

LEGISLATIVE COUNCIL.

Tuesday, 20th 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. G. Woolford, K.C., (New Amsterdam).

The Hon. E. F. Mc David, 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 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. Gonsalves, O.B.E., (Georgetown South).

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

The Hon. Peer Bacchus, (Western Berbice).

The Hon. E. M. Walcott, (Nominated Unofficial Member).

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

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

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

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

MINUTES.

The minutes of the meeting of the Council held on the 15th January, 1942, as printed and circulated, were confirmed.

ANNOUNCEMENTS.

THE LATE DUKE OF CONNAUGHT.

THE PRESIDENT: I have one or two announcements to make.

In the first place I should like to take this opportunity of proposing with the approval of Members that I send on behalf of the Legislative Council and Colony of British Guiana a message of condolence to His Majesty the King on the death of that very fine English gentleman, Arthur, Duke of Connaught. We should, I think, remember that His Royal Highness during the last war was the Governor-General of Canada on this side of the Atlantic and his many fine qualities have made him known and highly respected amongst British peoples for some three generations.

COST OF LIVING.

I should like to intimate to Members of Council that my correspondence with the Secretary of State on that very

important question of cost of living and allied matters thereto, is continuing, and I have sent answers to some specific questions and made some proposals which may help in the solution of our difficulties.

SUMMARY JURISDICTION BILL.

Referring to recent business before the Council, in particular the Summary Jurisdiction Bill, I should intimate also that I have telegraphed to the Secretary of State in the hope that the very reasonable, as they seem to me, suggestions of the hon. Member for Georgetown North which might secure a greater degree of unanimity on the Bill might prove acceptable to His Majesty's Government in the United Kingdom.

LABOUR BILL.

In regard to the Labour Bill with which we proceed to-day, I have already intimated my proposal to introduce a fresh clause into the Bill which will permit the appointment of an Advisory Committee with general terms of reference: and this Committee can then make recommendations not merely confined to the question of wages, which can be followed up by Government either with the powers given under the Labour Bill or under some other legislation or by negotiation with the parties concerned. I had expressed the view that this proposal, which is surely unobjectionable in itself, might provide a method of procedure facilitating and expediting initial action in a trade dispute and pending any further steps such as that under compulsory powers. The recent events in a trade dispute on the waterfront have made it to me more evident than before that a general tribunal for enquiry and not limited by any qualification as to wages or dependent on prior agreement by both sides of this kind, would be useful.

I have to turn to another aspect of the present trade dispute, and that is the necessity that the State must have powers to maintain essential services and prevent their disruption without

notice, and even to secure labour for their prosecution. I confess, myself, that I consider in the present juncture the States of the Allied Nations are surely entitled to use all powers to secure that citizens shall give what I might call "national service." I listened with interest to remarks made by the hon. Member for the North-West District when he used words advocating the conscription of wealth and the conscription of man-power in the national interest, and I had even suggested to his colleague, the Hon. Member for the Essequibo River, that it might not be a bad thing if I could conscript him for loading sugar bags. He was good enough to agree, in principle at least.

In the last Colony which I had the honour to administer, the Legislature passed National Service Ordinances on the 4th of September, 1939, the day after the outbreak of war, and so did several other Colonies.

The matter is of such importance that I have consulted the Attorney-General very carefully during the week-end and I have also telegraphed the Secretary of State seeking his advice.

NATIONAL SERVICE BILL.

As it happens, I have been reading this very morning an account of the proceedings in the House of Commons in London on the new "National Service Bill." The Prime Minister introduced a general discussion prior to putting the Bill in front of the House. He used the following words:

"A crisis of man-power and woman-power is at hand and will dominate the year 1942."

And the *Times* proceeds:

"We must adjust from time to time the application of our human resources to the fighting forces, the factories, the farms and other calls upon them. The time has now come to make a very large adjustment."

"Mr Bevin declared with great emphasis that the Government's cardinal principle of policy was that neither property, persons nor prejudice should be allowed to impede the achievement of the supreme purpose, guided by this the Government would be

prepared to examine any specific claim for the further requisitioning of property, services or industries."

Now, in this Colony, we have already gone quite a way, to a length possibly not to be imagined a few years ago, in conscripting wealth but there is still the question of our conscription of man power. I notice that the new National Service Bill in the United Kingdom, which is presumably now law, contains the declaration in the first clause :

"All persons of either sex, for the time being in Great Britain, are liable to national service, whether under the Crown or not and whether in the armed forces of the Crown, in Civil defences, in industry, or otherwise."

