

LEGISLATIVE COUNCIL.

FRIDAY, 30TH APRIL, 1948.

The Council met at 2 p.m. His Excellency the Governor, Sir Charles Woolley, K.C.M.G., O.B.E., M.C., President, in the Chair.

PRESENT.

The President, His Excellency the Governor, Sir Charles Campbell Woolley, K.C.M.G., O.B.E., M.C.

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

The Hon. the Attorney-General, Mr. E. M. Duke (acting).

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

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

The Hon. T. Lee (Essequibo River).

The Hon. V. Roth (Nominated).

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

The Hon. G. A. C. Farnum (Nominated).

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

The Hon. D. P. Debidin (Eastern Demerara).

The Hon. J. Fernandes (Georgetown Central).

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

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

The Hon. C. A. McDoom (Nominated).

The Clerk read prayers.

Minutes of the meeting of the Council held on Thursday, 29th April, 1948, as printed and circulated were taken as read and confirmed.

PAPERS LAID

The COLONIAL SECRETARY laid on the table the following documents :—

Report of the Registrar of Trade Unions for the year ended 31st December, 1947.

Report of the Georgetown Planning Commissioners on the administration of the replanning Scheme for the period 1st August, 1947, to 31st January, 1948.

Report of the Trustees of the Mitchell Fund for the year 1946.

UNOFFICIAL NOTICES

COST OF LIVING ALLOWANCES TO PENSIONERS.

Capt. COGHLAN gave notice of the following motion :—

"Whereas by Resolution No. IX passed by Legislative Council on the 22nd of April, rates of Cost of Living Allowance to Government pensioners were approved ; and

"Whereas, with the steady rise in the cost of living, it is considered that these rates are far too low ;

"Be it resolved that this Honourable Council recommends for the favourable consideration of Government that the following rates should be adopted :—

40% on the first \$360 per annum.
20% on the next \$360 per annum.
and a flat rate of \$144 per annum on pensions exceeding \$720 per annum but not exceeding \$1,440 per annum.
Provided that :

(a) no pensioner shall receive less than \$10 per month inclusive of the increased cost of living allowance ;

(b) any pensioner who is in receipt of a pension from the public funds of any other Colonial Government shall receive as cost of living allowance a sum calculated *pro rata* on his entire pension."

PRIVATE MOTIONS.

Mr. DEBIDIN : Before the Order of the Day is proceeded with I desire with Your Excellency's permission to refer to the Standing Rules and Orders of the Legislative Council in relation to two motions which I have tabled here. I gave notice of them on Wednesday—the day before yesterday—anticipating that the Council would have sat on Wednesdays. On reference to Standing Rule and Order No. 12 one finds that it reads :—

“12. Subject to the provisions of Order No. 11 Motions by Unofficial Members shall on every Wednesday during the session take precedence over all other business.”

Then, one finds that Standing Rule and Order No. 2 (b) says :—

“(b) The Council shall ordinarily meet on Tuesdays, Wednesdays, Thursdays and Fridays from 2.00 p.m. to 5.00 p.m. The President may, however, require the Council to sit on such other days and at such other times as he may determine.”

My object in bringing this matter to the attention of this Council is to ask Your Excellency to direct that private motions in future should be taken on Wednesdays and given priority as provided in Standing Rule and Order No. 12. I have no doubt that every Member who tables a private motion would feel that it is of very great importance. I feel so in respect of those of which I have given notice and I would be very glad if they are brought up for discussion on any Wednesday and given the necessary priority. I know that there is a large volume of work to be done by the Council on various Bills—as may be seen from the Order of the Day—and that is very important but there must be some reason for the provision in Standing Rule and Order No. 12 which gives priority on Wednesdays to motions tabled by Unofficial Members. I shall be very grateful if something is done in the matter.

