

LEGISLATIVE COUNCIL.

Wednesday, 14th January, 1942.

The Council met at 12 noon, His Excellency the Governor, Sir Gordon Lethem, K.C.M.G., President, in the Chair.

PRESENT:

The Hon. the Colonial Secretary, Mr. G. D. Owen, C.M.G.

The Hon. the Attorney-General, Mr. E. O. Pretheroe, M.C., K.C.

The Hon. F. Dias, O.B.E., (Nominated Unofficial Member).

The Hon. J. S. Dash, Director of Agriculture.

The Hon. E. F. McDavid, C.B.E., Colonial Treasurer.

The Hon. F. J. Seaford, O.B.E., (Georgetown North.)

The Hon. M. B. G. Austin, O.B.E., (Nominated Unofficial Member.)

The Hon. W. A. D'Andrade, O.B.E., Comptroller of Customs.

The Hon. N. M. MacLennan, Director of Medical Services.

The Hon. M. B. Laing, O.B.E., Commissioner of Labour and Local Government.

The Hon. G. O. Case, Consulting Engineer.

The Hon. B. R. Wood, Conservator of Forests.

The Hon. F. Ogle, Director of Education, (Acting).

The Hon. Percy C. Wight, O.B.E., (Georgetown Central).

The Hon. J. Eleazar, (Berbice River).

The Hon. J. I. de Aguiar, (Central Demerara).

The Hon. Peer Bacchus, (Western Berbice).

The Hon. H. C. Humphrys, K.C., (Eastern Demerara).

The Hon. C. R. Jacob, (North-Western District).

The Hon. A. G. King, (Demerara River).

The Hon. J. W. Jackson, (Nominated Unofficial Member).

The Hon. F. A. Mackey, (Nominated Unofficial Member).

The Hon. T. Lee, (Essequibo River).

MINUTES.

The minutes of the meeting of the Council held on the 13th January, 1942, as printed and circulated, were confirmed.

ANNOUNCEMENTS.

CHIEF JUSTICE VERITY.

THE PRESIDENT: Hon. Members of Council, I have to announce that the newly appointed Chief Justice is now on his way to this Colony. I would just like to add, relevant to a motion of which notice was given yesterday touching Regulations covering the payment of passages, that in this case as Mr. Verity is foregoing his leave in coming direct from one Colony to another we shall have to carry the responsibility of the whole or part of his passage expenses. I do not think in the circumstances this Council and this Government would object to that responsibility.

LABOUR LEGISLATION.

Since yesterday's debate, I have considered certain points, particularly the one raised by the hon. the Second Nominated Member and to some extent, raised by the hon. Member for New Amsterdam, and I am going to propose that we should insert in the Bill provisions giving the Governor in Council power to appoint a Board of

Inquiry which might make a general inquiry into any existing or threatened trade dispute and put up recommendations of a general character, not confined, shall we say, to wages.

I am sorry that the hon. Member for New Amsterdam is not here, but I will ask the gentlemen of the Press to take down what I am saying so that he will have an opportunity of reading it before our next meeting. I do not propose to put up the wording of the new clause to-day.

To revert to the remarks of the hon. the Second Nominated Member, what he asked for was power on the part of Government to compel arbitration. The hon. mover of the motion, the Commissioner of Labour, put up reasons why Government does not deserve to have compulsory arbitration—appointing a Committee for conciliation or arbitration by its very name does not presuppose compulsion. Even supposing there were powers to enforce compulsory arbitration or appoint an Arbitration Board and to compel both sides in a dispute to make representations to that Board and then the Board makes recommendations to Government, we are then faced with the difficulty as to whether Government can enforce all the recommendations of the arbitration tribunal. That immediately leads up against a difficulty and, as the hon. mover of the motion said yesterday, in Britain where there is power to compel arbitration there is no power to enforce the award.

When this point arose in the other discussion yesterday, the hon. Member for Georgetown North was talking about the arbitrary exercise of power by Government, and I must agree with that in principle, and that is the reason why the powers given under this Bill to enforce the recommendations of awards of the Board are limited. They are limited practically to rates of wages and to hours. It could be extended a great deal and, as the hon. Member

for New Amsterdam rather indicated, that Advisory Committee would make recommendations of a general character and then Government would take power to enforce them. I would agree with the hon. Member for Georgetown North that the amendment suggested would be arbitrary and would be going too far. Therefore, as we said yesterday, general conditions of that kind touching, shall we say, sanitation and transport should be covered under special legislation; for example, factory legislation which is quite common.

The hon. Member for New Amsterdam pointed out that a trade dispute might arise over something other than wages. That is perfectly true in my experience. Under the Ordinance, as it stands, Government is not able to appoint an Advisory Committee unless it is satisfied in effect that the wages are too low and deems it expedient to regulate wages. That means the Governor-in-Council will have to be satisfied in their conscience that certain wages were too low in a certain branch to some extent and then appoint their Advisory Committee to make recommendations, and certain action will be taken to limit wages. I have experience of it. Experience has shown that Government should have some general power to appoint a Committee to advise not only when it is dissatisfied about wages, but when some condition has arisen which requires an inquiry.

The wording of the legislation to which I am accustomed—I do not guarantee the wording—is taken from the legislation of another Colony, but it is a piece of legislation I have experience of in another Colony and must be very much the same. It reads this way:

“ENQUIRY INTO TRADE DISPUTE AND INDUSTRIAL CONDITIONS.

APPOINTMENT OF A BOARD OF ENQUIRY.

Where in any trade dispute exists or is apprehended the Governor may, whether or not the dispute is reported to him, under the

Ordinance enquire into the cause and circumstances of the dispute, and if he thinks fit refer any matters appearing to him to be connected with or relevant to the dispute to a Board of Enquiry (hereinafter referred to as the Board appointed for such reference) and the Board enquire into such matter referred to it and report thereon."

There are other provisions which I need not read, but the spirit of the thing will enable the Governor-in-Council, on being aware of a trade dispute or that it is about to take place not necessarily connected with rates of wages, not necessarily connected with that the wages must be regulated in that particular industry but on general grounds, to see the desirability to have an official enquiry and appoint this Board of Enquiry which makes its recommendation in due course. I think that is a valuable provision and meets to some extent the points raised by the two hon. Members yesterday.

The action, I propose, is to ask the Commissioner of Labour and the Attorney-General to consider this provision and put up something in as simple a form as we can, which will follow the present clause dealing with conciliation and arbitration and the preceding clause enabling the Governor-in-Council to appoint an Advisory Committee to make recommendations on wages. That we will discuss at a later time.

I also considered the point raised by the hon. Member for Eastern Demerara requesting an amendment of a certain clause, whereby after any decision, ruling or regulation has been made that should be referred to a meeting of the Council following almost immediately, and then going on further to give the Legislative Council power to upset that ruling not only within a period of 30 days but to extend it indefinitely. I have directed Government Members to vote against that amendment, and having thought it over I am more still satisfied that is the right action to take. It does affect quite seriously the discrimination

between the Executive and the Legislative Councils and, I think, the hon. Member himself would not desire in principle that Government should be constantly putting immediate Executive functions on to the Legislative Council. If the Executive Council is to function it must be given general functions. No legislation to control and limit the Executive Council should be used and no specific powers given on every occasion, which this would mean. Having put it before the Legislative Council to permit of unlimited power for the upsetting of that award, I do not really believe that would be a practical and useful provision.

ORDER OF THE DAY.

CROPS, CULTIVATION AND LIVE-STOCK.

Mr. JACOB asked and the COLONIAL SECRETARY laid over replies to the following questions :—

Q. 1. Will Government state what area was under cultivation at 30th September, 1941, of the following Crops :—Sugar Cane ; Rice ; Coconuts ; Coffee ; Citrus ; Limes ; Tobacco ; Plantains ; Corn and other vegetable crops in detail, in each Constituency in the Colony ?

Q. 2. Will Government state the number of Live-stock at 30th September, 1941, in each of the constituencies in the Colony, viz:—Cattle ; Horses ; Buffaloes ; Mules ; Asses ; Sheep ; Goats ; Pigs ; etc.?

A. 1 & 2. The Census returns for 1941 of crops under cultivation and of the number of live-stock in the various Constituencies of the Colony will be submitted during the first quarter of 1942.

PLANT PROTECTION BILL, 1942—FIRST READING.

Professor DASH (Director of Agriculture) moved and Mr. D'ANRADE (Comptroller of Customs) seconded that the following Bill be read the first time :—

A Bill intituled an Ordinance to provide for the prevention, eradication and control of diseases and pests affecting plants.

Question put, and agreed to.

Bill read the first time.

LABOUR BILL, 1942.

The Council resolved itself into Committee and resumed consideration of the following Bill clause by clause:—

A Bill intituled an Ordinance to provide for the appointment of a Commissioner of Labour, for the regulation of the relationship between employers and employees and for the settlement of differences between them.

Clause 16—Duration and mode of determination of contract.

Mr. HUMPHRYS: I am sorry the hon. Attorney-General and I have not been able to see eye to eye on the proposed amendment. Perhaps I may state the position, as I see it now even clearer. This clause provides:

Where there is no agreement to the contrary a contract for one month certain from the time of entering into the service.

I know it can be contended that there must necessarily be a contract at some time otherwise it means there is not any service, but we have this condition arising : A man, who is working and is paid so much a day or an hour, may be employed for a number of years. There may be no contract in writing and no one able to prove what the contract was when he entered the service. In the absence of any such proof, according to this clause as it stands, it means that man is a monthly servant. That, I take it, is not the intention of this clause. For that reason I move the amendment that the following be substituted for sub-clause (1) :

Where there is no agreement to the contrary a contract of service under which the employee is to be paid an agreed monthly wage shall be deemed to be a contract for one month certain from the time of entry into the service.

If it is proved that an employee is paid a monthly wage then a monthly contract may be deemed, but where a man is paid by the hour or by the day no monthly contract can possibly arise, and it must not be assumed that there is a monthly contract. That is why I think the agreement is necessary, because in factories and various places there are men employed for a long time

and no one present can prove when and how they were engaged except that they were being paid on an hourly or daily basis and their employment could be determined at an hour's or a day's notice. I cannot see how it is possible that the original Clause as it stands can be carried out to presume there is a monthly contract where there is no other arrangement to the contrary. In many cases one will never be able to prove that there has been any arrangement to the contrary.