I read also in the newspaper that "vital war work or services", as at present defined by the Ministry of Labour, includes not only work in aircraft and munition factories but in "transport services, civil defence services, nursing services, hospital, domestics, etc." I will say quite frankly that the time has come when we might very promptly consider such a question in this Colony. I do not of course suggest that our problem in this country resembles remotely in degree that of the United Kingdom. But there are certain very important special factors touching the war effort, even here. One is, and it is a vital matter, the turning round of ships in our harbour.

On this matter Mr. Bevin said (I read from the *Times*):

"One particularly striking example given by Mr. Bevin in his vigorous and confident speech showed that the Glasgow and Liverpool dockers by speeding up the 'turn round' of ships, had added the equivalent of one and a half million tons to our cargo-carrying capacity"

As I said above, I have been consulting the Attorney-General and have telegraphed the Secretary of State on these matters. It is possible that a useful alternative and a step, which might be taken without too much delay in discussing definitions and limitations, e.g. as to what is national service or as to organisation, would be to put before the Council a Bill, embodying

powers which have been made applicable in some other Colonies, preventing the disruption of essential services by lock-outs or strikes: not of course absolutely and without qualification, but with a time-limit during which the executive would have an opportunity to fix up the matter somehow in the national interest. The Attorney-General is preparing also a draft of a short Bill in this sense for consideration, and I shall also await specific advice from London.

PAPERS LAID.

THE COLONIAL SECRETARY :
(Mr. G. D. Owen) laid on the table the following report and documents :—

The Defence (Georgetown Lighting Control) Regulations, 1941.

The Defence (Bank of England Notes Conversion) Regulations, 1942.

The Defence (Special Cinematograph Exhibitions), 1942.

Report on river communications to the Interior of the North West District, British Guiana, by Gerald O. Case, F.S.E., (February, 1941).

GOVERNMENT NOTICES.

RE-CONSTITUTION OF THE COUNCIL

THE COLONIAL SECRETARY :
I give notice of the following motion :
and that at a subsequent meeting of the Council I shall move this motion—

Be it hereby Resolved with humble respect that this Council respectfully petitions that His Majesty may be pleased, by Order in Council varying certain provisions in the British Guiana (Constitution) Order in Council 1928, or by such other action as His Majesty may deem fit, to reconstitute the Legislative Council of this Colony so that it shall consist of the Governor as President and the following Members, that is to say, the persons for the time being lawfully discharging the functions of the respective offices of Colonial Secretary, Attorney-General and Colonial Treasurer (to be known as *ex officio* Members), seven nominated persons not holding public office under the Crown (to be known as Nominated Members, and the fourteen Members declared to have been duly elected under the provisions of the aforementioned Order in Council (to be called Elected Members);

And be it further Resolved,—That His Excellency the Governor be requested to transmit a copy of these Resolutions to His Majesty's Secretary of State for the Colonies,

UNOFFICIAL NOTICES.

POMEROON FARMERS' LOANS.

Mr. C. V. Wight gave notice of the following motion:—

WHEREAS in the Report of the Director of Colonial Audit on the Account of British Guiana for the year ended 31st December, 1939. (Legislative Council Paper No. 5/1941) there appears at page 14 thereof, a note that there is a contingent liability by the Sugar Producers in the Colony for the repayment of advances for expenditure on improvement which advances total \$191,438.07

And whereas the aforesaid amount of \$191,438.07 has been written off and does not appear in the Report of the Colonial Treasurer for the year 1940;

And whereas in the Report of the Colonial Treasurer for the year 1940; (C.S.O. Paper No. 123/4 III) there appears the sum of \$4,000 as an amount expended as Loans to Pomeroon Farmers through the North Esse- quibo Co-operative Credit Bank;

And whereas the said sum of \$4,000 is un- employment relief grants and loans.

And whereas the farmers of the Pomeroon find it difficult and burdensome and are unable to repay the said loans.

Be it Resolved.—That the aforesaid sum of \$4,000 shall not be recoverable and be written off.

ORDER OF THE DAY.

LABOUR BILL, 1941.

Mr. LAING (Commissioner of Local Government): I move that the Council resume consideration in Com- mittee of the following Bill:—

A Bill intituled an Ordinance to provide for the appointment of a Commissioner of Labour for the regulation of the relationship between employers and employecs and for the settle- ment of differences between them.

Mr. WOOD (Conservator of Forests) seconded.

Question put, and agreed to.

Council in Committee.

Clause 2—Definitions.

Mr. LAING: I move that clause 2 of the Bill be recommitted for the pur- pose of inserting the definition which is on the Order Paper of the Day.

Clause recommitted.

Mr. LAING: I move the following amendment:—That the following defi- nition of the words "trade dispute" be inserted in the Clause after the definition of "occupation":—

"trade dispute" means any dispute between employers and workmen, or between workmen and workmen, which is connected with the employment, or non-employment, or terms of the employment, or with the conditions of labour, of any person.

