

## LEGISLATIVE COUNCIL.

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

The Hon. J. W. Jackson, O.B.E., (Nominated).

The Hon. A. M. Edun, (Nominated).

The Hon. V. Roth, (Nominated)

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

*Wednesday, 27th February, 1946.*

The Council met at 2 p.m., His Excellency the Governor, Sir Gordon James Lethem, K.C.M.G., President, in the Chair.

The Clerk read prayers.

The minutes of the meeting of the Council held on the 22nd February, 1946, as printed and circulated, were taken as read and confirmed.

### PRESENT:

The President, His Excellency the Governor, Sir Gordon James Lethem, K.C.M.G.

The Hon. the Colonial Secretary, Mr. W. L. Heape, C.M.G.

The Hon. the Attorney-General, (acting) Mr. F. W. Holder.

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

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

The Hon. H. N. Critchlow (Nominated).

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

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

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

The Hon. Peer Bacchus, (Western Berbice)

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

### PAPERS LAID.

The COLONIAL SECRETARY (Mr. W. L. Heape) laid on the table the following document:—

Nutritional Survey of the Akowoio Indians in the villages and settlements around Imbaimaidai, Upper Mazaruni River, by Dr. J. Waterlow.

### UNOFFICIAL NOTICES.

#### TIME-LIMIT FOR SPEAKERS.

Mr. CRITCHLOW gave notice of the following motion:—

WHEREAS it is necessary that the business of this Honourable Council be dealt with as expeditiously as possible.

Be it RESOLVED that a reasonable time limit be fixed for Movers and Seconders of motions and Speakers on all matters before the Council.

### NOTICE OF QUESTIONS.

#### SALE OF MALT LIQUOR.

Mr. ROTH gave notice of the following questions:—

With a view to encourage the consumption of the less potent alcoholic beverages and to make the same more easily available to the less wealthy classes, will Government see its way to amend the relevant Ordinance so that on payment of an annual licence of Fifty Dollars, restaurants and cake-shops may sell Malt Liquor to be consumed on the premises?

REPORTS OF FACTORIES BILL AND SPIRIT SHOP HOURS COMMITTEES.

Mr. EDUN gave notice of the following questions:—

1. How long is it since the Factories Bill Committee had submitted its report to Government?
2. Will Government state what is its intention regarding this draft legislation and how soon is it expected to submit the Bill to the Legislative Council?
3. How long is it since the Spirit Shop Hours Committee had submitted its majority report to Government?
4. What is the reason for Government's dilatory action in not carrying out the recommendations of the majority report?

ORDER OF THE DAY

INCREASE OF OLD AGE PENSIONS.

Mr. CRITCHLOW: Before moving the motion standing in my name on the Order Paper I would like to amend it by inserting the words "This Council recommends" in the two resolutions, so that the motion will read:

THAT WHEREAS it is hard for old age pensioners to exist on the present rate of pensions paid in Georgetown and in other parts of the Colony, in view of the high cost of living;

BE IT RESOLVED that this Council recommends that Old Age Pensions be increased from \$3.60 to \$4.80 per month in Georgetown and from \$2.40 to \$3.60 per month in other parts of the colony;

AND BE IT FURTHER RESOLVED that this Council recommends that the condition be made effective from 1st January, 1947.

Question put, and agreed to.

Motion amended accordingly.

Mr. CRITCHLOW: In moving this motion I would like to appeal to the sympathy of hon. Members of this Council. With regard to the present rate of Old Age Pensions paid, we are very grateful to Government, but I would like to point out that the amounts are very small and that if a person's income is over \$4.50 per month he is not entitled to Old Age Pension. I know that the pension is given for the purpose of helping persons of old age, but some of these people have nothing to depend on but the pension which is given them. We have worked it out and found that the minimum cost of living to them is as follows: They must live somewhere and have to pay at least ninety (90) cents per month rent which some kind person may charge them. That works out at three cents (3c.) per day. Then for food it would cost them three cents for breakfast or the morning meal—wood, one cent; sugar, one cent; bread, one cent—another three cents for the mid-day meal—rice, one cent; meat, one cent; butter, one cent—and another three cents for dinner—milk, one cent; bread, one cent; coffee, one cent. The total works out at twelve (12) cents per day. As I have told you, some people contend that Government only intends to help the poor people and not to maintain them outright. But while we are grateful for that help, we would like to point out that in the outer world the necessity is seen to increase the rate of allowance to Old Age Pensioners through the cost of living being so high. In England, Old Age Pensioners will be getting more money, if not as yet.

