respect to the hon. the Attorney-General I must say that the explanation is a very thin one, because clause 7 in Part II of the Bill says:

"7. The Governor shall appoint a fit and proper person to be the Registration Officer of Amerindians, and may appoint such assistant registration officers for such parts of the Colony as he may think fit."

On the question of the employment of an Amerindian clause 31 says:

"31 (1) Every person who desires to employ an Amerindian otherwise than in the manner specified in subsection (3) or section thirty of this Ordinance shall enter into a written agreement with such Amerindian in the presence of an officer or a justice of the peace."

Will the officer who has to deem a person a fit and proper person to be registered as an Amerindian be the same officer in whose presence a contract for employment has to be made? One officer may register a person as an Amerindian while another officer may not. That is an absurd position. May I refer the hon. the First Nominated Member to Chapter 262, in which there is a definition of "half-caste."

Mr. WIGHT: I thought the hon. Member for Georgetown South was going to give a very good example in his full favour by reference to clause 38. I notice there is a tendency in British law—I do not know whether it is within the precincts of this Colony—to be rather like the French, to consider one guilty until he is proved to be innocent. I intimated it in this Chamber and it is increasing. If you look at clause 38 it will be seen that the mere fact that an offence is committed and a person is described as an Amerindian makes him an Amerindian until he proves the contrary. All you have to do is to name all you want to name and they automatically become Amerindians, and the poor defendant is left to prove that he is an Amerindian.

The ATTORNEY-GENERAL: If the hon. Member looked at Part III he would see it deals with the protection of property and legal proceedings on behalf of Amerindians, and shows that the District Commissioner will be undertaking the care, protection and management of the property of Amerindians in any District, Area, or Village within his district and may—(a) take possession of, retain, sell or dispose of the prop-

erty of an Amerindian; (b) in his own name sue for, recover or receive money or other property due to or belonging to an Amerindian, or damages for any conversion of or injury to such property; (c) exercise in the name of an Amerindian any power which the Amerindian may exercise for his own benefit; (d) in the name and on behalf of an Amerindian appoint any person to act as an attorney or agent of an Amerindian for any purpose connected with his property, provided that such powers are exercised with the consent of the Amerindian, except in so far as may be necessary for the preservation of his property.

Clause 13 deals with information and complaints on behalf of an Amerindian. The real point about that is, that when the Commissioner or the Police lay information that affects a particular Amerindian who has been assaulted or something else has happened to him. That should be taken without further proof as *prima facie* that he is an Amerindian, unless and until the contrary is proved. The Commissioner or Police would not be laying it as regards an Amerindian or some other person.

Mr. WIGHT: I have looked at it and also at clause 23 and Parts VII and VIII. There are other offences there. Clause 23 shows that if an Amerindian refuses to appear before a Council he is guilty of an offence. I am just showing how it is we should adhere to the principles of British justice that a person has to be proved guilty.

Mr. FARNUM: I thought we were going through this Bill clause by clause, but I see Members are going all over the Bill. In regard to clause 2(b) it says "any descendant of an Amerindian." How many generations will that go down to? Does it mean that if your great-great-grand-mother or father was an Amerindian you would be entitled to be registered as a descendant?

The CHAIRMAN: I think it is intended that a person must have some Amerindian blood in him. Apart from that the criterion would be whether he has cut himself off from the Amerindian community and is living as any other ordinary citizen of this country, or is still living among the Amerindians and observing their customs, and can be classed for the purpose of this Ordinance as an Amerindian. There may be half-castes with Amerindian blood in them who may object to being classed as Amerindians under this Ordinance. The people who will be classed as Amerindians, whether full-blooded or not, are the people who require the protection of this Ordinance until such time as they reach a more advanced stage of education, etc., and are entitled to take their place as any other citizen of the community.

Mr. WIGHT: There is something in that point taken by the hon. the Fourth Nominated Member (Mr. Farnum). Supposing an Amerindian having divorced himself from his old way of living and gone out into modern world civilization (sometimes we ourselves get bored and fed up with modern civilization) wants to return to it, is he entitled to be registered as an Amerindian? Perhaps the hon. the Attorney-General would explain that position to us.

The ATTORNEY-GENERAL: Is he an Amerindian?

The CHAIRMAN: I think the Commissioner would look at it this way. He would have to consider the point of view of the Amerindian community as a whole. A person, who previously had cut himself off from the community and probably had picked up the vices with the virtues of the outside world, might by his return contaminate those people who are living the simple Amerindian life.

Mr. FERNANDES: There is this difficulty I find with the registration section. Clause 8 (1) says:

"Every Amerindian who has attained the age of twelve years shall be registered by the assistant registration officer."