Question put, and agreed to.

Clause as amended passed.

Clause 6—Power of Governor to appoint Advisory Committee in case of existing or apprehended trade dispute.

Mr. LAING: I move the insertion of a new clause after clause 5 to give power to the Governor to appoint an Advisory Committee in case of existing or apprehended trade dispute.

THE CHAIRMAN: It has been ex- plained twice by myself to the Council. The term "Advisory Committee" is used the same as in clause 7.

Question "That the new clause 6 be inserted and consequential amendments made to the numbering of the follow- ing clauses" put, and agreed to.

Clause inserted as clause 6 and the following clauses renumbered as a con- sequence.

Clause 7—Order prescribing rates payable.

Mr. LAING: I move that clause 7 as printed be recommitted for the pur- pose of substituting the word "of" for the word "and" in the last line of sub clause (1).

Mr. JACOB: I recollect it was the general feeling of the Council on the last occasion that there are two rates— rates of piece work and wages rates and, I think, that in certain classes of work there are rates for piece work and rates per day. I think the Bill as originally worded is more liberal and

will be of greater use than this amendment.

THE CHAIRMAN: The hon. Attorney-General tells me that sub-clause (2) will cover that point. It reads:

“The order may prescribe time-rates, piece-rates and over-time rates, or any of them.”

Mr. JACOB: If that is the legal opinion, then it is all right.

THE CHAIRMAN: I think so.

Amendment put, and agreed to.

Mr. LAING: I beg to move an amendment to subclause (5). As it stands the order can only be effective from the publication of it in the *Official Gazette* and that can only be done when the order is made. It is common experience that where a trade dispute is settled in such a way as this and the order is dated back some time and most of the men are back to work, it is a fair and equitable way to date back to such time as normal work is resumed. That is generally agreed on by the other side. It seems necessary to clench that by specific power. It is desired to give effect to that suggestion by the following amendments—

(a) the insertion of the words “earlier or” between the words “such” and “later” and
(b) the insertion of a colon for full the stop, so as to make the order retrospective. Then there is the following proviso—

- (a) no date earlier than that on which the order is published in the *Official Gazette* shall be specified in any order under the provisions of this subsection unless the Governor-in-Council is satisfied that the circumstances of the case are such as to justify specially favourable treatment; and
(b) no date shall be so specified which is more than one month anterior to the date on which the order is published in the *Gazette*.

It indicates wherein the ordinary procedure as set out in the Bill, retrospectiveness of the order may be made.

Amendments put, and agreed to.

Clause 7 as amended put, and agreed to.

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

Clause 19—Remedy of employee for non-payment of wages.

Clause 21—Saving clause.

THE ATTORNEY-GENERAL: I move that these clauses be deleted. These clauses, it was pointed out during the debate, put something in the nature of a penalty on the employer, whereas those penalties put on the employee under the old Ordinance were struck out. After the discussion it was decided that it was only fair to take out those on the employer and that neither should appear in the Bill. By taking out clause 18 the other two consequentially also come out. The Common Law right of both is unaffected.

Mr. HUMPHRYS: I had raised the point and what is done meets the case.

Question put, and agreed to.

Clauses 18, 19 and 21 deleted.

Clause 24—No contract to be made with employee as to spending.

THE ATTORNEY-GENERAL: I move that this clause be amended by the substitution of a full stop for the comma appearing after the word “expended” in line 6, page 11, and the deletion of all the words appearing in the clause after that full stop.

Question put, and agreed to.

Clause as amended passed.

Clause 27—Deductions from wages which are permitted.

THE ATTORNEY-GENERAL: I move that the following clause be substituted for clause 27 as printed:—

27. Nothing contained in this Part of this Ordinance shall extend, or be construed to extend to prevent any employer or agent of such employer, from making, or contracting to make, any stoppage or deduction from the wages of any employee for or in respect of—

- (a) any unpaid rent of any land, house, cottage, tenement or room demised or let by the employer to the employee ; or
- (b) any grazing fee due by the employee to the employer ; or
- (c) any medicine or medical attendance supplied by the employer to the employee at the latter's request ; or
- (d) the actual or estimated cost to the employer of any materials, tools and implements supplied by the employer to the employee at the latter's request to be employed by him in his occupation ; or
- (e) any victuals supplied by the employer to the employee at the latter's request ; or
- (f) the actual or estimated cost to the employer of any goods supplied by the employer to the employee for the personal use of the employee ; or
- (g) any money advanced by the employer to the employee, (whether paid to the employee himself or to some other person at his request) in anticipation of the regular period of payment of his wages :
 Provided that the total amount which may be stopped or deducted from the wages of an employee in any one month under the provisions of this paragraph shall not exceed one-third of the wages of the employee in that month."