The PRESIDENT : I have not lost sight of what the hon. Member has just mentioned and I hope that time will be available next week for discussion of one or two of the Unofficial motions now before the Council. It is not necessary to

meet on Wednesdays for Unofficial matters, but it is true that if there is Council on that day they take precedence. In so far as the hon. Member's motions are concerned, I think we can arrange to take them next week, either on Thursday or Friday. As regards the question whether we should meet on Wednesday, Thursday and Friday every week, that would mean quite a lot of work. Hon. Members have their own affairs to attend to and, not only that, we have Committee work to do and if we sit on three days continuously that work cannot be done and it is quite as important as the work being done by us here. I think it would be possible to take the hon. Member's motions next week, and there is also another motion which I hope would come before this Council next week, that is the motion for the payment of Members.

Mr. DEBIDIN : Thank you, sir.

ORDER OF THE DAY

AGRICULTURAL PRODUCTION.

Dr. JAGAN asked, and the Colonial Secretary laid over replies to the following questions :—

Q. 1. With respect to each of the following agricultural products : Cassava (sweet), Cassava (bitter), Corn, (Maize), Eddoes, Plantains, Sweet Potatoes, Rice (Peasant), Rice (Mahaicony-Abary Scheme) Tannias, Yams, Coconut, and Sugar Cane (Farmers), will Government supply information on the following questions :—

What is the total number of man-hours or man-days (8 hour day) required to cultivate one acre of land from the beginning of the preparation for “planting” to the end of “reaping” ?

Ans. 1. The number of man-days required to cultivate any particular area of land depends on several variable factors, but it is considered that the following figures represent a reasonable estimate in average conditions :—

Cassava—sweet and bitter	50 man-days
Maize	22 do.
Eddoes	50 do.
Plantains	48 do.
Sweet Potatoes	63 do.
Tannias	50 do.
Yams	160 do.

Sufficient data is not available to enable an estimate to be made in respect of rice, sugar cane (farmers) and coconuts.

Q. 2. Wherever machinery and/or animals are used what is the total number of machine-hours and/or animal-hours required to cultivate one acre of land?

Ans. 2. Sufficient data is not available to enable an estimate to be made of the number of machine-hours or animal-hours required where machinery or animals are used.

Q. 3. What is the amount allowed as cost per man-hour, man-day, machine-hour and animal-hour?

Ans. 3. The value of a full day's work by an able-bodied adult has been taken as \$1.68.

Q. 4. What sum of money is allowed as rent for one acre of land?

Ans. 4. It is not of course possible to generalise regarding the rent of land, as this depends on the situation and quality of the land, but for the purpose of calculating the guaranteed minimum price, the average figure of \$5 per acre has been allowed to cover the period during which the crop is occupying the area.

Q. 5. Wherever fertilizers are necessary, what quantity is required for the cultivation of one acre of land? On the basis of prevailing prices, what will the above quantity cost?

Ans. 5. It is not possible to generalise regarding the quantity of fertilizers required since this depends on the condition of the soil.

Q. 6. What is the yield per acre?

Ans. 6. The average yield per acre on well-cultivated average quality land is estimated at:

Cassava—sweet and bitter	8,000 lbs.
Maize	1,700 do.
Eddoes	6,000 do.
Plantains	7,500 do.
Sweet Potatoes	7,000 do.
Rice (padi)	2,500 do.
Tannias	4,500 do.
Yams	9,000 do.
Coconuts	2,500 nuts
Sugar cane (average	

plants and ratoons) 25-30 tons
Many crops do not require a complete year to reach maturity and yields and costs vary considerably in different areas according to the type of soil, the drainage, the condition of the land and other similar factors.

COUNCIL IN COMMITTEE

SEA DEFENCE (AMENDMENT) BILL.

The Council resolved itself into Committee to consider the following Bill clause by clause:—

A Bill intituled "An Ordinance to amend the Sea Defence Ordinance, 1933, with respect to the definition of sea defences, and to provide for the conservation of lands along the fore-shore."

The ATTORNEY GENERAL: With reference to the point raised by the hon. Member for Demerara River, yesterday, I should like to quote section 12 of the Sea Defence Ordinance, 1933, which says:—

"12.—(1) All sea defences which are or shall be in existence in any district shall by force of this Ordinance become the property of the Crown...."