If a boy has one Amerindian parent, the father being a member of some other race, the father dies and the child lives with its mother as an Amerindian up to the age of 12, that boy would be bound to apply for registration, and I do not see anything to stop him being registered. As long as he has lived in the reservation with his mother he would have to be registered at the age of 12, and once registered as an Amerindian, according to this law he would be always an Amerindian. But as he gets a little older some member of his father's family comes along and takes him out of the reservation and brings him to Georgetown where he lives as an ordinary citizen for 10 to 25 years. At any time it suits him to go back and claim his rights as an Amerindian there is nothing to stop him. That is the danger.

Mr. ROTH: Those who go out of the reservation to become ordinary citizens lose whatever Amerindian rights they have after 10 years. If they wish to retain them they must remain there.

Mr. FERNANDES: I thought someone had moved an amendment to delete those areas from the Bill. That means they must remain in any prescribed area to be Amerindians.

The CHAIRMAN: See clause 2!

Mr. WIGHT: We have seen the difficulty already as we inter-relate these clauses. We have to confine ourselves to a specific clause as we proceed, otherwise we would just be wandering around the whole Bill. I am going to suggest, if it meets with the approval of Council, that you, Sir, ap-

point a Select Committee to go through this Bill and report back to this Council, otherwise we would be going around in circles all the time because we have not yet decided on the principle of registration.

The CHAIRMAN: We have not reached that yet.

Mr. WIGHT: I know that Members do not seem to like the idea of a Select Committee, but it is a recognised parliamentary procedure and a very quick procedure. You do not have these long-winded speeches, with due respect to the Members who think it would be nice to put in the body of their newspaper how many words a Member has spoken. A Select Committee is a body which gets down to work.

The ATTORNEY-GENERAL: I think hon Members are fully appreciative of the provisions of this Bill, and there are only certain points which they desire to have clarified. I do not know whether a Select Committee would carry us so much further, because when that Committee has reported we would probably have to go over the same ground again. I may mention that this matter has been the subject of consideration by three or four Committees. I think it was referred to the Legislative Council Advisory Committee for the Interior; then there was another Committee which dealt with the Peberdy Report, and a special Committee which sat in 1949 and went through the whole of the details in regard to this whole question. It is obvious that hon. Members should take considerable interest in a matter of this sort, and rightly so, but the principal clause which is now engaging the attention of this Council is clause 2. Obviously that clause is not an easy one, for the simple reason that it has to be sufficiently wide and elastic to give an opportunity of dealing with various people who may not be full-blooded Amerindians or half or three-quarters, as the case may be.

Consequently the Council itself has to proceed on the assumption that the person who would ultimately have to decide a doubtful case would be the Commissioner. Accompanying that idea is the fact that when the appointment of the particular Commissioner is made, he would have the requisite knowledge and understanding of matters of this sort.

We are sitting here in this Council and examining the Bill, and obviously every Member wants to see the best emerge for the Amerindian community. That is clearly so; but at the same time if you have to limit or narrow the definition you may exclude persons who should get the benefit of the provisions of the Bill. Consequently I suggest to hon. Members that the definition of "Amerindian" should be as wide as possible to enable those who are entitled and wish to come within its provisions to do so. The other point with regard to registration I will deal with when we come to clause 7. The particular clause before hon. Members is clause 2, and I suggest that the definition be left as it is. It is the result of considerable thought. We had a definition in Chapter 262 dealing with Aboriginal Indians. If hon. Members would refer to the Aboriginal Indians Protection Ordinance they would see the Interpretation section (2) says:

"Indian" means aboriginal Indian; "half-caste" means anyone who is the offspring of an Indian mother and other than an Indian father:

Provided that the term "half-caste," wherever it occurs in this Ordinance elsewhere than in the next ensuing section, shall be construed to exclude every half-caste who, under the provisions of that section, is deemed to be an Indian."

I think that hon. Members will agree that the definition of "Aboriginal Indian" in this Bill is better than the existing one. I think this is a more desirable approach.

Mr. FERNANDES: I am prepared to accept that if the idea of the last half of (b) is that that would only operate until the full registration scheme goes into effect. It says this definition should apply in the opinion of the Commissioner. It does not say this Ordinance will apply to everyone who is registered as Amerindians. After the registration I do not see that there will be any need for that.

The ATTORNEY-GENERAL: The hon. Member will realize that the definition is divided into two paragraphs —(a) clearly defines what Amerindian means—"any Indian of a tribe indigenous to the Colony or to the neighbouring countries." That is clearly settled and there is no argument about that. Those who are now Aboriginal Indians would come within that particular category. Then there are those who, because of admixture, may not be regarded as Amerindians but for purposes of mode of living and customs, background and development have lived as Amerindians. Therefore (b) would apply because it says; "any descendant of an Amerindian within the meaning of paragraph (a) of this definition to whom, in the opinion of the Commissioner, the provisions of this Ordinance should apply." That means that the provision would apply, because of the particular individual's background and custom, life and circumstances.