Mr. ELEAZAR: I beg to support what the hon. Member has said and to ask Government to accept the hon. Member's suggestion. If Government were to ascertain the facts it would see how necessary it is for the precaution as suggested by the hon. Member. Not very long ago I went to the gentleman in charge of the Railway Engineering Department to get a certain youngster taken on. He said to me : "I have a number of men waiting but I may call him at any time and give him a job which I do not know how long it will take. When the work is finished I will have to send him off." That is going on now at the Demerara Foundry. I do not know how you can call those workers monthly servants ; they are neither monthly, daily nor even hourly. The men are there waiting, and when a job comes in three or four of them are called up and given it. Though they are paid weekly while working on the job, they are not even weekly employees. According to this clause, as long as there is no agreement to the contrary they are monthly servants. I think the amendment proposed will do no harm. It will not negative anything said in the clause as it stands, but it will make it possible for conditions arising to be met without embarrassment to anybody. That being the case, I do not see why Government should stick to what is put down here in the clause.

THE ATTORNEY-GENERAL (Mr. Pretheroe): The hon. Member for Eastern Demerara (Mr. Humphrys) has

given me to-day a fresh copy of the amendment he proposed yesterday, which shows a very small change in what was proposed yesterday in that the words "weekly or" are omitted. Before referring to that particular amendment I wish to refer to the clause as it now stands. In doing so, I must say that the example quoted by the hon. Member for Berbice River is an example why the clause should be allowed to stand as it is. The clause is intended for the protection of the labourer. That is the reason for its inclusion. In actual fact, it is so restricted in its application that if the Gambling Prevention Ordinance did not exist I would be quite prepared to wager a dollar to every hon. Member that not a single case would arise. This morning I spent some little time in trying to find any possible case where this clause will apply. It starts off—"Where there is no agreement to the contrary." Where B is doing work the Court will always ask what is the contract, and if there is no actual contract the Court will say there is an implied contract.

The question now arises: What does it mean by saying "where there is no agreement to the contrary," if the Court can find there is an implied contract? As I have said, this morning I tried to think of any case where this clause would apply. One or two occurred to me. A asks B to engage labour for him on certain terms and conditions. B engages them but not on the conditions he is told to do. In that case there is no contract between A and the people so employed. Another case would be in the case of the death of an employer. From its restricted application one can refer to very few cases. The amendment, as moved by the hon. Member for Eastern Demerara, goes further and makes it never to apply in any case whatever, and in this very remote case of one in a million the employer by word of mouth can avoid it.

The amendment, as worded, does not say that the employee is paid monthly but merely that the contract of service is for a monthly wage paid as you like. If you don't want this clause to apply to you, engage a man for three weeks, a fortnight, five or two days, or any period except one calendar month and that clause will not apply to you. What does that mean? It means for example, all seamen are engaged for a voyage and they will be anxious to be included in this. Seamen are made to sign on for a voyage, and if the voyage by any mischance or by arrangement is under a month, nevertheless they are entitled to a month's notice. This amendment does not apply to anybody paid by the task. A gold tributary is paid by results and can never be covered by this. Workers on timber concessions are paid by the cord of firewood cut and workers on sugar estates are paid by results; they do not come under this. In fact it is very difficult for every possible case to be covered if this amendment is adopted. As it stands, it is so restricted that it will hardly apply. It is not a very hard obligation to place on the employer. What it says: If you are too idle when you engage a man to tell him definitely what the conditions of employment are, then this clause applies. Is that a hard obligation? Is it very hard to say this is not monthly work it is by the week? As we are protecting the labourer, is that a very heavy obligation to ask the employer to bear when he only has to use three or four words and he is out of the clause altogether? I agree that if a man is so unwise as to make a verbal contract with an employee it is quite on the cards that he can go to the Court and say one thing and the employee another. My whole point about this is that the clause as drafted is extreme in its application and, if amended as moved by the hon. Member for Eastern Demerara, then you may just as well delete it as it will have no effect at all.

Mr. SEAFORD : The hon. Attorney-General referred to the case of the sugar estates. I would like to put forward one case, not in an attempt to argue but for the sake of information. The sugar estates are adjacent to the villages and the labourers go from the villages to the estates to work. In the case of cane-cutting the labourers know which field is going to be worked, and they go and start to work without any instructions or price fixed. It is rather difficult in that case for the employers to give those labourers any notice. I do not know that there can be an implied contract in a case of that kind.

Mr. ELEAZAR : It seems that the hon. Attorney-General has forgotten his Scripture—"Those who went in at the first hour to work were paid a penny and those who went in at the eleventh hour also received a penny." When the first set claimed that they should have received more, they were told that they had agreed to work for a penny but the others made no contract and were given what they were worth. The moment you engage a man to work and he has done it, the Court finds there is an agreement to pay him. If you do not pay him what he thinks he ought to get, the Court gives *quantum meruit* as the legal practitioner will say. In other words, the Judge decides what he thinks the job is worth according to the experts' evidence. You do not have to make a contract to be paid for work done, and an employer need not employ a man for a month, or a week, or a day. The hon. Attorney-General is carried away by his feeling for the labourer and cannot see the point, but it is there. The implied contract is that you are going to pay him for the work, but not how much is to be paid because you may not be able to ascertain that yourself at the time the work was started. It is not correct to say that the Court always asks for a contract, and if you get no pay it is because the Court cannot find

that there has been a contract. If *quantum meruit* is intended there, it would not hurt a soul.

What the hon. Member has said is correct. I know from my own knowledge that when you see smoke in the canefield during the night, early in the morning before dawn the villagers go there and start to work. Very often they cut down a whole field before the Overseer arrives on the scene to say that the price is so much. Sometimes they complain that the price is too low. That goes to show that there is the possibility of work being performed without contract and still the workman does not suffer. That being the case, I think the hon. Attorney-General may see the wisdom of expanding the clause. What does the clause, as it reads, mean? It means that if you employ a man for the month and he spoils your work at the start, you must keep him there for the balance of the month.

Mr. DE AGUIAR : I would like to say that, as I understand it, the amendment moved by the hon. Member for Eastern Demerara is to make the meaning of this Clause very clear. I must admit that after listening to the hon. Attorney-General I am still concerned as to whether the interpretation put on the clause by him will be the same as that by the people who have to deal with this clause. I understand the clause quite clearly, but the hon. Member desires to make the meaning beyond the shadow of a doubt, without the necessity of going to a Court of Law, as to whether there is a contract or not and whether the employment is on an hourly, weekly or monthly basis. It seems that if the wording of the clause, as proposed by the hon. Member, is to make the meaning clear, there is no reason why this Council should not accept it.

The hon. Attorney-General asked why we should make the burden of the employer greater than it should reason-

ably be. He says that all the employer has to do is, when employing a person he must tell him that he is being engaged on a weekly or monthly basis. Failing that, this clause applies. While it is true that it is not too much of a burden to do, the hon. Attorney-General must also bear in mind the position as it exists at the moment. At the present time, as the hon. Member for Demerara River (Mr. King) said, there are a number of people who are engaged without any contract but with the idea that they are engaged on an hourly, or weekly, or monthly service as the case may be. It seems that if the clause is allowed to go through as it stands, several doubts will arise and employers will be put to unnecessary litigation.

THE ATTORNEY-GENERAL: I will reply to the hon. Members in the reverse order in which they spoke. The last hon. Member who spoke said that there are lots of cases of labourers working on a weekly or monthly basis without any contract. They are, however, working under an agreement, and that is a contract in law. He said also that it is an attempt by the mover of the amendment to make clear what is intended by the clause of the Bill. I accept that as being true, but that is not the effect. The effect is to take a class of people out of the clause who are now in it. In the case of seamen, as it stands, they are entitled to the benefit of the clause, but how the hon. Member wishes the clause to be worded by the stroke of the pen seamen, gold tributors and the great mass of temporary workers will be out of the clause. In every case it presupposes that no special agreement should be in the clause now.

The hon. Member for Berbice River (Mr. Eleazar)—it is very difficult to hear him—stated something about *quantum meruit*. Before that can arise there must be a contract for it to arrive out of. Everything he said on that particular question is quite outside the proposed amendment.

The hon. Member for Georgetown North (Mr. Seaford) was good enough to cite an example of a situation which I must confess I did not know. The hon. Member said that when cane-cutting is taking place, in the early morning before dawn the labourers living in the villages proceed to the fields and start to work, and later in the day the employers then know that they are working. There is certainly no contract there. This clause is intended for the protection of the workers, and if they volunteer to put themselves in that position it is their fault and the law will not save them. If the labourers of the villages proceed uninvited to the neighbouring sugar estates and start to work cutting canes, that is not work out of a contract. That is an offer to the employers that they are prepared to accept the contract. If a man goes and repairs the fender of my car and I did not ask him to do so, that is an offer and I am not compelled to pay him for it. If they go and start work without instructions the employer is perfectly entitled to say "I do not accept your service." The workers for whom this clause is intended to provide protection must do a bit to help themselves and not sit down and expect everything to be handed to them in a spoon.

THE CHAIRMAN: May I ask a question? If the proposed words are inserted would it not make the clause useless? It strictly means that a monthly contract is a monthly contract. That seems to be the effect of the insertion of those words.

MR. ELEAZAR: If what the hon. Attorney-General has just said is true, what is the position then if I offer my work? Is the employer not going to pay me for it? This is an attempt to fix the time. I do not believe in juggling with words when it comes to making law for the community.

THE CHAIRMAN: What do you mean? Men working the field are not

asked but just go and work. Unless the employer comes along and says: "All right, go on working at so much a day or week," it should not be held to be a monthly contract?

Mr. ELEAZAR: Yes.

Mr. HUMPHRYS: If I went on the road and met a boy and told him I would give him 2/- per day to wash my car; he started to work and then I knocked him off. Can it be said that he is a monthly servant?

THE ATTORNEY-GENERAL: This clause says nothing about daily or monthly service. You told the man to wash your car, and that is a contract.

Mr. SEAFORD: Task work comes outside of this Clause altogether.

THE ATTORNEY-GENERAL: In the case of task work, it is not necessary to give notice of how long the person will be employed.