Sub-clause (3) in the old clause is taken out entirely and the old sub-clause (2) now appears as a proviso to paragraph (g) only. Deductions up to one-third will apply to advances of money and not to the sale of goods.

THE CHAIRMAN : That is the considered view of the Committee of Members which considered the wording of the clause and, I take it, that is the general view of Members.

Clause as amended put, and agreed to.

Clauses 28, 29 and 30 as printed, passed without amendment.

Clause 45—Power of Governor-in-Council to make Rules.

THE ATTORNEY-GENERAL : I move the insertion of the following new clause :—

45. The Governor-in-Council may make Rules—
- (a) regulating the procedure to be followed by Advisory Committees appointed under this Ordinance ;
- (b) regulating the amount, and payment, of remuneration, fees, cost and expenses in respect of any inquiry by an Advisory Committee under this Ordinance ;

- (c) regulating or prohibiting the publication of reports submitted by Advisory Committees appointed under this Ordinance and the publication of any evidence given before such Committee ; and
- (d) generally to give effect to the provisions of this Ordinance relating to the holding of inquiries by Advisory Committees."

THE CHAIRMAN : This is simply the empowering clause for the making of rules as to the procedure to be followed by those making investigation under the Ordinance.

Question put, agreed to.

Clause inserted.

Clause 50—No order for attachment of wages of certain employees.

THE ATTORNEY-GENERAL : I move that clause 50 as previously inserted in the Bill be deleted and the following clause substituted therefor :

50. No order for the attachment of the wages of any servant (including domestic and menial servants) labourer or workman shall be made by the Supreme Court or by a Magistrate's Court."

The original clause 20 was made clause 50, and the only difference is the insertion in the new clause of the words "including domestic and menial servants".

THE CHAIRMAN : It appears to be a new clause, but it was actually in the script as clause 20 which now appears as a new clause 50.

Question put, and agreed to.

Clause substituted accordingly.

THE ATTORNEY-GENERAL : I move that the Clerk renumber all the clauses to give effect to the amendments made.

Question put, and agreed to.

Clauses renumbered accordingly.

THE ATTORNEY-GENERAL : There were three clauses which had been thrown out by amendments. I ask that they be recommitted. The first is

clause 9, which appears in the printed Bill as clause 8.

Clause recommitted.

Clause 9—Procedure for making orders.

THE ATTORNEY-GENERAL : I move that sub-clause (1) be amended by substituting the word "eight" for the word "seven" in the second line.

Question put, and agreed to.

Clause as amended passed.

Clause 11—Conditions of employment of persons incapable of earning wages at prescribed rates.

THE ATTORNEY-GENERAL : I move that clause 11, printed as clause 10, be recommitted.

Question put, and agreed to.

Clause recommitted.

THE ATTORNEY-GENERAL : I beg to move that in sub-clause (3) which appears as sub-clause (2) in the printed Bill, the word "twelve" be substituted for the word "eleven" in the third line from the bottom.

Question put, and agreed to.

Clause as amended passed.

Clause 40—General power to make forms and regulations.

THE ATTORNEY-GENERAL : I move that clause 40, printed in the Bill as clause 43, be recommitted.

Question put, and agreed to.

Clause recommitted.

THE ATTORNEY-GENERAL : I move that the words "thirty-eight" be substituted for the words "forty-one" appearing in the second line of paragraph (a).

Question put, and agreed to.

Clause as amended passed.

Title and enacting clause passed without amendment.

The Council resumed.

Mr. LAING : I move that the Labour Bill, 1942, be read a third time and passed.

Mr. WOOD (Conservator of Forests) seconded.

THE PRESIDENT : Is it the feeling of the Council that we take the third reading at this stage? With the consent of the Council it can be taken.

Question "That the Bill be read a third time and passed" put, and agreed to.

Bill read a third time.

THE PRESIDENT : I must express my appreciation to the Council in its readiness to meet Government in proceeding with the early approval of this legislation. I will be able to inform the Secretary of State that it is now law. I will take the necessary action on it after I have given formal assent which I shall notify first His Majesty's Government.

TRANSFER OF PUBLIC OFFICERS.

THE PRESIDENT : Before asking the hon. Member for Central Demerara (Mr. de Aguiar) to move his motion I would like to inform him and other Members of Council that I am guilty of writing a very long minute on this matter, and that minute I circulated to Members of the Executive Council to whom I apologized yesterday. They had not all the time to read it and, I think, their feeling was that they would like to read that minute and then circulate it to the hon. Member for Central Demerara and other Members. It may help to shorten the discussion later on. If the hon. Member agrees with that course he will be supplied with that minute as soon as I can.