I would not like this motion to be turned down entirely. I realize that revenue must be obtained to meet whatever is the expenditure, and for that reason I ask you, sir, to reconsider the

matter even if later in the year so that it can take effect next year. If hon. Members believe that the amounts mentioned in the motion are too high, we ask you to do one of two things — either reduce the amounts if you think they should be reduced, or to allow a further extension on the \$4.50 income disqualification and so entitle a good many to Old Age Pension. We would be very grateful if you could do that. I think the poor people are really entitled to a little more than is being given them presently. That is the reason that I bring this motion.

Mr. ROTH: I beg to second this motion. As a Poor Law Commissioner I am in a position to know the parlous state in which a portion of the community lives, especially the elderly people in indigent circumstances. I must admit that not until I was appointed to the Poor Law Board I realized the terrible conditions under which many of these people live. The present pension rate does give a considerable amount of assistance, but it is yet very little when everything is taken into consideration. I have rather a radical suggestion to make, which I have mentioned once before in Council. In the event that Government is not able to find the money, take the bull by the horns and have a National Lottery. I do not think one can normally object to such a thing for that purpose. I commend the motion very strongly to Members of Council.

Mr. AUSTIN: I would like to support this motion also and to remind Members that when this matter first came before this Council, it was then said that the amount granted to be paid was rather on the small side and it should be reviewed at some later date. The time, I think, has now come when we may step up the monthly payments to these poor folks. In as much as there seems to be a certain amount in the Treasury which has been absorbed or will be absorbed in other directions, I am of the opinion that something should be done first of all for the people in this Colony and primarily for the poor unfor-

tunate people who are getting this small monthly payment. I heartily support the motion, but I do think we may first consider whether we are not going too quickly. If the Mover of the motion would consider an increase somewhat less than that mentioned I think, without any inside knowledge, that the hon. the Colonial Treasurer might be able to look into the matter and grant the concession as from 1st January of this year.

Mr. JACKSON: I should like to support this motion. I like the principle of it. I am not so sure of the figures and the total amount that will be required in order to put this motion into effect. I think Government was complimented at the time when the motion to pay Old Age Pension was passed, and I am quite sure that everyone realised that Government had done the right thing for the poor people. Your Excellency, it would give your heart joy to see with what gladness the people who are benefited by this pension go to the places where payment is made month after month. As a matter of fact, they are heaping blessings on the head of this Government for having so considered them. That the amount is small no one will deny, and that a little more will help everyone will agree, but I do say that we should have been in a better position to give Members the total amount that might be involved in the increases. If that were stated we might have been in a position to see whether the whole amount asked for could be given or a small increase upon the small amount they receive at the present time. I am aware, sir, of the need that exists—

The PRESIDENT: I can answer your question—\$115,000 per annum.

Mr. JACKSON: Thanks, Your Excellency. If I may be permitted to say so, the amount is not as great as I thought it would have been.

The PRESIDENT: The original amount was \$180,000.

Mr. JACKSON: If it is thought that the amount is too large, I would be

very glad if the hon. the Colonial Treasurer would work it out at a smaller amount, perhaps half of that, and I would support it. I would like Your Excellency to know that I am in thorough sympathy with the poor people. I move about them; I know them and I am sometimes present when the payments are made. Yet I have no desire that Government should be committed to any amount larger than what Government feels it can pay. So if \$115,000 to be added is thought too much, possibly half of that amount could do, and we would be satisfied. I think the hon. the Colonial Treasurer will be able to work that out and get the amount changed in the motion. I support the motion, and Your Excellency will understand the conditions under which I do so. I hope that some relief will be granted these poor people.

Mr. HUMPHRYS: I am entirely in favour of Old Age Pension, but I think it is more a question of finance on which I would like to hear the hon. the Colonial Treasurer. As I understand, Your Excellency, the first amount was \$180,000.

The PRESIDENT: Yes, but it has gone up a great deal more. It is about \$230,000.

Mr. HUMPHRYS: Without this addition?

The PRESIDENT: Yes.

Mr. HUMPHRYS: What I am trying to get at is this: With this addition what it will amount to altogether?

The PRESIDENT: It will amount to \$345,000. The original amount estimated was \$180,000, and it was on that basis it went to the Secretary of State and finally came to this Council. As a matter of fact, due to numbers instead of remaining at \$180,000

it went to \$230,000. This proposed addition is calculated at \$115,000. That will make the total \$345,000.

Mr. HUMPHRYS: Your Excellency can see from that whither we are drifting. No doubt it is necessary to keep the poor going, but we must cut our coat according to our cloth. There will be no returns from this expenditure. It is purely a matter of charity and something the State should do, but I do not think, subject to what the hon. the Colonial Treasurer says, this expenditure will be justifiable.