Mr. HUMPHRYS: On the estates so many employees are paid by the day, and their employment will be taken as monthly unless they are told it is not monthly. The onus is on the employer otherwise it is a monthly service.

THE ATTORNEY-GENERAL: It is quite conceivable that any employer can take a boy on, pay him daily and then keep him on. I suggest that if they are going to take a boy on and keep him indefinitely they should simply say to him "You are not on a monthly contract, but daily." It is so small to ask of employers. A man may work on a daily or hourly rate and still be paid at the end of the week. If he is paid every day that is a special agreement.

THE CHAIRMAN: Does not this clause put the onus on the employee too to satisfy himself?

THE ATTORNEY-GENERAL: Yes

THE COLONIAL SECRETARY: As Chairman of the Transport and Harbours Board I should like to be clear

on this point. An engine comes in and has to be repaired immediately, and it is found necessary to take on a few men to carry out those repairs. In the workshop the men are paid so much per hour but they are paid their wages at the end of the week. When this special job comes in the men are told their rate of pay is so much per hour, but the officer in charge of the workshop cannot say then how long the work will take. The hon. Attorney-General says that the men should be told. Will the Department be liable for anything more than the number of days that those men have worked?

THE ATTORNEY-GENERAL: The men are called in to repair an engine and, as long as they are told that, it is a special contract. They are being engaged for such time as the engine is being repaired.

Mr. DE AGUIAR: I was hoping that the hon. Colonial Secretary would have gone further. It is within their knowledge that they are being engaged at a daily rate and will be paid at the end of the week. But there are also men employed there on a weekly basis. Do I understand that these men require a notice?

THE ATTORNEY-GENERAL: I suggest that the Transport and Harbours Board tell the men: "I am paying you weekly." That is a weekly contract.

Mr. SEAFORD: On the estates you have very large gangs. Is it necessary to give individual or collective notice?

THE ATTORNEY-GENERAL: Collective.

Mr. ELEAZAR: There is not an individual in this Colony who is employed and does not know what is expected of him. If a man is employed for a job he knows what to expect and must ask how much a day he is to get, and the employer knows what he

expects. Why change the custom and make a law that gives rise to so much argument? The hon. Attorney-General may for once yield to this side of the Council, because it would not hurt anybody if the amendment is put in.

THE ATTORNEY-GENERAL: This particular clause reintroduces a provision which has been law in this Colony for many years. The existing law is that agricultural labourers have lunar months and others have calendar months. We have left that out.

Mr. HUMPHRYS: What is useful in the old Ordinance you have put in this Bill, and what you don't like you have left out of this Bill.

THE CHAIRMAN: Does it put too much onus on the employer if he wants to exclude the monthly contract as a liability? The hon. Attorney-General sticks to the clause as being practical and common law.

Question: "That the words 'under which the employee is to be paid an agreed monthly wage' be inserted after the word 'service' in the second line of sub-clause (1)" put, and the Committee divided, the voting being—

For: Messrs. Mackey, King, Humphrys, Peer Bacchus, de Aguiar, Eleazar, Austin, Seaford—8.

Against: Messrs. Jackson, Jacob, Percy C. Wight, Ogle, Wood, Case, Laing, D'Andrade, McDavid, Dias, Dr. MacLennan, Professor Dash, the Attorney-General, the Colonial Secretary—14.

Amendment lost.

Question: "That clause 16 as printed stands part of the Bill" put, and agreed to.

Clause passed.

Clause 18 — Remedy of employee against employer for breach of contract.

Mr. HUMPHRYS: Why this penalty

is attached to the employer and the employee has none attached to him in the case of his breach of contract? I would just like a short and reasonable answer to that.

THE CHAIRMAN: That is a matter of principle.

Mr. LAING: Penalties are excluded in both cases. In this case a compensation is awarded.

Mr. HUMPHRY'S: Why should not the employer also have compensation for an employee's breach of contract? He may be put to greater expense or inconvenience by having to get another person. I think it is unjust.

Mr. SEAFORD: A contractor, if he fails to carry out his contract, may cost the employer thousands of pounds (sterling). Surely the contractor should be under some obligation to fulfil his contract.

THE CHAIRMAN: I suppose there is a right of action.

Mr. LAING: He has his civil right

Mr. HUMPHRYS: Why not leave the employee to his civil right instead of placing a penalty against the employer in this connection and not against the employee? Why give him the right to prosecute the employer and get compensation?

Mr. DIAS: I agree with the suggestion that an amendment should be made. I imagine that the omission came about by the draftman's admission that it is no use an employer suing an employee because there is nothing for him to get. If that is so, then it is hard to penalize the employer by way of compensation for doing exactly what the employee does and is not punished. It does not seem to be fair. That right should be given to both sides. I think that in all these things we should be perfectly fair. Give equal right in these circumstances to both sides.

THE CHAIRMAN : Can you do so by an amendment? What do you suggest?

Mr. DIAS : I have not considered it.

THE CHAIRMAN : You say it is one-sided. What, I would like to know, is the genesis of this particular clause.

Mr. LAING (Commissioner of Labour and Local Government) : It is in our present laws.

Mr. DIAS : But the employee has a similar remedy. They have dropped the remedy by the employer in this Bill and given it to the employee only. This is nothing short of class legislation.

Mr. LAING : Under the Employer and Servant Act penalty is provided for breach of contract, but it is not the modern practice to impose penalties on employers for breaches of contract and, therefore, they have been omitted in this Bill. There has been a considerable amount of correspondence as regards penalties or penal sanctions in regard to contracts, and they have been omitted in this Bill except in regard to advances which are provided for in another clause.

THE CHAIRMAN : I am aware of the universal abolition of penal sanctions in the Master and Servant Ordinance some time ago.

Mr. LAING : They were deleted some time ago but not in this Colony. They are being deleted here now.

THE CHAIRMAN : Is it necessary to leave in this remedy of compensation? Is it vital to the Bill?

Mr. LAING : It is not.

Mr. HUMPHRYS : May I suggest that this clause be deleted and both parties be left to take their several remedies?

THE CHAIRMAN : I am not convergent with all the correspondence on this Bill. I would like to defer it.

Mr. ELEAZAR : It is the old Master and Servant Act. If a master thinks a servant has wronged him he goes to the Magistrate, and *vice versa*. I think the scales should be held very evenly. We should not give one an advantage over the other in a law. Why penalize the employer and not the other?

THE CHAIRMAN : You are speaking in favour of the abolition of the clause.

Mr. ELEAZAR : I want a clause inserted which will have a similar effect on both sides.

THE CHAIRMAN : Then we should go back to our present laws?

Mr. ELEAZAR : Yes, and let both suffer alike.

Mr. SEAFORD : May I draw attention to clause 21?

THE ATTORNEY-GENERAL : There has been considerable correspondence dealing with this subject, and for the life of me I cannot understand why it is included. Personally, I do not like it, but it is just a very simple remedy in so far as the employee is concerned. It is simply providing for a compensation of \$10 in the Ordinance where that particular benefit to the employee is sufficient to legislate against the employer.

THE CHAIRMAN : You have no objection to deferring it?

THE ATTORNEY-GENERAL : No.

THE CHAIRMAN : Then we agree to defer the whole clause.

Further consideration of clause deferred, also clause 19.

Clause 20—No order for attachment of wages and employee.

THE ATTORNEY-GENERAL : At a meeting between hon. Members of Council, Mr. Laing and myself this particular clause came in for a great deal of hard speaking. The clause purports to reproduce the English Law

on this particular point. We had one or two discussions about this particular clause, and neither of us knew the history of it. It has been law in England for seventy years and practically in many Colonies for many years. Wherever there is Labour legislation this particular clause is to be found. This morning while I was considering as to whether it is necessary to have it, I came across a case. As it stands it is within the clause, and under the English Act it is outside the clause. This is an error because this clause is supposed to be a production of the English law, but the reason is this comes within Part IV, clause 15, as among the definition of "employee." All those within that definition will come under the protection of clause 20. In England that is not the case, as many persons included in clause 15 will not be included in England. I propose to move an amendment to clause 38—Part VIII—where the definition is the ordinary dictionary definition. For the present I beg to move that the clause be deleted from the Bill.

Question put, and agreed to.

Clause deleted.

Clause 24—No contract to be made with employee as to spending wages at any particular shop etc.

Mr. KING : This clause came in for some discussion on the Select Committee. I pointed out that the provision "and every agreement or contract between an employer and an employee wherein any such terms are expressed or implied shall be illegal, null and void," makes a contract void which is not the intention of the Ordinance.

THE ATTORNEY-GENERAL : What the hon. Member has said is quite correct. Those words spoil the whole effect of the clause as it stands, and should not be in it at all. I forgot to tell him that I was leaving it to him to move the amendment.

Mr. KING : I rather understood

from the hon. Attorney-General that he was going to look after the matter.

THE CHAIRMAN : Then you agree to an amendment?

THE ATTORNEY-GENERAL : Yes. Further consideration of the clause deferred.

Clause 27—Deductions from wages which are permitted.

THE ATTORNEY-GENERAL : This clause was the subject of very much discussion. I did not then know sufficient of the conditions of employment in the different parts of the country to say anything intelligent about it, but I have since discussed it with Mr. Laing and given more consideration to this matter. Briefly the Committee pointed out that in the case of certain forms of employment, such as Mining and Timber work and those in which the people are taken up country to otherwise uninhabited parts of the Colony, where they are completely beholden to the employer not only for salary and housing but for everything else and where there are no possible facilities for employees to acquire anything, the employer is expected to provide facilities for the acquisition of those things that the employees require. That being the case and allowing for the fact that the employer is allowed to make advances to the employee, it is quite obvious that this clause presupposes that every employee should save not less than two-thirds of his total wages. I can hardly conceive that is possible. There are many points of view put forward besides those. One hon. Member said that if this clause is passed as it is, the whole mining industry has to be closed down, as it cannot go on under such conditions.

The first proposed amendment was resisted on the ground that it did not cover the case of balata-bleeders. By the alternative proposal put forward which consists of seven amendments, if agreed to, the new clause 28 can be avoided as

that will not be necessary. If you look at the new clause as proposed you would see that one-third only applies now under the proviso to (g) to money advanced, whereas in the original draft it applied to the whole sub-clause (1). Sub-clause (2) would be deleted if that amendment is carried.