Mr. DEAGUIAR: I have no desire to proceed with the motion to-day. I am very grateful to hear, sir, that you have written a minute on it. I understand that after the Executive Council has seen it it will be passed on to me.

THE PRESIDENT: I did not say so specifically, but I suggested that might be done. If there is no objection, it may be passed on to you.

Mr. DE AGUIAR: In any case I am asking the permission of the Council to defer consideration of the motion to another day.

Question put, and agreed to.

Consideration of motion deferred.

PLANT PROTECTION BILL, 1942.

Professor DASH: I beg to move the second reading of—

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

The Bill before the Council differs little in essentials from the existing Plant Diseases and Pests Prevention Ordinance, which was passed in 1935 and which it is sought in this Bill to repeal. As explained in the Objects and Reasons, the present Bill is framed on a model Ordinance for Colonies in the West Indian area which this Colony has been asked to adopt in order to secure uniformity in legislation of this sort. At the present juncture in view of the closer relations which are afoot, it will be agreed that uniformity in a matter of this kind is most desirable. There is, perhaps, one new point to which reference should be made, and that is the Plant Quarantine Committee set up in Trinidad for the Control of plant introduction through the Plant Quarantine Station which has been established there for the benefit of the whole Caribbean area.

Hon. Members will recall that a

Central Quarantine Station was established in Trinidad as the result of various recommendations and that funds were provided at the time by the Imperial Government for the establishment of that station. Since its establishment this Council has provided on its annual estimates the sum of £20 as an annual contribution towards its maintenance. All plant introductions have been going through the Central Quarantine Station in Trinidad for some time now, but this Bill seeks to regularize and give effect by statute to what is actually the present practice.

This Colony at the present moment is singularly free from a number of plant pests and diseases of a serious nature which occur in other Colonies and, I think, it would be agreed that it behoves us to exercise every precaution in maintaining the *status quo* in every respect. Similarly, it is our duty to prevent the spread of those pests and diseases which already exist in this Colony. I do not think I need say more, and with these few remarks I beg to move that the Bill be read a second time.

Mr. Woolford seconded.

Mr. PEER BACCHUS: This Bill seeks to repeal the existing Ordinance No. 37 of 1935. When that Ordinance was introduced into this Council I opposed it and, I must admit, I then criticized the Department of Agriculture very strongly. That Ordinance was the idea of that Department. This Bill is said to be framed on a model Bill which this Colony has been instructed to pass. Though it is a model Bill, I see the complaint I had against the old Bill in 1935 still exists. The phraseology of the clause has been changed a little but the meaning remains the same. I am referring to clause 5 sub-clause (3) of the Bill. In the 1935 Ordinance as it exists now, responsibility is placed on the poor farmer to exercise—to use the words of the section—“reasonable diligence” in detect-

ing disease or pest on his farm. In this present Bill, as I have said, the phraseology has been changed; the words used being "all reasonable steps to discover such occurrence". It is not the farmer only who is responsible, but he is also responsible for the person or persons whom he employs to assist him. If that person does not take all reasonable steps to discover such occurrence the owner also would be liable. The Ordinance which the 1935 Ordinance repealed may be regarded as antiquated, yet we find in that old Ordinance the section dealing with this notification of disease places the responsibility on the Department of Agriculture, and I say rightly so. It is the person with technical knowledge who should discover the disease and not the poor farmer. That is so far as notifiable diseases are concerned. The farmer should know when his farm is affected, but when it is affected and that area is quarantined he is not supposed to know when the pests have disappeared, and he then has to call in a technical officer of the Department to say that the pests have been eradicated. The poor farmer is penalized for not discovering the pests in the first instance, but after having eradicated them a technical officer of the Department must come in and certify the eradication before the quarantine ban will be lifted. The section which the 1935 Ordinance repealed reads thus:

When it comes to the knowledge of an Inspector that a destructive plant disease or pest exists in the district under his supervision he shall without delay report the existence thereof to the Director of Science and Agriculture.

At that time the Director of Agriculture was called the Director of Science and Agriculture. In the 1935 Ordinance the section reads

When the occupier of or the person having the charge or management of land is charged with an offence under this Ordinance he shall be presumed to have known of the existence of the disease or pest, unless and until he shows to the satisfaction of the Court that he had no knowledge thereof, and could not with reasonable diligence obtain that knowledge.