The COLONIAL TREASURER (Mr. McDavid). It was \$230,000 when I first saw it, but the provision in the 1946 Estimate is for \$262,000.

Mr. HUMPHRYS: I do not think we can go on and on increasing the vote. It is a matter for this Government and the hon. the Colonial Treasurer to advise this Council as to whether the Colony can afford to do it. I would be the last to vote against the amount, if we really can afford it and within reason, but it seems to me that for the short time it has been going gradually up and up and we may soon have to pay a half million dollars (\$500,000) in Old Age Pensions. I would really like to hear the hon. the Colonial Treasurer's comments.

Mr. EDUN: I am indeed very glad for the figures given, because I was going to ask for them.

The PRESIDENT: Perhaps I may give the exact figures. The amount is \$269,000, then there is an addition to that for Temporary War Bonus which brings it up by another \$2,585. So it is now \$272,000. The original estimate having been \$180,000 and this proposed addition being \$115,000, the matter does require examination.

Mr. EDUN: Having learnt the sum that will be involved, I do not think that I will ask Government to reduce the age from 65 to 60 years. It is not in the motion, but I may have asked for an amendment to that effect. Knowing the figures now, I do not think I will be justified in moving that amendment. I think the whole question should have been gone into and examined extensively in order to see whether or not we can reduce the age-limit. Even the means test is a bit high. Just recently I was scrutinizing the expenditure on Social Services and was simply astounded that the Education vote has gone up so very high and also that of the Medical Services. I do not see where it will all end, but in a case of this kind I cannot see how I cannot support it. The amount given to Old Age pensioners is so small that I do not see how we can justly escape increasing it, and I ask Government if it cannot make some provision to support the motion as it stands.

Mr. C. V. WIGHT: The motion before Council will meet with my support, but I would suggest that the hon. Mover consider an amendment to the effect that this matter goes to a Committee for the purpose of considering a Contributory Scheme. My reason for doing that is this: If that Scheme is inaugurated there can be no question of doubt that the sum total under the Ordinance will be increased. Of course there will be an interregnum period. That period can be adjusted and a period of time fixed when that Contributory Scheme will come in and the age-limit whatever it is—40 or 45 years—for contribution to commence. In the meantime those unable to contribute and those who are to derive benefit will have the advantage of being treated similarly to those under the Contributory Scheme. Then we will have an equitable distribution.

There is one thing, however, that needs immediate and serious consideration, and that is the strictness with which the Ordinance itself has been applied and is being applied in regard to the ascertainment of a figure before payment is made. Some people are really in no position; they do not receive a cash payment but they have a small property which is taken into account, or they may be receiving alms. All that is taken into account and they are deprived of the small payments which are made under this scheme. I do not think that at this moment we can rush blindly into this from a financial point of view. If these figures are increased as suggested, then it would mean this Council will have to face a very large expenditure for this item. I would not like to be guessing, but I would say it would practically treble the amount which is now being paid. That has to receive considerable thought from this Council. I would suggest to the hon. Mover to amend his motion to ask Government to set up a Committee to consider a Contributory Scheme along the lines I have suggested.

Mr. JACOB: I regret I cannot agree to the proposal made by the hon. Elected Member of this Council who has just taken his seat. The hon. Member has the credit of having moved the original motion in connection with this matter, and I am rather surprised that at this stage he should quibble over an increase which I consider so very small and should want to refer it to a Committee which may sit interminably and arrive at no decision. I was one of the principal movers in this matter, and when this Bill came up for discussion and approval in this Council I suggested that the amounts should be—I think I am correct though I have not the figures in front of me—\$6 in Georgetown and \$4.80 in the Country Districts. As a matter of fact, I thought the age-limit too high considering the circumstances in this Colony but agreed that the age-limit as

proposed by Government should remain. The amounts as voted were, however, not sufficiently large to enable those old people—people who have given service to this Colony without which we might not have enjoyed so much of what we do enjoy at the present time—to obtain two square meals per day. The hon. Nominated Member, Mr. Critchlow, referred to certain foods—bread, butter and something else at one cent each per meal per day. I want hon. Members of this Council to think a little bit of the poor and needy. Maybe we should not urge on Government to find the necessary money to give them a square meal a day, but we can find money to increase high salaries of hundreds of pounds (sterling). There is a motion coming up very shortly for other increases, yet I find hon. Members quibbling over giving the poor people something just to exist on.