Mr. ELEAZAR: I have not been able to make up my mind as to what should be done in the case of certain work which I have in mind. After a man has worked he should have his money paid him. I do not know how we can make the clause to prevent this. A man is engaged as an agent to engage other men to work in the interior and the employer advanced food and money but all that was charged to the supposed agent. The men did not go and work and he was held responsible for the repayment. There are many cases like that. I do not know if the hon. Attorney-General can see what can be done to safeguard people in such cases.

Mr. KING: There are so many amendments to this clause that it is difficult to digest the whole thing at a moment's notice. Speaking offhand, it seems that they are in order but there are one or two things to be considered, and I would like the clause to stand down for a while.

THE CHAIRMAN: I certainly agree that we should defer it. You think the general idea gets what you are after?

Mr. KING: In the alternative clause. May I ask if in the case of an oral agreement between an employer and an employee in which there is no provision made for deduction from wages, whether by contract the employer will be permitted to make the deduction? When it is in writing there has got to be a special provision. I suggest that we consider deleting that sub-clause (2), if you allow the matter to stand over.

THE CHAIRMAN: The clause can

stand over and the hon. Attorney-General consider that point as to sub-clause (2).

Question put, and agreed to.

Clause deferred, also clauses 28 to 30.

Clause 34—Notice to Commissioner of accidents in certain employments.

Mr. LAING: I move the substitution of the following clause in place of clause 34—

NOTIFICATION OF ACCIDENTS.

34. (1) Where there occurs in any occupation to which this section applies any accident which either—

(a) causes loss of life to any person employed therein; or

(b) disables any such person for more than twenty-four hours from earning full wages at the work at which he was employed, written notice of the accident shall be sent, in the prescribed form, by the employer to the Commissioner within six days of the receipt of the notice required to be given under subsection (3) of this section.

(2) Where any accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent by the employer to the Commissioner as soon as the death comes to his knowledge.

(3) Notice in respect of an accident causing disablement shall be given by the person disabled to the employer, or any other person designated by the employer for the purpose, as soon as practicable after the occurrence thereof.

(4) A register of accidents in the prescribed form shall be kept by the employer engaged in any occupation to which this section applies.

(5) If any employer wilfully makes default in complying with the requirements of this section he shall be liable on summary conviction to a fine not exceeding twenty-five dollars.

(6) If any person employed fails without reasonable cause to give notice of an accident as required by this section he shall be liable on summary conviction to a fine not exceeding five dollars."

Since this clause was printed there had been similar clauses inserted in the draft Factories' Bill and the Regulations in regard to the safety of workers on the docks. A re-arrangement of this clause does not affect the essence of the clause, and is in keeping with present procedure.

THE CHAIRMAN: To include this after receiving notice?

Mr. LAING: That is not the procedure, but it has been agreed upon.

Question put, and agreed to.

Clause 34 as printed deleted and new clause substituted.

Clause 35—Application of provisions as to notice.

Mr. LAING: I move that this clause be deleted and the following clause substituted therefor—

"APPLICATION OF PROVISIONS AS TO NOTICE."

35. (1) If the Governor in Council is of opinion that any occupation is specially dangerous to life or limb, the Governor in Council may, by order, direct that section thirty-four of this Ordinance shall apply to that occupation, and thereupon, while the order is in force, that section shall apply accordingly.

(2) The Governor in Council may, by a subsequent order, revoke or vary the provisions of any previous order made under this section.

(3) Every order made under this section shall be published in the *Gazette* and shall be laid before the Legislative Council as soon as may be after it is made, and if the Legislative Council within the next thirty days after the order has been so laid resolve that the order shall be annulled, the order shall, after the date of that resolution, be of no effect."

Question put, and agreed to.

New clause substituted.

Clause 38—Power to make Regulations as to hours of work in any occupation.

THE ATTORNEY-GENERAL: In sub-clause (3) I move the substitution of the word "in" for the word "by."

Question put, and agreed to.

Clause 39—Remedy of employer against employee for not entering upon or commencing his service after having received an advance.

Mr. HUMPHRYS: I take it you are putting the whole clause as one. That is all right. But we find that the Magistrate may order the defendant to enter upon and commence his service. He is given an opportunity of doing so. If he does not he becomes liable to a fine, and if he does go and enter upon the service a fine is no longer applicable to him. What

may happen is that a man may be fined by the Magistrate who suspends sentence and gives the man an opportunity to enter upon the service; he enters upon the service and after working one day leaves, and is then no longer liable to pay the fine. I think there ought to be an amendment so that not only he is made to enter upon but to perform the contract as well. This clause needs a little bit of consideration as to what the amendment should be. I am wondering whether Government will defer this with the others I will discuss with the hon. Attorney-General as to how to fix it.

Mr. ELEAZAR: In practice that does not occur. The Magistrate puts a penalty on him and if he goes and works undoubtedly he does not pay the penalty, but if on going there he leaves before completing his contract he commits another offence—leaving without lawful excuse. He does not get off scot free unless he shows he lawfully had to leave. The clause as it stands does not err at all. What happens when the Magistrate tells him to go back is that the employer does not want him and takes back the advance. If you are going to amend the clause, take that into consideration.

THE ATTORNEY-GENERAL: I will take account of that and consider it with the clause.

Further consideration of the clause deferred.

Clause 41—General powers of Commissioner.

Mr. LAING: I move the following amendments—

In sub-clause (1), delete the word "and" at the end of paragraph (a) substitute for the full stop at the end of paragraph (b) a semi-colon and the word "and," and insert after after paragraph (b) the following paragraph—

(c) to inspect the register of accidents kept in pursuance of section thirty-four and to obtain and to require from an employer information as to the causes and circumstances relating to any accident that may have occurred on the employer's premises.

Question put, and agreed to.

THE ATTORNEY-GENERAL: I move that sub-clause (2) be amended by the insertion therein, after the words "Any person who" in the first line thereof, of the words "without good and sufficient cause."

Question put, and agreed to.

Clause as amended passed.

Clause 45—Extended Jurisdiction.

Mr. LAING: I move that the clause be amended by the deletion therefrom of the following words and commas—"other than by way of parate execution."

Question put, and agreed to.

Clause as amended passed.

Clause 50—No order for attachment of wages of servant, labourer or workman.

THE ATTORNEY-GENERAL: I move that clause 20, the deletion of which I had moved, be inserted and numbered clause 50. The wording of the old clause 20 which had been deleted reads: "No order for the attachment of the wages of any employee shall be made by the Supreme Court, or a Magistrate Court." The wording of the English Act—the Wages Attachment Abolition Act of 1870—is as follows: "No order for the attachment of the wages of any servant, labourer or workman shall be made by the Supreme Court or a Magistrate's Court." Hon. Members would see the difference. It is proposed to move that the words "servant, labourer or workman" be substituted for that very wide expression "employee." I may say that legal practitioners and legal Members of Council will find a tremendous list of cases on the definition of those three words set out in full in the English and Empire Digest. As there is no definition of any of those terms in the Bill, it follows that the precedent set

out in the Digest will be applicable to this particular clause in the Bill. I therefore beg to move that the new clause 50 be inserted to read:

50. No order for the attachment of the wages of any servant, labourer or workman shall be made by the Supreme Court, or a Magistrate's Court.

Mr. HUMPHRYS: I do not like to accept that off-hand. The term "servant" is very wide. I would ask that I be allowed to have a discussion with the hon. Attorney-General over that.

THE CHAIRMAN: You prefer "employee" to cover the whole lot.

Mr. HUMPHRYS: If it says labourer or workman, not servant, I will be satisfied.

THE ATTORNEY-GENERAL: I would show the hon. Member the particular English and Empire Digest to which I refer. There are books and books on those who are servants and those who are not. I was hoping with that wealth of authorities behind the word to use it here. I will be very pleased to discuss it with the hon. Member.

THE CHAIRMAN: I suggest that the clause stand part of the Bill, subject to a recommittal later.

Question put, and agreed to,

Clause inserted.

THE CHAIRMAN: The enacting clause will stand over until we have taken those clauses which have been deferred for further consideration. A new clause 6 is to be proposed. Clause 18 is deferred, perhaps to be deleted, and with that clauses 19 and 21 may be affected so that they also are deferred. Clause 24 is deferred for an amendment of the last line. Clauses 28, 29, 30 and 39 are deferred for further consideration and the new clause 50 is to be reconsidered.

Mr. LAING: I beg to report progress and ask that the Council be resumed.

The Council resumed.

SUMMARY JURISDICTION (OFFENCES) (AMENDMENT) BILL, 1941.

THE ATTORNEY-GENERAL: I beg to move that the Summary Jurisdiction (Offences) Bill, 1941, be read a second time. As a matter of fact I did not expect the Council to get as far it has done, and so I do not have the particular volumes of the English Laws with me for any discussion on any particular point. The intention of these amendments is to put the law regarding peaceful picketing in this Colony in exactly the same position, except in one case, as it is in England to-day. I will refer to that exception and give reasons for it later. I may explain what the position is in England to-day, judging from certain speeches I have read in the papers.

The first attempt to deal with the subject was made in the Conspiracy and Protection of Property Act, 1875. I think it is quite clear from the title of the Act that the primary intention of it was to protect property. Therefore, section 7 of that Act set forth five things which were unlawful. Those five things are to be found word for word without any change in the proposed new Section 31, (1) (a), (b), (c), (d) and (e). These paragraphs reproduce 1 to 6 of the English Act. After setting forth these things the English Act at the end said nevertheless peaceful picketing on certain conditions was lawful. We need not worry about that, however, as it has since been repealed, though I wish to emphasize that those paragraphs corresponding to (a) to (e) of 31 (1) in this Bill are still the law in England to-day. That Act was brought in gradually by 1879, whereas we are endeavouring with one stroke of the pen to bring in that law here in one year.