"District" is referred to in section 2 of the Ordinance as meaning any sea defence district, so that the only sea defences which can become the property of the Crown are those situate in a sea defence district. The hon. the First Nominated Member, I think, made it clear that sea or river defences at Pln. Klein, Pouderoyen, West Bank, Demerara River, are not in a sea defence district and on reference to the Schedule to the Sea Defence Ordinance, 1933, it is clear that that is so. In Sea Defence District No. 5 the southern boundaries as set out in that schedule are "the Boerasirie Service Canal to the western boundary of Pln. Lust ~~to~~ Rust, thence along the back boundaries of the 2nd depths of Plns. Versailles, Malgretout, Klein-Pouderoyen and Swan-en-Schutz to the back boundary of Pln. Ruimzigt, thence along the northern boundary of Pln. Swan-en-Schutz to the Demerara River," so that the sea defences or river defences at Pln. Klein Pouderoyen which estate is situate to the south of Pln. Swan-en-Schutz do not become the property of the Crown under section 12 of the Sea Defence Ordinance, 1933. I hope that explanation will clarify the position in so far as the hon. Member for Demerara River is concerned.

Mr. DEBIDIN: At the time of the

adjournment yesterday I was asking for an interpretation of par. (b) of clause 2 (b). I think it is just a question of interpretation, since the bed of a river on which a structure is situate may be the entire bed of the river. Probably the Attorney General will be able to assist me and say if the par. is quite clear as it stands. I am not objecting to it, but the question is whether it should not be amended to read "that portion of the bed of the river".

The ATTORNEY GENERAL I may point out that there is nothing original in that paragraph—(b). It is only because a definition has been put into that par. that bed of the river has been brought out prominently. There is no difficulty in the definition.

Mr. DEBIDIN : Although it was there before it might be thought that the definition is too wide.

The COLONIAL SECRETARY: Surely, the definition is quite clear. The words are "bed of the river on which any structure is built." Surely that could not mean the entire bed of the river, and if the words suggested by the hon. Member are inserted they would be redundant.

Clause 2 passed.

Council resumed.

The ATTORNEY GENERAL : I beg to move that this Bill be now read a third time and passed.

The COLONIAL SECRETARY seconded.

Motion put and agreed to.

Bill read a third time and passed.

The PRESIDENT : It has not been mentioned during the debate, but it seems to me that this Bill is very timely in relation to the troubles we have recently had and are still experiencing on account of floods. It affects one of our greatest problems—the erection and maintenance of our sea defences—and it is good to see the Bill passed.

HEALTH SERVICES COMMITTEE REPORT.

The COLONIAL TREASURER : I beg to move:

"That with reference to His Excellency the Governor's Message No. 6 of the 11th March, 1948, this Council approves of the adoption of the recommendations of the Committee on Health Services provided through the Society for the Prevention and Treatment of Tuberculosis and the Infant Welfare and Maternity League, subject to the reservation as indicated in paragraph 4 of the Message and action being taken in accordance with the proposals as outlined in the Message."

I hope hon. Members have had an opportunity of studying the document which was printed and circulated as Council Paper No. 2 of 1948. It is the report of the Medical Services Committee. That Committee consisted of the Director of Medical Services, Dr. Hetherington, as Chairman ; Dr. Singh, Mr. W. O. Fraser, Mrs. M. Bayley and Mrs. E. Challoner. If hon. Members have read the report I think they will agree with me that it is an excellent document—very clear and very well written. The object of this motion is to secure this Council's approval of the recommendations made by that Committee. Hon. Members would recall that the Committee was appointed owing to suggestions in this Council for improvement of the status and position of the Health Visitors in the Services—the Municipal Service, the Infant Welfare and Maternity League, the Government Services and the Tuberculosis Society health service. I can do no better than to quote from the conclusions of the Committee as set out in par. 30 of the report : they summarize their conclusions as follows :—

"30. The Committee is of the opinion :

(a) that the emoluments offered to health visitors by Government, Infant Welfare and Maternity League, and Tuberculosis Society are not sufficiently attractive to induce suitable applicants to train or apply for these posts ;"

That is a fact ; there has been quite a lot of difficulty in getting suitable candidates. The second conclusion is :