I consider \$2.40 a month as Old Age Pension for the people in the Country Districts disgracefully low, and this Government ought to be ashamed of itself to want to perpetuate and continue a thing like that. I notice that in this motion before Council now the hon. Mover suggests a 25 per cent. increase for Georgetown and 50 per cent increase for the Country Districts. I commend him on that aspect of it. How in the name of heaven any old person in the Country Districts can live on \$2.40 a month, I do not know. \$3.60 is better than nothing, but, I think, at least it should be \$4.80, and I am really surprised that one hon. Elected Member suggests that this matter should be deferred. Perhaps he does not know the circumstances of some of these people. If he had been here early in the debate he would have heard from one or two Members how these people appreciate this money. It is money thoroughly well spent, and I would be the last person to disapprove of this motion. In fact I think the amounts stated therein should be increased. It was suggested that it was originally estimated by our financiers here and those who ought to know the expendi-

ture would be \$180,000, but immediately the scheme was started the amount went up to over \$200,000 and this year it is, I understand, \$272,000. It shows clearly how much there is dire poverty in this Colony and that there are so many poor people.

I am satisfied from my own investigations that all the people who are entitled to Old Age Pension do not receive it. That is something Government should think about. Perhaps Government pats itself on the back that it is better not to give all these people. Some of them are unable to prove their claim and some have got sick of the red tape and will not worry any more but prefer to sit at home and die. Some have a small income and will not go; they feel ashamed to go and ask for the \$2.40 or \$3.60 which is being given. I have seen many of these people, some of whom have gone and some will not go. The amount will have reached \$300,000 very shortly without this increase which is being asked for but for a number of people feeling it is something to be ashamed about instead of being proud to receive some contribution from the Government for having served this Colony for a long number of years. People who have served Government ten or twenty or thirty years take a pride in going to receive their pension, and why should not these helpless people who have served the Colony for a long number of years go to the Treasury and receive this Old Age Pension. I think the time has come when the people should be told that it is not something they are begging for.

Pensioners should consider it their right to receive something from Government. I am prepared to contribute my just share to such a scheme, and I am ashamed to think that certain Members of this Council consider that they should not contribute.

There is another aspect of the matter. I think Government ought to have told us before, that since Old Age pension is being paid the ordinary Poor

vote has been reduced. What is the reduction? I have no doubt that the motion will be carried by a majority vote. I would like to see some hon. Members voting against it. I have my doubts as to whether the necessary provision will be made in the Executive Council to put the recommendation into effect.

Mr. HUMPHRYS: I do not know whether I am permitted to say a few words on the amendment moved by the hon. Member for Western Essequibo. It seems to be that the hon. Member who has just taken his seat has entirely misunderstood the position. The hon. Member for Western Essequibo did not disapprove of an increase, nor did I, but I think the matter should be investigated. Neither of us thinks of voting against the motion. It is only a question of what the finances of the Colony can stand. I think the motion should be supported.

Mr. PERCY C. WIGHT: I am in favour of the motion. It is unfortunate that aged persons should receive such small pensions. I know from personal knowledge that it is something terrible to realise that it is not only the man or woman who receives up to \$4.80 who is suffering hardship, but persons of the middle class who are too proud to display their poverty. It would be a great relief if the income tax laws were amended so as to provide allowance for charitable gifts. It would be a very wise thing for Government to do.

I know of several firms who would be willing to contribute to such a fund for the relief of aged people. I think the Treasurer might go into the question of allowances for charity. I speak feelingly because I know several poor persons who have worked very hard for years and do not get any pensions from the firms they have served. Those who are working now receive large bonuses which enable them to pay their debts, but if they put some of it into income tax it would serve a very useful purpose.

Dr. SINGH: I agree to the suggested increase of Old Age Pensions but there are so many aspects to be considered that I think it would be better to defer the matter for at least a week or two so that those points might be considered.

Mr. AUSTIN: I would like to add one word with your permission, sir. Some 20 years ago a Commission was appointed to report on the cost of maintenance of the inmates in the Alms House, and it was worked out at 17 cents per head per day. Therefore Government is paying \$5.10 per month for the upkeep of inmates in the Alms House, which of course includes overhead expenses. That figure has no doubt gone up considerably since then, so that Government is really giving poor persons who live in their own houses very much less than it is spending on the inmates of the Alms House.

Mr. THOMPSON: I support the motion because I feel that this assistance is necessary. I regard this Old Age Pension scheme as a glorified paupers' list. There are many people who have a wrong idea about Old Age Pension. They believe that as soon as a person reaches the age of 65, he is automatically entitled to Old Age Pension. That has caused a good deal of concern. What I feel is really required is that the income qualification should be increased from \$3.50 per month; it should not be below \$10.

I find that there is great hardship in the case of a man who has a small piece of land from which he gets no revenue. He may be too old to make that land productive but its value is assessed at a figure which disqualifies him for Old Age Pension. His position is made even worse because of the fact that he has to pay rates on the land although he gets no revenue from it.