The first amendment was the Trades Disputes Act of 1906. That Act for the first time used the phrase

"peaceful picketing," and stated that it would be allowed subject to certain conditions. That in turn was amended by the Trades Disputes and Trades Union Act of 1927, which in turn repealed some of the provisions in the Trades Disputes Act of 1906. Hon. Members will see from this that if you want to find the law in England on the question of peaceful picketing you have to get hold of three Acts of Parliament and work backwards to find how much of each has been repealed and how much of each has been amended, and then find the Acts subsequent. What is written in this Bill to-day is what is the existing English law with but one material difference really. There is only one difference in respect of two lots of wording. In the new sub-clause (2) as set out in clause 2, hon. Members will see it reads :—

"It shall be lawful for one or more persons acting on their own behalf or on behalf of any trade union registered under the provisions of the Trades Unions Ordinance, or of an individual employer or firm, in contemplation or in furtherance of a trade dispute, to attend at or near a house or place where a person works or carries on business :

Provided that—

(a) they so attend merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from working ;

(b) they do not so attend in such numbers or otherwise in such manner as to be calculated to intimidate any person in that house or place, or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace ; and

(c) they do not commit any act of trespass.

The English law states "where a person resides, or works, or carries on business or happens to be." The other difference between our law and the English law is that proviso (b) is put in the reverse way. The other amendment is paragraph (c) which says "they do not commit any act of trespass." That does not appear in the English legislation. What is the reason for these amendments? I want to make it clear that there is nothing subtle or nothing slipped in by reason of these amendments. The fundamental reason for these amendments is the

great difference which exists in the law of this Colony as compared with the law of England. It would be a waste of time for me to describe the local law of wilful trespass. All hon. Members know that in every case you have to prosecute a trespasser in a Court of criminal justice. In this Colony trespass is a crime which goes before a Magistrate. In England it is and always has been a tort, that is an infringement of a civil right, and anybody who trespasses on property in England would not be taken before a Magistrate but summoned to appear before a County Court Judge or the King's Bench Division.

That alone is not the material difference. There is one big difference that in addition to the civil right in England to obtain damages there always has existed another right, and that is that if any person enters my property, peacefully and unwittingly, I may ask him to go. If he does not go I can throw him out, and if he resists I can use such force as required to eject him. The more force be uses the more I can use. In other words, in England in a case of trespass, unless the trespasser removes immediately the occupier has the right to eject him and use as much force as necessary to do so. But if the trespasser goes knowingly or with force of arms, or in a threatening manner, there is no need to warn him at all; just throw him out.

That law regarding trespass in England applies to people acting as pickets, even if they are acting peacefully, but there was one rather fiery Irishman who doubted the wording of the Trades Union Act of 1906. He wondered whether it was still good law and he deliberately tried to start an action to find out what the law was. He chose the Belfast Harbour Commissioners for the purpose, and during a strike he walked in and acted as a peaceful picket. They regarded him as a trespasser and ejected him. That

was just what he wanted. He brought an action and claimed damages for assault, but the Belfast Harbour Commissioners won their case hands down. The Judges said there was not the slightest doubt that peaceful picketing did not permit entry on private property even if it was made in a peaceful manner. That is settled law in the case of *Larkin v. Belfast Harbour Commissioners, 1908*, (2 Irish Law Reports).

Pickets may not enter upon private property ; they must do their picketing outside private property. That accounts for the difference in the drafting of this Bill, to which I have drawn attention. That is necessary because, reading the Bill as it stands, it says they can watch or beset the houses of other people. A picket may say "If I can watch a house surely I can go inside the premises." It does not mean that. In this Colony one can enter private property without committing trespass. That is the difficulty. The fact remains that this Bill does not either directly or by implication permit entry on private property. The object of the Bill is to exclude that.

With those few words I can state quite confidently that after a great deal of work and research, with one exception I have already stated, this Bill does accurately set forth the law existing in England to-day. The rights it seeks to confer are identical with the rights now enjoyed in England since 1875. This Bill is the law of England to-day, as near as possible. I move that the Bill be read a second time.

Professor DASH (Director of Agriculture) seconded.

Mr. SEAFORD: This Bill is another bit of legislation which will go on the Statute Books of this Colony without the slightest hope of its ever being put into operation. As has been said by the hon. Attorney-General, the Bill is exactly the same as

the law in the United Kingdom at present. It is on that very basis that I say it can never be of any effect in this Colony. In England, which is chiefly an industrial country, there are factories, houses, and industrial centres where such a thing as peaceful picketing can be done from outside. In this Colony, where by far the largest proportion of the people are agriculturists, conditions are totally different. We have in this Colony conditions which perhaps do not exist in practically any other part of the Empire, and to be told that this is a Bill which is based on the English law shows the weakness of the whole principle of the Bill.

On the sugar estates there are thousands of people living in one small area. They live in cottages surrounded by others. They travel three or four miles to their work-place and take with them cutlasses, sticks or iron rods. We are told they are not allowed to picket houses. The Attorney-General has told us that the Bill does not allow picketing private property, but at the same time he said that it is possible in this Colony to enter private property without committing trespass. That is the fundamental weakness of this Bill. Every rod that those people have to travel to go to their work-place is on private property. They have to pass the compound where the estate staff lives, and also the buildings. When those people wish to do picketing they do not do it in ones, two or threes. They call it peaceful picketing when there are hundreds of them on the dam. They are not actually picketing ; they are going to their work-place, and there are hundreds of them with their implements required for their work, and they meet other people. Under the law that is not intimidation, but the other people know perfectly well what it means.

It seems to me that this Bill seeks to legalize what Government has been trying to prevent for some time. In

cases of disturbance Government has power to declare a district, which means that people are prevented from gathering together in numbers. This Bill legalizes it; it says that any number of people may gather together for peaceful picketing. They may not say anything, but when they go to their homes in the evening it is not peaceful picketing, and rumours spread very quickly in this Colony. I am afraid that this Bill is going to have absolutely the reverse effect to what Government thinks. I say that in all sincerity. If the Bill could be so framed as to achieve what Government has in view it would get my unstinted support, and the support of every Member of the Council. As it stands, I am afraid it is going to have absolutely the reverse effect to that which it is intended to have.

There are in the Bill certain clauses which say what people may or may not do. In a Colony such as this it is impossible for them to be given effect to. I would like Your Excellency to get the opinion of the Police on the matter. I am satisfied that they will tell you that it is quite impossible for them to secure evidence on which to convict people. On every dam in this Colony on which people travel to their work it would be necessary for the sugar estates to put up notices warning that trespassers would be prosecuted, but it would not take many hours for every notice board to be taken down. It is not difficult for even bridges to disappear in this Colony. We know what has happened on occasions when we tried to prevent that kind of thing happening.

I am asking Government to consider very carefully the introduction of a Bill of this kind. We are not suited for it at the present moment, and unless conditions change in our agricultural and other industries I do not think we will ever be suited to legislation of this kind. I sincerely hope that Government will withdraw the Bill before it reaches the Committee stage. I am

asking Government and all Members of the Council to consider the points I have made very closely, if they have not done so already, and I am sure hon. Members will see wisdom in joining with me in asking Government not to press the Bill.

Mr. AUSTIN: I would like to support the remarks of the hon. Member and to ask: would it not be true to say that this Bill is likely to hinder Government in its efforts to maintain law and order in this Colony? Some of us who have been in this Colony for years and know the conditions under which people work, here anticipate serious trouble in the near future if this Bill becomes law. The labourers on sugar estates and the workers in Georgetown—90 per cent. of them--want to do their work under conditions which they deem satisfactory, but frequently they are prevented from doing so by disgruntled agitators who are out to see that Labour is generally upset. That is so, sir, in most parts of the world, but here under the open conditions in which they work it is very much more pronounced.

There are quite a few people (I am speaking of Georgetown now) who are accustomed to go to their work with lethal weapons, and I am thinking of occasions when steamers are in port and people want to obtain work but there are others who want to prevent them from working. In a big crowd like that at the water-front some of those disgruntled individuals would not hesitate to stab in the back those who wish to work, and get away with it. It is a bit better now, but there have been cases month by month in which weapons were used by men who had a grievance either over money owed them or on account of some kind of disagreement. It is quite easy to establish an *alibi* or to induce witnesses not to give evidence.

I am appealing to you, sir, to postpone this Bill for some years. I feel sure

that if it is passed we are going to put more work on the shoulders of the Police than they have at present, because I feel that with the advent of this Bill there will be more stabbing and blood-letting taking place than at the moment.

Mr. HUMPHRYS: I agree with the remarks of the last two speakers and I think Your Excellency's Government would be very ill-advised to pass this Bill. Speaking subject to correction, I think this Bill came before the Council two years ago and was defeated. Why it has been brought again I do not know. On that occasion it was very fully gone into by Members, most of whom spoke on it. The truth is that Labour in this Colony is not ripe for a Bill of this description. I quite agree with the hon. Attorney-General that it has been the law in England since 1875. I am acquainted with the case he has referred to because I have gone fully into the matter myself, but it does not mean that because England is ripe for it we are ripe for it here.

All that has been said by the hon. Member for Georgetown North (Mr. Seaford) is perfectly true. On the estates, where there are thousands of labourers and hundreds on the dams, there can be no question of peaceful picketing. They are there in armed force, and if they intend to prevent people from working they make it very clear to them in no uncertain terms what would happen to them if they do not desist from working. The ordinary labourer who reads this Bill will feel—and I regret to say that many of his advisers will also tell him: "The Legislature has made it lawful for you to do those things; you can do them. Go right ahead; you have been given licence to do them." That licence is contained in the Bill. Those people do not understand what is peaceful picketing. The only picketing they understand is force—a bacia stick or a cutlass. I have no doubt that the hon. Mr.

Austin is not going to be a false prophet. If the Bill goes through picketing is going to be attempted, and with force. Of course, the answer will be that they will be committing an offence, but it is no use shutting the stable door after the horse is out. Government would have to revoke the Bill or seek to amend it in some way.

While the first part of the Bill is harmless, when you consider the provisos it becomes a pernicious and dangerous Bill which this Council should avoid passing at all costs. I do not think the first part of the Bill is necessary, because a man who is working is well protected under the Summary Jurisdiction (Offences) Ordinance. It is not necessary to prove force in that case. I would certainly urge Government not to press the provisos because they will simply mean endless trouble for the Police which they will not be able to cope with. At the present crisis their services may be required for far more important duties. I suggest that the Bill should be definitely postponed for many years and not thought of until the war is over.