"(b) that all health visitors should be trained nurses qualified in

midwifery and in possession of Health Visitors' Certificates (Royal Sanitary Institute), and salaries should be raised to a level commensurate with their qualifications ;”

and next,

“(d) that salaries and conditions of service of all health visitors should be the same ;”

that is to say, whether they are Government employees or employees of the Infant Welfare and Maternity League, or the Town Council or the Tuberculosis Society. The fourth conclusion is :

“(d) that health visitors' service should be pensionable and that transfer from one branch to another of public health work should not involve loss of pension or other benefits already earned ;”

The last conclusion was :

“(d) that the best interests of the public health would be served if the health visitors at present in the employment of the Tuberculosis Society and the Infant Welfare and Maternity League were absorbed into Government service and were assigned duty with these bodies . . .”

Those were the conclusions of the Committee and then they went on to make precise recommendations as to how those conclusions should be brought into effect. Their recommendations are in par. 31 and they fall under seven heads. In sub-par. 1 they say :

“(1) that in order to obtain uniformity of service conditions, health visitors now employed by the Infant Welfare and Maternity League and the Society for the Prevention and Treatment of Tuberculosis be offered Government appointments on the same terms and conditions as Government health visitors, and that all previous full-time continuous service with the League and the Society should be considered pensionable as if it had been Government service, and that they should enter the revised salary scale at a point fixed in accordance with Government regulations as if their previous service had been Government service ;”

That, Sir, I feel is a very reasonable proposal which would commend itself to this Council. The second recommendation is that the salaries of the health visitors themselves should be revised and that they should be put on a uniform salary scale of \$480 to \$720 per annum. At

present the scale in force is \$480 rising to \$600 per annum so that this recommendation amounts to an increase in the maximum salary. Then, in the same par. they state that there should be corresponding increases in the emoluments of the senior posts. There are not many of these posts and as regards an Inspector of Midwives it is recommended that the salary scale should be \$720 rising to \$960 while the salary of a Senior Health Visitor—\$720 to \$840—should remain the same. It has also been recommended that the salary of a Senior School Nurse which is at present \$480 to \$600 should be \$720 to \$840. The third recommendation is that the service of persons in the Government and the Municipal Health Services should be made fully interchangeable for purposes of pension. That, Sir, if it is accepted, would involve legislation. It would involve, of course, an agreement with the Town Council to an arrangement whereby a single pension would be paid and apportioned between the Government and the Town Council in a case where an officer has served in both services. That has happened in the past. We have had examples of Health Visitors serving in Government and going across to the Town Council and *vice versa*. and there is no doubt that we will have it occurring again. The 4th recommendation—

“That Health Visitors should be posted for duty with the Infant Welfare and Maternity League and the Tuberculosis Society to enable these organizations to carry on their present activities.”

That simply means that these Health Visitors who are now regarded as employees of these organizations should now become Government servants, and they should be posted to the organizations under whom they are actually functioning. Recommendation No. 6 is :

“That the revised salary scales should come into effect as from January 1st, 1946”.

This report was subjected to a considerable amount of delay in one way or another, and coming before this Council somewhat belated it is practically impossi-

ble to bring these salary scales into effect as from January, 1946. Government, therefore, proposes subject to the approval of this Council that these officers should be given the same salary as on the 1st January, 1948, to which they would have attained had these new scales been in force as from January 1st, 1946, as we have here. It is only fair that should be done. Recommendation No. 7 says :

“That Government should consider the possibility of initiating a contributory superannuation scheme for the benefit of subsidized midwives employed by the League.”

That has not been adopted by Government. Members may know, there are these people in the rural areas. They get a small subsidy from the Government and are entitled to charge certain fees. Some of them have served for a very long time. Actually there are four of these Nurse-Midwives who are aged between 60 and 70, and the Committee had considered how they could be given some kind of superannuation benefit, but as might be expected they could arrive at no definite conclusion. All they get from the public purse is a subsidy of about \$15 per month, and the Committee's recommendation is that we should try and set up a contributory superannuation scheme for these people. Members will realize it is hardly practical to set up a scheme which will be of any real benefit to these people. Some of them have been working for a long time and it would be impossible to start at this stage a scheme for them, many being comparatively old. Government could not adopt that recommendation because it regards it as impractical.