Mr. ROTH: The rates payable on such land are deducted from his assessed income.

Mr. THOMPSON: I repeat that a man who has a piece of land has to pay rates on it whether he gets anything from it or not, and he is denied Old Age Pension when its value is assessed. I think that in such a case a man should be given assistance. I support the motion but I urge that a Committee should investigate the various aspects of the matter.

Mr. CRITCHLOW: I agree with the suggestion made by the hon. Member for Western Essequibo, that a Committee should be appointed to go into the matter, especially the question of the introduction of a contributory pension scheme. The people of this Colony contribute readily to various friendly societies, and if they know that Government would be responsible for a contributory Old Age Pension scheme they would contribute willingly. It exists in Europe and other parts of the world. I think the qualifying age should be reduced to 60 years, and that Government should increase the rates of pension to whatever sum the Colony can afford.

The PRESIDENT: Do you adopt the amendment.

Mr. CRITCHLOW: Yes, sir.

Mr. C. V. WIGHT: My amendment is that this Council recommends the appointment of a Committee to consider and investigate a contributory scheme.

The PRESIDENT: Government has nothing to urge against that. My only point is that Government is unable to agree to an immediate increase of expenditure because there are so many points to be gone into. If we did it blindly we might find ourselves committed to a very large sum. There are many points to be considered. For example there is the one raised by the hon. Nominated Member as regards private income. I have seen that myself operate in a rather harsh way in the case of a person who was in possession of some miserable shack which disqualified him from Old Age Pension.

I had also before me the case of an ex-Serviceman who was unable to claim Old Age Pension because the Association paid his rent. Those are the type of points which certainly require examination.

Motion as amended put, and agreed to.

#### TAX (AMENDMENT) BILL, 1946.

A Bill intituled "An Ordinance to amend the Tax Ordinance, 1939, with respect to the sale of medicated wines and to trading in gold and precious stones."

The ATTORNEY-GENERAL: This Bill is an amendment of the Tax Ordinance 1939, and deals with two matters. The first is with respect to the sale of medicated wines. Clause 2 of the Bill provides that chemists and druggists, and sicknurses and dispensers shall not be required to take out a malt liquor and wine licence in respect of the sale by them in a drug store of *bona fide* medicated wines only. It is considered desirable that such a provision should be made, and both the former Director of Medical Services (Dr. Maclennan) and the present Director are in favour of the proposal. Of course it will be appreciated that there is the stipulation that the directions on the label on these medicated wines shall indicate that the preparation is intended for use as a medicine and not a beverage. Medicated wines will include such preparations as appear in the British Pharmacopœia, for example Buckfast wine, Hall's wine, Wincarnis, etc. This proposal is the result of representations made by the Chemists and Druggists' Association who pointed out that in the public interest no licence should be required to be taken out for the retail of medicated wines. This amendment seeks to give effect to those representations.

With regard to trading in gold and precious stones it will be seen from the Objects and Reasons that clause 3 of the Bill provides for the issue of a licence to trade in gold in respect of premises situate in any part of the Colony. By section 51 of the Tax Ordinance, 1939, (No. 43) a licence to trade in gold can be issued only in respect of premises situate in Georgetown, New Amsterdam or a mining district. It is considered advisable that there should be provision for issuing such a licence in respect of premises situate, for instance, on the Courentyne Coast, Berbice, or Bartica.

At the same time opportunity has been taken to redraft sections 51 and 52 which relate to trading in gold and precious stones. The last clause (6) says that the Ordinance shall come into operation on the 1st January, 1946. I understand a few licences to trade in gold and precious stones have already been issued, and it would be undesirable to penalize those who have already paid. Therefore it is provided that the Ordinance shall come into operation at the beginning of 1946. At present a trader has to take out two separate licences to trade in gold and precious stones, for which he pays two separate fees of \$40 each. Provision is made in clause 3 (8) of this Bill for a comprehensive fee to cover both. I move that the Bill be read a second time.

Mr. AUSTIN seconded.

Question put, and agreed to.

Bill read a second time.

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

Clause 6.—*Commencement of Ordinance.*

The ATTORNEY-GENERAL: I move that the words "be deemed to have" be inserted between the words "shall" and "come."

Clause 6 as amended agreed to.

The Council resumed.

The ATTORNEY-GENERAL: I move that the Bill be now read a third time and passed.

Mr. AUSTIN seconded.

Question put, and agreed to.

Bill read a third time and passed.

BAKERIES (HOURS OF WORK)  
BILL, 1946.

A Bill intituled "An Ordinance to regulate the working hours in bakeries and for purposes connected therewith."