As regards the law of trespass the Attorney-General mentioned that in England there is no penal clause for trespass, but that there is a civil remedy. We have the same civil remedy here. In this Colony a trespasser may be forcibly ejected; we have the Common Law of notice here. Can Your Excellency imagine a small staff of about 14 overseers endeavouring to eject 300 or 400 labourers who are trespassing on an estate after having been warned to leave? If I could possibly add to the gravity of the words which have been uttered by the hon. Mr. Austin I do so. I feel that Government would be making a mistake which cannot be remedied if this Bill is persisted with.

Mr. DIAS: I would like to associate myself with the observations made by

the previous speakers on the question of the usefulness of this Bill at the present time. One needs to have some experience of what obtains in this Colony to appreciate the difficulties to be contended with when trouble arises, especially on sugar estates. There is no objection, and there can be no objection whatever to the rights of people being preserved, but conditions here are so different from what they are in England that peaceful picketing in England does not mean peaceful picketing here. The people here do not know how to go about such things, and it will take them some time to learn. We will never get half a dozen responsible men doing peaceful picketing, but the entire crowd and every one armed with something, either a cutlass, a fork or a stick of some enormous size. I returned to the Colony from England in 1939 and found one of those disturbances going on, with the Police Force established at several places in the Colony. Overseers were partly stripped and made to lead a crowd with a flag.

I cannot see that this Bill is going to produce the good results anticipated. The Hon. Mr Austin referred to some people who incite the labourers. What is very striking to anyone who studies this question is that on those occasions one never sees those leaders after they have set the fire; they keep away from it and do not identify themselves with it at all. One hears several names called, and that people have been sent to hospital, but the leaders are always conspicuous by their absence. I am willing to support anything that would be serviceable to the employee and protect him, but I certainly cannot subscribe at this time to the passing of legislation which would produce more disastrous effects than anything else.

Mr. ELEAZAR: I had occasion to mention a day or two ago in this Council that I really deprecate what has become the policy in this Council during the last 10 or 15 years. This

Council is fast becoming a place for Ambassadors, each one trying to get the greatest advantage for his particular State, instead of being a deliberative body with one aim, and that is the good of the whole Colony.

Section 31 of the Summary Jurisdiction (Offences) Ordinance, Chapter 13, reads :—

31. Everyone who unlawfully and with force hinders or prevents any person, or assaults or uses any threat of violence to any person with intent to hinder or prevent him, from working at or exercising his lawful trade, business, or occupation, shall on conviction thereof be liable to a penalty of fifty dollars or to imprisonment for three months.

That is the law as it stands in England, and the law as it stood in British Guiana until a few years ago. Because there was a little bit of uprising—nothing unusual, but a little more frequent than what I have known all these years—certain people got Government to amend that section by deleting the words “and with force,” thus making it possible for a man who simply said to his friend “Don’t work man, remember we all agreed not to work for sixpence,” to be charged before a Magistrate, whereas previously he would have to threaten him with violence or use force. Those words should never have been deleted. To-day the Attorney-General invokes something which he says has been the law in England all the time. When it suits certain people they omit certain things from the law in England and remove what is the gravamen of the offence in England, and when it suits other people again they say we should adopt what is the law in England.

Peaceful picketing as known in England is unknown here, and if people are given power they are going to use it. A man goes seven or ten miles from the centre of population, away from the Police, with a cutlass in his hand and we talk of peaceful picketing. The people in this country have been disagreeing from time immemorial, and when one or two of them have gone

out of the way and used violence, or threatened to use force, they have seldom failed to be punished. They knew how far to go. There have been meetings of the Unions in the villages but they have never asked to be allowed to go on the estates to do picketing. I claim to know a great deal about the working of estates in the Colony but I have never known of a single case where men wanted to go and discuss matters with the overseers and they were told not to go on the estate at all.

Why should a man have the right to say “It is peaceful picketing and I am going on the estate?” What kind of picketing can they do aback? The older men on the estates take very little part in Labour disturbances. It is the saucy youngsters who say “These are modern times” who want to take over the estates for themselves and teach everybody else how to manage their business. They are the people who give trouble. This new idea of peaceful picketing came from people who read about it in books from abroad and brought it here without ever seeing it in application or really appreciating what it means. That being the case, they will indulge in it here just as they think, and that will get them into trouble.

I stand here without any feeling one way or the other. If it were possible for me to develop any feeling it would be in favour of the labourer all the time, and if I thought a wrong was being done him I would say so even if I stood alone. I feel that it would be doing an injury to the labouring people to put temptation in their way to commit breaches of the peace. We would have to build bigger jails. I do not know at whose instance this Bill has been brought before the Council again. I have a shrewd suspicion that Government makes laws here at the instance of certain people who sometimes are very wrongly informed, and sometimes deliberately give Government wrong

information. I do not like to prognosticate ; I do not like to prophesy. In cases of this nature I prefer my prophecy to fail. I say that this legislation is not necessary, and I cannot conceive of the necessity for it arising, unless Government by measures of this nature insinuates that certain things can be done which were never contemplated.

It is just those youths we have reared with a bad system of education who are going to create trouble, because they are unequally balanced. I refer to the boys of all races, including those of the race I have the honour to belong and am proud to belong. Let the Labour Bill suffice. Do not put a whip in the hands of those youths. Let Government do the governing. The Supreme Court of this Colony has been the bulwark of the rights of the people of this country. We have enough safeguard in our Criminal Law to meet any emergency. I do not think Government would be well advised to put this Bill on the Statute Book. Section 31 of the Ordinance should be restored in its original form. By this Bill Government is denying a man the right even to appeal to his friend peacefully, while at the same time it gives another man the right to do what is called peaceful picketing. Those Members who have spoken against this Bill assisted Government on a previous occasion in making good English law bad here. To-day the hon. Member for Georgetown North (Mr. Seaford) is right, and I am with him (laughter). The last time he was wrong ; he did not agree with me, but nevertheless I do not render evil for evil.

Mr. JACKSON : I am afraid that this Council cannot accept this Bill. I have been giving the matter my careful consideration and I well remember that a couple of years ago a similar Bill was brought up in this Council and defeated. I have no doubt that every effort should be made to secure to the people

what really is their right, but I do urge that in endeavouring to do what we conceive to be the right we should look at the other side of the picture. The hon. Member for Berbice River (Mr. Eleazar) referred to the distance of the cauefields from the estate compound, and that is a matter which has also given me some concern. It is well known that people of limited intelligence and experience when they become exasperated may do anything, and I visualize much bloodshed if this Bill is passed and people were permitted to go to their work-place, miles away from their homes, to endeavour to prevent others from working or to offer them advice of any kind. I think we should avoid every appearance of evil, and it is no good endeavouring to do what we conceive to be good when there is a possibility of that good being transformed into hurt. There is great danger, I fear, in passing a Bill of this kind, and I must say definitely that I feel I cannot conscientiously support it.

Mr. PEER BACCHUS : I am really in sympathy with this measure but I doubt very much whether the labouring classes of this country are ripe for such a Bill to be introduced now. It has been admitted that the Trade Unions in this Colony have a far way to go yet, and that being the case it is a point for further argument whether the people who are to be guided by the Trade Unions are ripe for peaceful picketing. Extreme care has to be exercised in carrying out peaceful picketing. It requires good leadership, and it is therefore obvious that this Colony is not yet ripe for a Bill of this kind. The Bill came before this Council in 1937 when it met with a similar reception as it has received to-day. I do not think there has been such great improvement between 1937 and now to make the people ripe for the introduction of this Bill. If this Bill is passed now the protection which it is intended to give the labourers and

the employers will not be secured. I think it would have the reverse effect.

We have just passed the second reading of a Labour Bill, and Government intends to appoint Labour Officers to put new life into or to teach the Trade Unions the way to conduct their business. I therefore think that if we can introduce such a Bill 12 months hence we would have made good progress. I support the proposal that the Bill be postponed indefinitely.

Mr. JACOB : I must confess that I am a little disappointed with the speeches I have heard up to the present. They have been very interesting but I think if they are analyzed it will be seen that they advocate the passing of this Bill into law. I have heard it stated here very clearly that the people are so illiterate, so uneducated, that they are out on nearly every occasion to create trouble and to do all kinds of wrong things. I was a little disappointed to hear my friend on my left (Mr. Jackson), who talks about education all the time, suggesting that the Bill should be postponed. I am not so surprised at the speeches of some of the other Members who have followed the usual course, but I am disappointed to feel that we are not looking ahead and not going to adopt some of the modern principles in other parts of the world. I feel that this Bill does not go far enough. I have been asked to suggest certain additions to clause 2 (2), and when the time comes I shall suggest those additions.

The hon. Attorney-General tried to explain the reasons why certain words have been left out of the Bill and an additional proviso (3) inserted in clause 2, but I think there are large sections of the community—I think all the Trade Unions and all the Labour leaders are agreed that this Bill is necessary and should be passed. I think it would be a surprise if this Legislature did not accept this Bill and pass it so as to create peace and harmony

among all sections of the community. Here we have a Bill providing for peaceful picketing, and I have heard so much about discontent, criminal acts, and bloodshed. I cannot understand this method of reasoning. I believe that a great deal of the trouble which occurred in the past has been due to the fact that the workers do not know exactly where they are. When the hon. Member for Berbice River (Mr. Eleazar) referred to section 31 of Chapter 13 and suggested that the words "and with force" should be replaced in some amending law I think he really supported the view that this Peaceful Picketing Bill should go through. When those three words were deleted from section 31 of the Ordinance the worker was left with absolutely no protection if he wished to speak to his fellow-workers and say whether they should or should not accept certain conditions ; and since that deletion remains it is necessary that this Bill should go through. If those words were inserted in some amending law, then it may be necessary to consider the whole position, but even then I submit, with all confidence, that modern thought is that we should encourage the worker in every possible way. I cannot see any harm in allowing workers to decide whether they should or should not work. I cannot see any harm in their going to the houses of other workers to speak to them. I cannot understand the opposition to a Bill which I believe will bring about greater harmony and greater co-operation between Capital and Labour in this Colony.

I do hope that some of the Members will reflect and re-working-man conditions which will enable him to see that he has all his rights. This Bill when it goes through—and I hope it will—will encourage the worker to give up some of the bad things he has been doing ; to mend his ways, if his ways have been so bad in the past. I hope that Government will make a definite statement on this matter. The Council

seems somewhat depleted at the moment, and I do not know whether we can ask for an adjournment in order to get a better attendance.