Lastly Your Excellency's Message deals with the case of three Health Visitors who have already retired. I said before, it is proposed to bring in special legislation with the concurrence of the Town Council so that the joint services should become uniformly pensionable, and the recommendation of the Committee in this respect should apply retrospectively in respect of those already retired up to a certain date. There are three such officers—Mrs. Bunbury, Mrs. McAndrew and Mrs. Barnwell. These ladies retired a short while ago, having served before their employment with the Town Council in one case

for four years with the League, in the second case for four and a half years with the League and in the third case for eleven years with the League. The Town Council recommended that Government should take those services into account and give them some superannuation benefit in connection with that service. It will, as I have said, be computed jointly in conjunction with the Municipality

Government also in this motion asks the Council to concur in the granting of superannuation benefit to these three persons in respect of their previous services under the League. This motion is belated, and I feel sure that Members will appreciate that these Health Visitors have been deserving of some better treatment for a long time, and I do hope the motion commends itself to the Council.

The COLONIAL SECRETARY seconded.

Mr. J.E.E: With all due respect to the members of this Committee which made these recommendations, if they were conversant with the conditions obtaining in respect of the midwives in the country districts, I feel sure they would have provided in these recommendations for some consideration for them. What is the use, first of all having these Health Visitors and Maternity League Nurses trying to care the mothers before birth and not caring the children at birth but after birth. I think it is a mistaken idea. The most care is needed before birth and during delivery. I know of several cases where through lack of proper accommodation both mother and child died. I would ask Government to reconsider the case of these midwives who are stationed in the rural districts and include them in the Government Service. Let them be under the supervision of Government. If we are going to have Dispensers throughout the Colony in order to attend to the sick, to provide as cheap medicine as possible and to keep the population in health, we should also provide for the unborn child and its mother. We should provide means whereby the health of the child is looked after and also the birth of the child. Your Excellency may have seen the little Cottage Hospital at Charity. Through the instru-

mentality of the hon. Member for Western Essequibo that hospital was built and the care and attention given to mothers before and during childbirth in that hospital quite warrants that expenditure.

Let me draw this Council's attention to another point. Recently the fees charged by the midwives in the country districts have been increased; the least you have to pay is \$6.00 and the highest \$10.00, and that is apart from the old lady, as we call her, who looks after the bedding, etc. Your Excellency, with all due respect to the Government and its advisers, I feel Government should subsidize these midwives for the delivery of every child and not let the parents in the country districts pay for it. In that way there would be control and supervision; and should the child or its mother die during delivery there could be an investigation as to the proper medical attention that woman received during the delivery. If Government is not considering the question of taking these midwives in the country districts into the Service, then I certainly would ask that Government consider the question of payment for delivery to them. I know as a fact there are several cases where a midwife delivered a child and the parents could not afford to pay the midwife's fee and she had been generous to forego it. That is not playing the game towards the midwife as well as the mother and child. If Government does not want to take these midwives into the Service, let them be subsidised by payment for every delivery. After all, the greater our population the less our taxation per *caput* will be as the years go by. I feel that Government should consider that.

At a request made to me I wrote quite recently the Director of Medical Services relative to the midwives in the Island of Wakenaam charging between \$6.00 and \$10.00 for a delivery but no provision is made in that charge for travelling. If it is a night call that poor man has to hire the best conveyance he can get to take the midwife to his home, sometimes it is a cart. At some times the midwife has to hire a bicycle, if she has not one, to answer the call. In cases of emergency the midwife sometimes has to hire a car at a cost of \$5.00 in some parts of the

Islands of Wakenaam and Leguan. I do not know what is the position in other constituencies, but I do know that on the West Coast, Demerara, if there is an emergency case at Hague Backdam, the people have to go to Anna Catherina Front, where the midwife lives, to fetch her, and in such cases the cost to the poor parents becomes a burden as after the delivery instead of that money being utilised in obtaining nourishment for the mother and baby it has to be utilised in paying for the conveyance of the midwife to and from the home. I feel that Government should also go into the matter of conveyance of the midwife in these outlying districts. When we have cottage hospitals and dispensaries established throughout the Colony, it will be time for the League to educate the people to go to those places which Government has established to provide ample protection for the mother and child and for Government to stop this subsidy and travelling allowance to midwives in the country districts.