I think that placing that responsibility on an ordinary farmer is a little bit too great. I anticipate I will be told that it is only in respect of notifiable diseases. Granted that there will be some announcement in the newspaper that the pests can be discovered if one looks for A, B and C, the majority of ordinary farmers, even those who can read and write, scarcely take the newspapers at their homes. The majority cannot read and write, and how are they going to follow the notification by the Director of Agriculture? In every district there is an Agricultural Instructor. Why not place the responsibility on him? Besides the present number of Instructors there are going to be additions, we have been told, as the scheme which is being launched progresses. I intend to move an amendment when we reach that clause in the Committee stage, and I hope to find the Director of Agriculture in a reasonable mood to accept the amendment.

Mr. SEAFORD: There is just one point I would like to ask the hon. Member for Western Berbice (Mr. Peer Bacchus). A clause similar to this has been in existence for some time. I was wondering what hardship the farmers suffered on account of it.

THE PRESIDENT: The hon. Member will tell us in the Committee stage perhaps. I therefore propose to put the question. Does the mover desire to refute any statement now or to do so in the Committee stage?

Professor DASH: In the Committee stage.

Question put, and agreed to.

Bill read the second time.

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

Clause 5—Occupier to give notice of notifiable disease or pest.

Mr. PEER BACCHUS: I am moving an amendment to this clause. I think I have to move the deletion of the clause before doing so.

THE ATTORNEY-GENERAL: If the hon. Member is going to move an entirely new clause he will move the deletion and substitution therefor, but if it is only to change a part of the clause he will just move the amendment.

Mr. PEER BACCHUS: I am moving the deletion of clause 5 and the substitution therefor of the following—

5. When it comes to the knowledge of a Plant Protection Officer that a destructive plant disease or pest exists in the district under his supervision he shall without delay report the existence thereof to the Director of Agriculture.

THE CHAIRMAN: That is to be substituted for sub-clause (1)?

Mr. PEER BACCHUS: Yes.

THE CHAIRMAN: It does not affect sub-clauses (2) and (3).

Mr. PEER BACCHUS: It may have a consequential effect.

THE CHAIRMAN: We will take that later.

Mr. PEER BACCHUS: The only reason I may give why it has not given rise to any difficulty up to now is, as was stated by the hon. Director of Agriculture himself, that it is fortunate this Colony has not had the misfortune of the occurrence of pests or diseases of that kind. Had that not been so there is no doubt that there would have been dozens of prosecutions for having not detected the occurrence. Perhaps I may be told that the discovery of a notifiable disease in the Rupununi affecting livestock was made by the ranchers and not by the Department of Agriculture. I am just thinking now whether those ranchers who may have livestock come under this clause, though the ranchers on the whole can be prosecuted for neglect of

their responsibility to the Government of this Colony. I think that the farmers should be encouraged in every way rather than to be discouraged in this way, when we have a fully staffed Agricultural Department to look after their interest. As I said, I was hoping the Director with his increased staff would see his way to take on some of this responsibility instead of passing on the whole of it to the farmers.

Mr. SEAFORD: I feel that the farmers in this Colony should be protected, and when I say that I mean the industrious farmer should be protected against the farmer who does not keep his place as clean as he may and in that way encourage some disease or other. I think that if the onus of stopping the existence of disease is left to the Agricultural Department you will require more than quadruple the staff of that Department. I do not think it is possible to visit all the farms during a year, and for the Department to keep itself *au fait* with conditions there I think the onus of giving information is bound to lie on the farmer. Not only is it for the good of his brothers on either side of him but also for his own good, and I cannot see that any farmer will have the slightest objection to giving notice of a disease of some kind because it is for his own good. There are safeguards protecting him if he does not know.

Mr. DE AGUIAR: I think this is one of the cases where there are two sides to the question. There is a lot to be said in favour of the Bill as it stands and a lot to be said in favour of the amendment moved by the hon. Member on my right (Mr. Peer Bacchus). Can we reasonably expect the average farmer to see a particular pest on his farm and, if so, to know what is the nature of it? If he has no knowledge, and it is true ignorance is no excuse in law, he would still be liable to suffer penalties if he does not notify the Officer of the pest on his farm. Where I am with the hon. Member on my right is, if we want to help the farmers and encoura

age them we should not inflict on them penalties which they are unable to bear. It seems that if you are going to have Plant Protection Officers going around the districts they would be in a position to know where pests exist in a particular area, and if so to take such steps in notifying the Director of Agriculture about the existence of the pests. I think what my hon. friend is saying is this: The clause as worded does not afford the farmer a reasonable excuse if it is found afterwards that pests exist on his farm and he did not notify the proper authorities. The Plant Protection Officer may come on him suddenly and find the existence of pests on his farm, and in that way he is regarded as having committed an offence. I think the intention of the amendment is to assist the farmer so as not to create any undue hardship on him. If that is the case—and I think it is—then we should do something in the matter.