The ATTORNEY-GENERAL: As will be seen from the Objects and Reasons which accompany this Bill, it seeks to restrict work in bakeries on Sundays to that of setting the sponge, to restrict night work in bakeries to Friday nights, except in relation to setting the sponge, and to fix 60 hours a week as the normal hours of work in bakeries. Sixty hours would be the maximum, but by Order in Council it may be increased in certain circumstances to 72 hours a week. The normal working day would be 8 hours.

The Bill is drafted on the lines of the Factories Act of 1937, and on the Baking Industry (Hours of Work) Act, 1938, in England. It is desirable from every point of view that there should be some limitation of the hours of work in bakeries. The Bill seeks to give effect to representations made from time to time both by the bakers themselves and by various Unions on their behalf. I hope that hon. Members will appreciate the desirability of having this legislation. I think the Bill meets with the approval of the bakers, and the hon. Mr. Critchlow has taken a very great deal of interest in the matter. The Commissioner of

Labour, both Mr. Fraser and Mr. Bissell, have also gone into the matter, and have agreed to the proposals contained in the Bill. I formally move that the Bill be read a second time.

Mr. CRITCHLOW seconded.

Question put, and agreed to.

Bill read a second time.

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

Clause 2—*Interpretation.*

The ATTORNEY-GENERAL: I would like to mention that the hon. Nominated Member, Mr. Critchlow, who will bear me out, received certain representations from one or two of the proprietors of bakeries with regard to this Bill, but I do not think the points they have raised can be met. I have had the privilege of going into the matter with the hon. Nominated Member this morning and he agrees with me that the points they have raised do not affect the Bill at all. They have asked that in Clause 2, the term "work incidental to the manufacture of bread or flour confectionery" should include "wrapping for sale." They say the interpretation as it stands will prohibit the sale of bread unless previously wrapped while the Shop Assistant (Hours) Ordinance provides for the sale of bread throughout the day and the night. The underlying principle of the Bill is to limit the hours so far as the bakers are concerned, and consequently anything else has nothing to do with the terms of the Bill.

Clause passed without amendment.

Clause 3 — *Restriction of working hours in Bakeries.*

The ATTORNEY-GENERAL: It is suggested by the proprietors of bakeries that every bakery with the possible exception of a very small concern in the City mixes the dough or set the sponge

before 5 o'clock and they ask for the insertion of the words "or mixing dough." With regard to that, I have had the views of the hon. Nominated Member, Mr. Critchlow, and he thinks the Bill as drafted meets all the requirements desired.

Clause 3 passed without amendment.

Clause 5 — *Overtime.*

The ATTORNEY-GENERAL: The proprietors of bakeries have also submitted their views with regard to overtime. That is a question of cost. I do not pretend to have a knowledge of all the details with regard to this matter, but the hon. Nominated Member, Mr. Critchlow, who has taken an interest in the matter from the very inception when representations were made by the bakers themselves and who has made representation on behalf of some of the bakers, has been through the document submitted by the proprietors, and, as I said before, thinks the Bill as drafted meets all the desired requirements. I just wish to make one observation so far as this clause is concerned. Hon. Members will appreciate that this is one of the important clauses of the Bill. It will be seen that overtime is to be paid—

- (a) at twice the rate at which he would but for this section be paid in respect of work—
  - (i) On Sundays, Christmas Day, the day after Christmas if Christmas falls on a Sunday, the day commonly known as Boxing Day, the first weekday of January, Good Friday or Easter Monday; or
  - (ii) between the hour of seven in the evening of any day and the hour of five in the morning in the succeeding day; and
- (b) at one and a half times the rate at which he would but for this section be paid, in respect of work—
  - (i) on any public holiday, other than as specified in sub-paragraph (a) (i) of this section, within the meaning of the Public Holidays Ordinance; or
  - (ii) on any day in excess of eight hours;

As I said the normal working day is eight hours, but the Governor in Council has the right by Order in certain circumstances to permit employment for a maximum period of seventy-two hours.

Clause passed as printed.

Clause 7—*Powers of the Commissioner of Labour and other Officers*

The CHAIRMAN: Subclause (g) is very wide —

“The Commissioner of Labour, the Deputy Commissioner of Labour, any Inspector of Labour or any Assistant Inspector of Labour shall have power to exercise such other powers as may be necessary for carrying this Ordinance into effect.”

Is it not wide?

The ATTORNEY-GENERAL: This will be interpreted generally as such action as has not already appeared from (a) to (f).

Clause passed as printed.

Bill passed without amendment.

The Council resumed.

The ATTORNEY-GENERAL: I move that the Bill be read a third time and passed.