THE PRESIDENT: Yes

Mr. JACOB: I am sorry that my friend, the hon. Member for Essequibo River (Mr. Lee) is not here. I have his permission—

THE PRESIDENT: I certainly have it in mind not to take the vote on the second reading of the Bill until there is a full Council.

Mr. JACOB: I have the permission of the hon. Member for Essequibo River to suggest certain things. He expected that he would not be here to-day. I feel that there should be an entirely different outlook in this Colony, and I hope there will be among the Members of this Council. I do not think I can speak any stronger on this matter. I am extremely disappointed and I cannot subscribe to the view that the workers of the Colony are so bad. I have known them for a long number of years and I have been very closely associated with them. I deprecate and wholly disagree with the statement made by several hon. Members that the workers of this Colony are such a wicked and bad lot.

Mr. KING: The hon. Member who has just taken his seat has expressed surprise and disappointment with the speeches he has listened to. What surprises me most is that the hon. Member usually stands alone against the Government, but this afternoon he stands alone for the Government. There must be something wrong, (laughter), either with the hon. Member or with the Government. I thought, like the Irishman, he was "agin" the Government, and so would never support any measure Government brought forward.

Mr. JACOB: If the hon. Member had been a regular attendant in this

Council he would not have made that statement. (laughter).

Mr. KING: I attend as often as I can, but at times it is rather boring to listen to certain Members, especially the hon. Member who has just taken his seat, and inasmuch as I like to listen to speeches made with full appreciation of what they are intended to imply, I am sorry I cannot say that of speeches I have had the misfortune to listen to from the hon. Member.

What, may I ask, is the anxiety of Government over this measure? In 1937, Government, in the fulness of its wisdom, amended section 31 of Chapter 13. Government must have been satisfied then that that amendment was sufficient to give the labourer the protection he required, in so far as any attempt might be made by any particular labourer to persuade a fellow labourer from working or from going to work if he had not already gone. What is the desire of Government in this Bill? Knowing this country as I do, I say that the very wording of clause 2 of the Bill would give the labourer the idea that he is specially licensed. He would get the idea that the Bill almost compels him to do these things. I say that advisedly, because I have in mind the Rents Restriction Ordinance which has resulted in the landlords presuming that Government wanted them to increase their rents by 10 per cent., with the result that 100 per cent. of the rents increased since the coming into force of the Ordinance have been increased although the landlords were perfectly satisfied with the rents they had been receiving. One individual, who was not in need of it, felt that he should fall in line with the other landlords who felt that they should assist Government by increasing their rents. That impression has been created in the minds of more educated people than the labourers (if I may say so without any offence to the labourers), and they are going to say: "Government evidently wants us

to do these things, so let us make a start."

Knowing the temper of the people of this Colony as I do, I cannot help feeling that this Bill is going to result in what Government never intended. I am satisfied that Government's intention is not to encourage the people to adopt what is known as peaceful picketing. I, personally, can hardly imagine the people in this Colony, not knowing what peaceful picketing really means, not having had experience of it, being able to peacefully picket one of their men. Their idea would be to hit him on the head. Their idea of peace is force. The moment you show kindness to them they regard it as weakness. That is how most of the people in this Colony react to a measure of this kind.

I feel very strongly on this measure and after hearing the opposition to the Bill I think Government will re-consider the matter and withdraw the Bill from the consideration of this Council. I am quite certain that, as Governor of the Colony, Your Excellency has every intention and desire that its affairs should run as smoothly as possible. Speaking as one who knows the people of the Colony, I feel that this Bill is going to start an era of complaints and prosecutions that is going to be appalling. It is bringing to the people's notice something that they are not going to be able to understand, and they are not going to understand it until it is brought home to them forcibly, perhaps after what might be a matter of bloodshed. We are at present going through a time of very great stress. The war is certainly having its effect in this Colony, if not physically, at least on the nerves of a great many people here. Labour at present is satisfied with conditions as they exist, and if by legislation we put into their hands a measure which they will feel they should use (although that is not the intention of the Bill) whether as a matter of amuse-

ment or as a test, they are going to use it. It would start in a peaceful way, but before we know what is happening there would be a riot, and the Police would have their hands full.

I am appealing to you, sir, as Head of the Government, not to carry through this legislation at the present time. If when times are normal and nerves are somewhat relaxed you feel that in the interest of good government this measure should be introduced, I can assure you that you will have not only my support but that of other Members of the Council. After all, the responsibility is just as much ours as yours. We represent the people here, and with that responsibility on us we advise you that we who move amongst the people feel that the passing of this Bill would create more harm than good. I would urge Government to consider seriously what is practically the unanimous opposition of the Unofficial Members of this Council.

The hon. Member for North Western District (Mr. Jacob) speaks alone, as far as the Unofficial Members are concerned. They represent a very responsible element in the community, and when in this instance there is practically unanimous opposition to a measure of this kind, I can assure Your Excellency that that opposition is not due to any desire to deprive Government of a measure which Government feels it should have in order to carry on the work of the Colony. That opposition is sincere. We are not opposing the measure because it is a Government measure. I would oppose it no matter who brought it up. I again ask Your Excellency to give serious thought to what is practically the unanimous opposition of the Unofficial section of the Council and withdraw the Bill.

Mr. de AGUIAR: The reception this Bill has received to-day is no different, as far as my memory serves me, from that which it got on a

previous occasion, and I have not heard anything from the lips of the mover as to the reason why there has been a change on the Government side in re-introducing a measure which was rejected by this Council not so very long ago. It is true that certain hon. Members are surprised at the attitude which has been taken up by those who have spoken against the Bill, but that attitude should not be surprising, because it is the same as that taken up on the last occasion. The position as I see it is this: that the reason why hon. Members are opposed to this Bill is not so much a desire to protect property as it is to protect persons. It is feared that if the measure is allowed to go through the lives of persons would be endangered, and therefore, as the representatives of the people, it is the duty of Members to point that out to Government.

Certain hon. Members have given perhaps a more lucid explanation of what I mean, and I do not propose to go over the ground, but it does seem strange to me that the Bill should be re-introduced at such an early date and without giving the Council any reason for its re-introduction. One is tempted to ask whether it is because there are certain people in this community who can keep a great deal of noise, and that that noise has so impressed Government that the re-introduction of a Bill of this nature is considered necessary? I can hardly believe that is so because, if that is the reason, then there is another side of the picture, and I submit that that side of the picture has been forcefully presented to Government to-day for the second time.

Nobody says that the workers are a wicked and bad lot, as was suggested by one hon. Member; it has not even been suggested. What has been said, and with it I totally agree, is that a Bill of this kind would undoubtedly lead some people to believe—to use the words of one hon. Member—that they

are licensed to commit certain offences, and it is very easy to understand that that belief would be increased in the minds of those people. It is the duty of Members of the Council, as representing a large number of people, to bring that to the attention of Government. I do not know up to the present what impression has been created on Your Excellency's mind, because you have just come amongst us, but I do think that what has been said by the large majority of Members of this Council should receive your very careful consideration before any further steps are taken with this Bill.

I would go a step further and request that when the debate closes, if it is the intention to pursue the Bill to finality, the motion for the second reading be put to the open vote so that Your Excellency might obtain a better idea of the line of thought of those who are in a position to think for the greater majority of the inhabitants of the Colony. Some Members perhaps think that the reason for this opposition to the Bill is in order to protect property. I repeat that it is to protect the lives of the inhabitants of this Colony, and that, I submit, is a very valid reason for making the request that the Bill be withdrawn.

On the question of protection, I would like to say one thing in support of what has been said by the hon. Mr. Jackson. It is not because a Bill of this kind met with success in England or in other British Colonies that it would be equally successful here. Your Excellency has been told on several occasions about the varying conditions here and the peculiarities of the people. You have been told of the long distances people have to travel without any protection at all. I cannot see how Government can give Police protection to people who are anxious to work. We know that in every dispute there are a certain number of people who are anxious to work, and very often it is the majority

of people who are willing to do so. Nobody would be against peaceful picketing by any Trade Union, but are we satisfied that they are going to do it in the way it is done elsewhere? Our experience is that they are not going to do it. If Government considers that they will and the Bill goes through, then I can only hope that the results will be beneficial; but it is my view, and I feel very strongly on it, that this Bill will not meet with the success that Government hopes it will achieve.

Mr. LEE: I desire to say that on the last occasion when this Bill was introduced I opposed it on the ground that it was not an exact replica of the English Act. Since then I have been informed that this Bill is a model Bill which has been sent out to be passed in the British Colonies where there are labour conditions to be rectified. The labour conditions in this Colony need rectifying, and I will support the Bill for the simple reason that the time has come when the workers should learn their rights, and they are going to learn and legally and lawfully exercise those rights. Can the employers say, if workers commit any criminal act, that they have not the law behind them? There are many cases where workers have gone beyond the limit allowed by law, and they have paid the penalty for their misdeeds. Employers are exercising their rights now. Employees who have overstepped their boundaries have been severely punished, but there is no law in this Colony whereby peaceful picketing can be done. It is necessary that such a law should be introduced as early as possible so that Trade Unions can carry out their duties successfully. Having the knowledge that this is a model Bill which has been sent out by the Imperial Government, I am supporting it.

THE PRESIDENT: As I said just now, I am not desirous of putting the motion for the second reading of the Bill to the vote without the presence in full of the Unofficial Members, and I

shall have to consider when the time comes to do that, the number of absent Members, and whether I should put it to the vote or not. I am induced at this stage to make one or two comments on the debate. I have been asked by a number of Unofficial Members to note the unanimity or, shall I say, the strength of the Unofficial opposition to the Bill, and I have listened to several speeches delivered with most obvious sincerity and intention to preserve peace and order in the Colony, with which I have the greatest sympathy.

I have further been asked why Government should have again submitted this Bill—the same Bill or very much the same Bill as that rejected three years ago. I should put my answer this way: As I have said over and over again, I am concerned with matters of practical politics and with getting everything, as far as I can in my time, for the material benefit of the Colony. We have often been told by hon. Members here that we should not accept as orders and instructions anything sent out as a model suggested for our adaptation in this Colony. I have a lot of sympathy with that point of view. I have frequently opposed things sent out to me as Governor from the Secretary of State, and sometimes arguing them myself I have carried my point. I have been frequently in sympathy with representations by Legislative Councils in that sense as, for example, those concerning the Estimates we were discussing recently; and on that very subject I did two years ago carry a point of my own. But those are things which concern our own practical local administration. No one can deny that when it comes to a matter of major policy His Majesty's Government in the United Kingdom, which is responsible for all units of the Colonial Empire excluding the self-governing Dominions, must control the actions of a Colonial Governor such as myself.