I have been looking at Chapter 164—a very old Ordinance—dealing with this matter, and I find that the amendment proposed by the hon. Member is one which existed under that old Ordinance. At page 2450 of our laws, in sub-clause (3) of clause 7 there is no reference to Plant Protection Officer but to Inspectors, and the wording of the amendment is almost word for word as that sub-clause in the old Ordinance.

Mr. SEAFORD: I do not feel that this clause is brought in to penalize anybody. I look upon it as a clause to protect the farmer, but a different construction is placed on it. I feel the farmer knows at once when something is wrong with his crop, and it is only in such a case he is expected to report to the Officer in charge of his district. I feel that far greater protection is afforded if the farmers do it than if they wait until the Officer goes around and discovers it. He may not go there for three months. It is for the protection of the farmer, but it is the method of doing it that causes concern.

Mr. PEER BACCHUS: I agree with the hon. Member for Georgetown North (Mr. Seaford) in so far as protection to the farmers is concerned, but this clause is so worded that it does not afford any protection to the farmer whatever. If the hon. Member for Berbice River (Mr. Eleazar) was here he might have used his pet phrase. "There may come another Pharaoh who does not know a Joseph." It is not a case where the farmer will wilfully commit the offence. He will be glad to notify the Department and get the necessary assistance in eradicating the disease found on his farm, but through lack of knowledge or it may be that he has cultivation in two or three different places and visits one farm monthly, and the Plant Protection Officer may go there and discover pests before he visits. That farmer may then be charged for not having taken steps to discover the disease. I do think it is a reasonable amendment to share the responsibility between the farmer and the Department. So long as the clause affords some protection to the farmer I will endeavour to support the Department in the punishment of any delinquent farmer when he knows that any disease or pest exists on his farm and does not notify the Department.

Professor DASH: Perhaps I had better explain just what this clause means. I am afraid my hon. friend is unduly apprehensive. This clause has been on the Statute Book during the last five or six years and we have never had any difficulty about it at all. In fact, we have had a great deal of co-operation from the farmers in telling us about the existence of disease. We have had requests nearly every day telling us of crops which have gone wrong through something attacking them. My hon. friend fails to appreciate the sense of the clause, it says "notifiable disease." In agriculture that is the same as in a medical disease.

Mr. PEER BACCHUS: I anticipated that!

Professor DASH: The notification of a plant disease applies similarly as the notification of a medical disease. At the present time we have two notifiable troubles in this Colony. They are the Cocoanut Caterpillar and the Witch Broom of cocoa, the latter is notifiable only in the North-West District. There is no one in this Colony, even if he is not a farmer, who does not realize what the cocoanut caterpillar does. All we ask is that the occupier of any land on which any notifiable disease or notifiable pest occurs shall, as soon as practicable, give notice thereof to a Plant Protection Officer. In sub-clause (3) in the last line it says: "and the persons employed by him on the land took all reasonable steps to discover such occurrence." Hon. Members need not be apprehensive about the farmer in respect of a clause like this. The good farmer welcomes it. That is what is happening in respect of the Cocoanut Caterpillar. Some farmers take all precautions and steps to do what they are asked, but the careless farmers do not. The good farmer has nothing to fear from this clause. He is with us; but it is the careless farmer we want to rope in. We have had no trouble with its working. All the farmers we have approached are ready to co-operate with us; so I do not understand the point made by the hon. Member for Western Berbice (Mr. Peer Bacchus). I should have thought he would have appreciated the need for this clause, being himself an excellent farmer.

In all of this legislation the tendency has been for years now to put some measure of responsibility on the farmer or owner of land to do these things. I wish to repeat that it is only in the case of notifiable disease. We have a large number of pests and diseases, but not all are of the notifiable type. When it comes to that, every step is taken to spread the news, as was done in the case of the Cocoanut Caterpillar, as to what it looks like. Every year we have to do a certain amount of educational

propaganda work in connection with it. We are not making any legislation here haphazardly. It is for the benefit of the good farmer, and I know he appreciates it.

THE CHAIRMAN: As long as he takes all reasonable steps to discover the occurrence he is exempted from penalty.

Mr. JACOB: I gather from the remarks of the hon. Director of Agriculture that the cocoa pest of the North-West District is a notifiable disease.

Professor DASH: I did not say that. We are trying to keep it out. I gather that the cocoa disease known as the Witch Broom, which is notifiable in the North-West only, does not exist now.