Dr. SINGH seconded.

Question put, and agreed to.

Bill read a third time and passed.

LEGAL PRACTITIONERS (AMENDMENT)  
BILL.

A Bill intituled “An Ordinance to amend the Legal Practitioners Ordinance with respect to the examination preliminary to Articles of Clerkship.”

The ATTORNEY-GENERAL: The object of this Bill, as will be seen from the memorandum in the Objects and Reasons, is to provide that if a person

has passed an examination which would entitle him to enter into articles of clerkship with a Solicitor in England, he should be entitled to enter articles of clerkship with a Barrister or Solicitor in British Guiana. It thereby provides that the preliminary examination of the Law Society in England or any examination exempted from the same will be the preliminary examination for Solicitors in this Colony. Reference to Section 7 of the Legal Practitioners Ordinance, Chapter 26, shows that is by no means an easy section. It is said to be a troublesome one taken from an old Ordinance.

With regard to Section 7 (c) where the Oxford and Cambridge Senior Local Examination is provided, that examination is now not taken as a rule by local students. The examination which is commonly taken is known as the Oxford and Cambridge School Certificate examination. The trouble arose in regard to the proviso to that section which reads as follows:

“Provided that the following general conditions shall be applicable to the examinations in this section prescribed, that is to say,—

- (i) English, Latin, and English History shall be three of the subjects taken, and satisfactory proof that those subjects have been taken, shall be furnished to the Registrar; and
- (ii) all subjects required to be taken by a candidate shall be taken and proved to have been taken at one and the same examination.”

Hon. Members will therefore appreciate the difficulty in connection with the words I have emphasized—“shall be taken and proved to have been taken.” As I understand it, with regard to proviso (i), “English” is not a subject of the School Certificate Examination and what is now taken is “English Literature” which, I take it, embraces “English.” I have been informed that it is recorded as construed by a former Chief Justice

to include where the person took the specified subjects but failed in them. With regard to proviso (ii) the Regulations as to the School Certificate Examination provide for the taking of a supplementary Certificate which, I understand, is acted upon by the Law Society in England. The peculiar position there arises that if a student passes the School Certificate Examination and fails in Latin he would be entitled to enter into articles of clerkship by a literal interpretation. The School Certificate Examination is now to be in (b). If later he has taken Latin and passed in a Supplementary Examination he is still not so entitled. The view has been held by a former Chief Justice of this Colony that the Registrar will be acting quite properly in taking the Preliminary Examination of the Law Society in England or any examination accepted in lieu thereof as a legal preliminary examination.

It seems that the time has come when the matter should be placed beyond doubt, and it should be clearly stated in this section that a person who passes the examination as required for articles of clerkship to be entered with a Solicitor in England is entitled to enter articles of clerkship with a Barrister or Solicitor in this Colony. I may mention that at the present time the acting Chief Justice holds the view that "taken" means "taken and passed" and not "taken and failed," otherwise it will be merely nugatory. So you have two views, and consequently it is desirable that this matter, which concerns people who desire to become articled and whose educational standard may otherwise be beyond any reproach and who may be very capable and efficient, should be determined. If a person came down in Latin, he would be precluded from being articled to a Solicitor or a Barrister in this Colony and, therefore, the object of this Bill is to put on the same footing locally whatever operates in England with regard to articles of clerkship. I hope I have made my point quite clear to hon. Members. That being so, I desire to move the second reading of this Bill.

Dr. SINGH seconded.

Mr. JACOB: I take it that the intention is to remove the proviso to Section 7 of the Legal Practitioners Ordinance, Chapter 26.

The ATTORNEY-GENERAL: No.

Mr. JACOB: I am glad to hear it is not, because I was rather interested in the arguments of the hon the Attorney-General in regard to the subjects taken and not passed. So long as a candidate or a student obtains a certificate I think that should be satisfactory evidence to entitle him to enter articles of clerkship with a Barrister or a Solicitor. It may be that a student takes Latin or English History and does not pass in either or both of those subjects, but having taken the examination and those subjects having been put forward by a school of repute, I take it, that student would have learnt sufficient to be able to master the technique of those subjects if they came within the scope of his articles of clerkship. If it is the intention to amend this proviso by saying that a student must take those subjects and must pass in them, then it is going to create a serious hardship here. There may be several students who are contemplating entering articles of clerkship, who have not passed in some of those necessary subjects but who may have taken them at the examination. I gather then there is no intention to remove this proviso. The qualifications for articles of clerkship are now being broadened. If that is so, then I have no objection to it, but I am opposed to varying or amending this particular proviso at this stage.