The policy of His Majesty's Government is quite definitely to advance Labour legislation throughout the Colonial Empire, not necessarily word for word the same as in the United Kingdom, but on the same general principles. That is the policy of His Majesty's Government which at the moment is a National Government, and in which there is a very large number of men most distinguished in the history of Trade Unionism and Labour policies generally throughout the last generation.

There is a further point. His Majesty's Government are putting up enormous sums of money for the development and welfare of the units of the Colonial Empire, and British Guiana as a needy and deserving unit will, I hope, gain very substantially indeed. But there is quite definitely a condition attached to that help, and that is that the Colonial Governments assist in their legislation and administration, and conform to the principles of the Labour policy of His Majesty's Government in the United Kingdom. In other words, in every application for assistance we put through, every penny we are going to get under the Development and Welfare Act is governed by the condition that the Comptroller should be satisfied that the legislation of this Colony is in accord generally with Labour legislation. I do not say that necessarily applies to this detail of Labour legislation in this Bill to cover peaceful picketing. I am talking of principles, and it is on that principle I have submitted this Bill again to the Council. The Council must take the responsibility of rejecting or passing this measure.

I may go further and point out that the visit of Mr. Hall to this country is very recent. He has served throughout his life with the greatest and best of reputations as a Labour leader in the United Kingdom. He is now Assistant Secretary of State, and recently visited this Colony. When I am asked—I won't say ordered—by the Secretary of

State what action is being taken in respect of this Bill I can scarcely divorce that from the knowledge that the Assistant Secretary of State was here in this Colony and had seized himself with a knowledge of conditions. That is the answer I give when I am asked why Government has again brought the Bill forward.

I have heard substantial opposition to the Bill on the Unofficial side, and looking around this Council I should say that the second reading can only be carried by the use of the Government bloc. In my eight years' experience as a Colonial Governor I have never on a single occasion made use of the Government bloc, and I do not wish to have to do so. I should therefore desire very definitely first to have full knowledge of the views of the Unofficial Members before I proceed to the vote, or before I should even consider what action I should myself take in directing Government action in this Council. I therefore propose that if no other Member wishes to address the Council now, I shall adjourn the debate on the second reading without calling upon the Attorney-General now, unless he so wishes, and take the further stage of the debate before proceeding to the vote in as full a House and with as many of the Unofficial Members as can be present on that occasion. Therefore, with the consent of Members, I will proceed no further with the debate at this stage. I take it that that is in accord with the wishes of Members generally. The debate on the second reading of the Bill is adjourned.

SUPPLEMENTARY ESTIMATE, 1942.

COLONIAL DEVELOPMENT AND WELFARE SCHEMES.

Mr. McDAVID (Colonial Treasurer) : I move : —

That, this Council approves the Supplementary Estimate for 1942 relating to services to be wholly or partly met by grants under the Colonial Development and Welfare Act, 1940, which has been laid on the table,

The Supplementary Estimate before the Council includes all services in respect of which applications for financial assistance under the Colonial Development and Welfare Act have been forwarded to the Secretary of State up to the time of the opening of the present session of the Council. Your Excellency has given a resumé of those schemes in your address to the Council on the 3rd of December, and explained briefly the general objectives of those schemes. Those objectives have also been fully outlined in the Council Papers which have been published containing Sir Frank Stockdale's despatches, together with the memoranda by the Comptroller's Medical and Agricultural Advisers. You have also informed the Council that a number of other applications have since gone forward to the Secretary of State and the Comptroller covering larger schemes relating to drainage and irrigation and agricultural development. Those later applications are not included in the present schedule. I do not propose to deal in any detail with the items in the schedule. Apart from the Council Papers the schedule itself contains a full explanatory memorandum giving particulars of the objects and financial implications of each scheme.

So far four of the schemes—appointment of Malariaologist, \$28,320; Medical Service for Aboriginal Indian population, \$48,720; extension of Anti-Aedes Campaign, \$38,520, and Rural Housing and Sanitation (Demonstration Scheme), \$960—have already received the formal approval of the Secretary of State. As regards the largest scheme—the irrigation scheme for West Demerara—the Secretary of State has also intimated that he is prepared to approve although there are certain financial details which have still to be settled. The Comptroller has already intimated that he will support all of the schemes, and there is every reason to expect that they will very shortly be sanctioned.

The schemes involve a total grant

from United Kingdom funds of \$745,753. The estimated expenditure for 1942 is \$387,683. That is the full amount required for this year, but the actual expenditure will, of course, depend on how soon the works can be started, how soon equipment can be obtained, and how soon the various appointments can be made. Of the total of \$387,683 shown as estimated expenditure for 1942, the sum of \$382,880 will be recoverable from United Kingdom funds under the Act. The balance of \$4,803 is chargeable to Colony funds in respect of three of the schemes, viz., the appointment of a Hospital Secretary, the maintenance and operation of communal wireless receivers, and the establishment of a Community Centre at Den Amstel. Members will note that in respect of the Community Centre the small sum of \$25 is recoverable from the West Demerara Chairmen's Union; also that one half of the grant of \$12,480 which is to be paid to the local Broadcasting Company is to be recovered as a loan with interest.

I do not think it is necessary for me to deal with the various items in any detail, but, as is customary in dealing with supplementary estimates, I propose to move that the Council go into Committee, and those Heads of Departments concerned with the administration of the various votes will have an opportunity, if necessary, to give any explanation required. As the Council will note from the supplementary estimate, each item has been included under the vote of the respective administering Department rather than included under a total head. That is in compliance with the accounting rules provided by the Secretary of State for those schemes financed under the Act. After Members have spoken I will move that the Council resolve itself into Committee.

Mr. LEE: I would like to draw Government's attention to the fact that unless a settlement scheme is established

along with these irrigation and drainage schemes those projects will not be successful from our point of view. I am suggesting that having obtained these grants from the Colonial Development and Welfare Fund for irrigation and drainage schemes on the West Coast, Government should also consider the question of Land Settlement on the lower West Coast. I feel sure that the hon. Member for Demerara-Essequibo (Dr. Singh), with whom I have discussed the matter, will support that view. Private lands are available there, and if necessary Government could acquire them for the purpose of making proper settlements. There are many people along the Coast who would be willing to join Government in a settlement scheme, and in considering a settlement scheme Government would naturally take into consideration the kind of cultivation that would be required, because it has been found on several occasions that when a certain crop is profitable the whole community goes in for its cultivation, with the result that the market is glutted and the producers do not get their due return. I suggest that in any such settlement scheme the kind of cultivation should be specifically laid down by Government and adhered to. In that way Government would be able to control production and ensure reasonable prices for the settlers.

Mr. ELEAZAR : I wish to take this opportunity to make some comments on the Estimates, because certain heads were passed while I was absent from the Council. I will begin with Agriculture. I was not here when that head was discussed and there were certain items which I had marked for comment.

THE PRESIDENT : Are you speaking on this supplementary estimate in general ? If not I propose to proceed in Committee to consider the details.

Mr. ELEAZAR : I am not going to refer to anything outside of this estimate.

THE PRESIDENT : Then what you wish to say refers to this supplementary estimate ?

Mr. ELEAZAR : Yes, sir. I wish to speak on the particular heads.

THE PRESIDENT : Well, we will hear you in the Committee stage.

The Council resolved itself into Committee to consider the Estimate.

AGRICULTURE.

Mr. ELEAZAR : I am very gravely concerned with the working of this particular head of the Estimates, especially in relation to the war. I feel that we ought to have some other agricultural project.

THE CHAIRMAN : I must ask the hon. Member to be relevant. We are considering the appointment of a Livestock Officer, a Marketing Officer and a grant to the Beekeepers' Association. If he continues his remarks to those three items he would be in order.

Mr. ELEAZAR : In that case I would be entirely out of order.

THE CHAIRMAN : You do not oppose the appointment of those officers ?

Mr. ELEAZAR : I want to address myself to something I want them to do. I am drawing Government's attention to something to which Government might draw their attention.

THE CHAIRMAN : Yes, draw our attention.

Mr. ELEAZAR : I am drawing your attention to the fact that some little time ago this Council solemnly decided to appoint another officer to teach people how to cure tobacco.

THE CHAIRMAN : I am afraid I must rule the hon. Member out of order. His remarks are not relevant to any of the three items under this head.

Mr. McDAVID: I move the insertion of a small item, 33—Allotment Competition Prizes, \$240.

Item put, and agreed to.

MEDICAL—HOSPITALS AND DISPENSARIES.

Item 36—Appointment of Sister-Tutor (Assistant Matron), \$1 680

Mr. ELEAZAR: Some 15 or 20 years ago this Council, at the instance of the Surgeon-General, as he was then called, was asked to appoint a tutor for the training of nurses at the Public Hospital. That tutor was to train local nurses to take the places which the Matrons and Sisters are now filling. In the last 20 years not a single nurse has been trained to take those posts. Instead, we are multiplying the number of Sisters from year to year, and now we are going to appoint a person for the same purpose. I hope that the original intention will be carried out; that Government will see to it that she is a tutor and that nurses will be qualified for those posts as the result of her training.

THE CHAIRMAN: All of these items will be under the supervision of the Comptroller.

The Council resumed.

Motion for the approval of the Estimate put, and agreed to.

THE PRESIDENT: We have come to the end of the business on the agenda. There is just the question as to when we should resume the debate on the second reading of the Summary Jurisdiction (Offences) (Amendment) Bill. As far as I am concerned, I see no objection to resuming to-morrow at noon.

THE ATTORNEY-GENERAL: I happen to know that some Members cannot come to-morrow.

THE PRESIDENT: I should like to know what hour would be suitable to secure the attendance of Unofficial Members.

Mr. AUSTIN: I suggest Friday at noon.

Mr. ELEAZAR: I cannot come on Friday.

Mr. AUSTIN: I would therefore suggest 2 o'clock to-morrow.

The Council was adjourned until 3.15 p.m. the following day.