Mr. JACOB: I want to say something about the cocoa pest in the North-West District. I think the hon. Member for Western Berbice wants to put the onus on the Officers of the Agriculture Department. When I look at the definition of "notifiable disease" I see it means "any disease which the Governor may, by order, from time to time, declare to be a notifiable disease within the meaning of the Ordinance" I think my hon. friend, the Member for Western Berbice, should take it a little further and put the onus not on Government Officers alone but on the Governor-in-Council as well, and then we would make a little more progress. There is a pest known as the Cackle Pest in the North-West District that destroys all our crops, particularly tannias and yams. I do not know that successful attempts have been made to minimise the ravages of that pest. Year after year we get that going on. It may be, it is not a notifiable disease. I understand that much to my regret, but I hope something will be done to minimise the ravages of these pests, and I trust the Department will do something in that respect. But, sir, it is a serious matter. I do not know what the Officers of the Department have

been doing in respect of the North-West District. I would be interested to learn how many visits have been paid to that district by the hon. Director of Agriculture and when was the date of his last visit.

Mr. WALCOTT: Having heard from the hon. Director of Agriculture that there is now only one disease that needs attention, and in this case it is the coconut industry that is affected, I desire to say that I remember when in 1935 the first measure was taken.

The Colonial Secretary: To a point of order! The hon. Member is not in his correct seat. (laughter).

Mr. WALCOTT: I apologise, sir. (*Resuming his correct place*). The coconut worm disease is responsible for the bringing in of a special Ordinance in 1935, and I distinctly remember coming down the East Coast, Demerara, and seeing the coconut trees at various places almost bare of fronds. I reported it to the Department and, I am afraid, without any successful result. I was then interested in a considerable coconut cultivation, which is next door and on the leeward side of one of those estates which were badly attacked. There was no result from my report and subsequently Kitty Village became very much attacked by that disease. I again reported it to the Department. The total result was they could not proceed against individual owners of that village. I would like to hear the hon. Director on that.

Professor DASH: The Department has done a great deal of work in seeing the coconut cultivators clean their trees. We have a man on that job in the Georgetown and Kitty area. There was some difficulty in respect of the owners, and we have now changed it to occupiers which puts the matter at rest.

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

Clause passed.

The Council resumed.

THE PRESIDENT: There is no objection to the taking of the third reading at this stage.

Professor DASH: I move that "A Bill intituled an Ordinance to provide for the prevention, eradication and control of diseases and pests affecting plants" be read a third time and passed.

Mr. WOOLFORD seconded.

Question "That this Bill be read a third time and passed" put, and agreed to.

Bill read a third time.

FUTURE BUSINESS OF COUNCIL.

THE PRESIDENT: We have now reached the end of the Order of the Day. There are two resolutions standing of which notice has been given. We can proceed with them if the Council desires to do so. One is by the hon. Member, for Western Essequibo (Mr. C. V. Wight) who is not here, and the other motion is in the name of the Government on the Constitution, providing for the removal of Official Members and increase of Nominated Members. Perhaps, it is not proper to take that resolution now unless hon. Members so desire. The Council is scarcely ready for it as hon. Members have not been notified. We have therefore come to the end of the Order of the Day with unexpected celerity. I will take the feeling of the Council as to the resumption of business with those two resolutions, and we also have the Appropriation Bill.

Mr. Mc DAVID (Colonial Treasurer): It is not ready!

THE PRESIDENT: We can take the two resolutions to-morrow. As to

further business of the Session there is the Summary Jurisdiction (Picketing) Bill which is dependent on the advice I get from London. As I have said before, having passed the Labour Bill there is no more urgency in passing that.

We have one financial matter—that by the hon. Member for Central Demerara.—I would like to put to the Council for their general feeling, and that is that certain works which stood on last year's estimates are not finished and, therefore, the whole appropriation for last year has not been spent. It is desirable that those works should be finished. Under the Regulations that money lapsed on the 31st December, and under the executive orders I have made no Head of Department is entitled to spend on works of that kind without coming to Government and asking for authority and putting up that everything has been vouched. That is how we are going to get through with works desirable or essential in 1942. The question is whether we should revoke this money which has lapsed in 1941. In executive practice as far as my relation with the Secretary of State goes. I have executive power to do that, but I prefer that

the Council be notified that some time later in the year it will come up in the form of a supplementary estimate. I propose myself to look into it and to proceed and do the work instead of going through the rigid rule of putting it up before the Council. I have a list of them to notify Council about when the time comes.

As to the financial position, I take this opportunity of saying that we have now got the facts about 1941 and the position is very satisfactory.

That concludes the business for the day and I propose to adjourn until tomorrow. Before adjourning I would just like to say how great I appreciate members of the public attending to-day in unexpected numbers. I am sorry that we are not able to find seats for all in the Legislative Council, but in following up the rules of procedure in this Council we are unable to accommodate unlimited numbers, and only those who get notice and recommendation have preference. I am pleased to see members of the public at our meeting. With the will of the Council I adjourn the Council to 12 noon tomorrow.

The Council adjourned accordingly.