Dr. SINGH: I think this legislation will be quite all right for students who are about to be articled, but what about those students who are already preparing for some examination and who have passed the School Certificate Examination except in Latin? A particular student was advised by the Registrar to take the Supplementary Examination in three subjects. The Examination was taken and although the student passed

and got a certificate from the Cambridge University Board he did not pass in Latin. It is very hard on a student, when he has obtained a high educational qualification having taken the Supplementary Examination and obtained a Credit pass, that he cannot be articulated. It should be something like when the Dentist Ordinance came into force. All those persons practising dentistry were made to register, but the newcomers had to go through the course prescribed by law. If something new is introduced some consideration should be given to those students who are practising already.

The ATTORNEY-GENERAL: So far as the point raised by the hon. Member for North-Western District (Mr. Jacob) is concerned, as will be seen from the proposed amendment, we are not interfering with the proviso. What we are doing is (to use the hon. Member's words) extending it to say that whatever is good enough for admission to articles of clerkship with a Solicitor in England will be permitted here under this amendment. That is as far as it goes. The hon. Member for Demerara-Essequibo (Dr. Singh) has raised the point of fear that a person who has in good faith applied for and received admission for articles of clerkship would be precluded from continuing if it is interpreted that Latin, as in the proviso, is a subject not only to be taken but the candidate has to obtain a pass. As I said, there have been two different opinions expressed. One held that "taken" means taken and goes no further, and the other opinion is that "taken" means not only taken but taken and passed, otherwise it defeats the whole idea underlying this provision. It would mean that a person can just go and take the examination, write nothing and walk out and say "I have passed in the other subjects but dropped in Latin." That is one aspect of the situation I do not propose to express an opinion on. All we are trying to do here by this amendment is to say that whatever is

allowed in England for the purpose of articles of clerkship will be permitted as coming within the ambit of the Regulations as used by the Law Society in England.

Mr. PEER BACCHUS: We are now passing a Bill in this Council of which we do not know what it consists. The Bill is supposed to be applicable to any condition that exists in England. What are the conditions in England? We are just simply passing this here blindly, because I do not think hon. Members of this Council are acquainted with the conditions in England. I have not given this Bill any thought neither am I interested in it, but it would appear from the statement made by the hon. the Attorney-General that we are passing legislation without knowing what we are passing.

The ATTORNEY-GENERAL: It is not quite that. The Law Society in England is the Body that controls all things pertaining to Solicitors and deals with the question of examination of qualifications. It is just like the Bar Council or the Inns of Court so far as the Barrister is concerned; they have their examinations and the papers are set and sent all over the world. Consequently what they are saying and what they have found out as the result of their great experience and their continual touch with matters of this sort, I venture to say, will be acceptable in the Colonies, unless it is suggested that our standard here is a different one to that set for the people who are applying for articles of clerkship in England. If the hon. Member desires to have details in so far as the requirements are concerned, then I would have to ask this Council to postpone consideration of this Bill until I get those details for submission but, as I have pointed out and I wish to emphasize, the Law Society so far as Solicitors both in England and the Colonies are concerned is the guiding body and the examination for Solicitors is set by that Body.

Mr. PEER BACCHUS: I thank you for the information. I would be much obliged if the Bill is postponed. For instance, the point made by the hon. Member for North-Western District is that this Bill has conditions which are going to be wider than the details of the proviso. Supposing the conditions in England do not fit in with the proviso and you do not make it compulsory for specific subjects to be taken, then the proviso would amount to nothing. Members should be supplied with what are the conditions now existing in England.

Mr. JACOB: I notice that paragraph (g) is going to be put in the proviso in the Ordinance.

The ATTORNEY-GENERAL: You have (a) to (f). All those set out the various qualifying examinations. But you have a proviso to all those. You are now getting an amendment by way of (g) which follows from (f).

Mr. JACOB: I suggest that consideration of the Bill be deferred until a later stage.

The ATTORNEY-GENERAL: I have no objection.

The PRESIDENT: We can take the second reading and then defer the Committee stage.

Question put, and agreed to.

Bill read a second time.

The PRESIDENT: The next item is a Bill in the name of the Attorney-General (Demerara River Navigation Markers Bill, 1946) which I understand he does not wish to take now.

The ATTORNEY-GENERAL: The Schedule is not ready.

The PRESIDENT: That brings our proceedings to a somewhat unexpected end. The Attorney-General informs me that he has an important Committee meeting on the Landlord and Tenant Bill which he would be able to take at any moment this afternoon. It might therefore suit Members if we adjourned now and take the Dual Control of Schools motion as our first business tomorrow. If that is agreeable to Members I will adjourn the Council until tomorrow at 2 p.m.

Council adjourned accordingly.