Obviously I would suggest to hon. Members that it must be left sufficiently wide to enable some sort of discretion to be exercised, not for the purpose of exclusion but for the purpose of inclusion. Among the Amerindians it would be known who has grown up amongst them. If one takes the case the hon. Member for Georgetown Central referred to, where a child or young person is the offspring of an Amerindian mother and a non Amerindian father, and the father dies and the child grows up among the Amerindians, obviously that child would be entitled to be considered an Amerindian, and the Com-

missioner would, having regard to the particular clause, consider it as an Amerindian.

MR. PETERS: The question of dealing with Amerindians certainly must claim my attention, because one of my Mission Stations, Caracaria, is in the heart of the Amerindian district on the Essequibo River. I am afraid this definition raises a number of questions in my mind. Someone was suggesting that we should not pass on to the consideration of the question of registration so early, as that comes in Part II, but when it comes to defining whoever may be regarded as an Amerindian, one has to take into consideration the question of registration. So I should like to know where you have Amerindians in whole or in part residing on the border line of civilization, or actually within the ambit of our civilization, such as we know it in this Colony, what are we going to do about them? Then again, where you have such a thing as registration of births taking place in the district you have the schoolmaster looking after that. Are you going to continue that and have the registration later on? Then with the jurisdiction of the Commissioner in respect of what we have here in Part II, clause 8, I am afraid that the boys and girls in my district who, for instance, have been registered at birth may still be called upon by the Commissioner to be registered at the age of 12, according to this clause. It seems to me that unless we are careful we are going to disturb the susceptibility of these people and do more harm than the good we are seeking to do. We have to be very careful with this legislation.

The ATTORNEY-GENERAL: We are not dealing with registration, although it has been mentioned by hon. Members that clause 7 reads:

"The Governor shall appoint a fit and proper person to be the Registration Officer of Amerindians, and may appoint such assistant registration officers for

such parts of the Colony as he may think fit."

That has to be related back to the general picture. There would be a certain number of reservations, and in those reservations you would have these Amerindians residing. Then this question of registration would particularly apply to them. You may have Amerindians outside who may be, for one reason or another, permitted to be outside. They may be registered before, and if they apply to go outside and reside, then the provisions of the Ordinance would not apply to them.

MR. PETERS: An Amerindian, according to our definition, is an Amerindian wherever you find him throughout the Colony, whether in civilization or in forest paganism, and we say that every Amerindian who has attained the age of 12 must be registered. How are we going to reconcile these two?

The ATTORNEY-GENERAL: The point really is this. The Bill is now before hon. Members of Council. They have agreed in principle to legislation outlined in Government's policy as being desirable. Having done that, this legislation comes before the Council for consideration. We have got to Clause 2 which provides for the definition of Amerindian. The comments of hon. Members indicate the fact that it is felt that the definition is either too wide or is not sufficiently broad. I am pointing out to hon. Members that to detail or limit the definition a danger may be created whereby Amerindians who may come within the provisions of the Bill might be excluded, because of the particular detailed or limited definition of Amerindian, because the first part of that definition is obviously quite satisfactory. There is nothing that can be said about (a), but when it comes to (b) there are certain aspects of that which must be left to somebody, and that somebody would be the Commissioner appointed for the purpose of looking after the Amerindian. One

has to leave discretion to the Commissioner if one does not wish to do harm or injustice to some individual case. It is because of that hon. Members are raising objection to this point "in the opinion of the Commissioner." Those are the words which seem to be objectionable to some hon. Members. I suggest that those particular words provide elasticity or opportunity, having regard to the association of the particular set of Amerindians who should be permitted to get the benefit of this Ordinance. So the objection hon. Members raise to those words may have the effect of creating difficulties which we are seeking to prevent.

The CHAIRMAN: I think the marginal note is omitted. Is it "Interpretation"?

The ATTORNEY-GENERAL: Yes.

Mr. PETERS: I am not satisfied as to the answer to the question. In a district where the children are registered at birth, what would you do when they come to 12 years of age? We are

still dealing with the definition Amerindian.

The CHAIRMAN: Can we not leave the question of registration until come to that?

Mr. PETERS: All right.

Clause 2, as amended put, agreed to.

The Council resumed.

The PRESIDENT: I propose to adjourn the Council until next Wednesday, the 25th, when I propose that opportunity be given to take Unofficer Members' motions. The hon. Member Ess equibo River (Mr. Lee) is not here. He suggested that Wednesday should be devoted, in accordance with the Standing Rules and Orders, to his particular motion. He is not here this afternoon to justify his request. It would be a matter for the Council to decide whether his motion should take precedence of the others already on the Order Paper. The Council will adjourn to Wednesday 25th April, at 2 p.m.