The PRESIDENT: It would be good if we had Birth Societies to provide for these needs. We have Burial Societies, but I have never heard of a Birth Society.

Mr. McDOOM: I support the suggestion made by the last speaker. I would like to say that I know cases where people in the country were not able to find enough money to employ a midwife for delivery at childbirth, and in some cases it had been found necessary to remove the expectant mother to Georgetown necessitating her travelling a long distance; sometimes when the mother arrived in Georgetown her condition was very bad. I know one case where a woman was not able to provide herself with any kind of sustenance when she was due to give birth to a child, and through the efforts of neighbours and friends she was able to make a safe delivery and that child is alive today. It does seem to me that if we are issuing paupers' certificates for the purpose of giving medical aid to people, who are already born and grown up and who to some extent can help themselves, there is no reason why we should not formulate some plan whereby a certificate issued by responsible people in the districts would enable a poor person due to give birth to obtain the services of a cer-

tified midwife free of cost. I think it is very important. I am heartily in support of the last speaker's suggestion.

Mr. FARNUM: I think paragraph 29 of the Report requires very serious consideration. With your permission I will read it:

"The Committee considers that it is imperative in the interests of the public health that some means be found of attracting midwives to country districts but does not believe that subsidized midwives or other midwives engaged in private practice can be made eligible for Government pensions or superannuation benefits. It should be possible, however, to initiate a contributory superannuation scheme which would enable them to provide for their old age."

The point is, there does not seem to be any fixed policy in respect of the midwives in the country districts. I know some districts where they are placed. There is one place, Rose Hall, which is a very large district, where it is complained there is no nurse-midwife and Government does not see its way to subsidise a midwife for that district. I think this paragraph refers very forcibly to that. I think it is a matter that Government should give some serious notice to.

Mr. DEBIDIN: I am in hearty agreement with the resolution. Any matter that deals with health services will have my support because, I think, we cannot do enough in that respect. Health services and what is being proposed are things which, I believe, tend towards greater efficiency and better results so far as public health is concerned. No greater social welfare work is undertaken than what is being done now. I have risen also to support what has been said by previous speakers. I have personal knowledge of conditions in the rural areas in respect of this matter, because representations have been made to me. Only yesterday at the Vigilance Magistrate's Court, I was able to see a nurse-midwife suing a number of people for her charges for services rendered as nurse-midwife. There was one pathetic case of a woman who declared that she was not able to

pay \$10.00, the fee charged, but eventually she had to submit to judgment and ask for time to pay it. The Magistrate quite rightly remarked "If you are not able to pay for such services you should seek the services of the Public Hospital Georgetown." The question is, how many people are able to anticipate enough or to get into Georgetown in time for delivery without wasting a long number of days? I have great experience of how best one can anticipate the time of childbirth, but at the same time I know that if all take it into their heads to go to the Public Hospital, Georgetown, for delivery there would not be enough room to accommodate them. It therefore does come back to this: Something should be done. It is social welfare work of a very important nature. Outside of this present resolution something should be done very early to subsidize in some form or other the work of the nurse-midwives in the rural areas. I do not believe that giving them a much higher salary will help because, as I always believe, the incentive to better work is the amount they receive from the individuals whom they serve. I feel that if a nurse-midwife is given an emolument of \$20.00 per month that can be increased by a certain amount extra for every delivery. That, I think, would meet the case. In other words, some such proposal should be adopted whereby they should not charge more than \$5.00 for a delivery and any extra amount for services rendered should go to Government. I think that would certainly meet the case. I am thinking of the Doctors in the rural districts. Although they are receiving a salary from Government they are permitted to charge for every consultation a fee of \$1.20. If the doctors are getting a salary from Government and something from the people just in the same way it should be for the nurse-midwives.

One thing I would like to emphasize and that is the midwives in the rural districts are not enough, and that is because it is not a payable concern to set up practice there on their own. I feel that every district should be served by a qualified nurse-midwife. A list of the registered nurse-midwives is published every year, and the number is more than is required for Georgetown. Something should be done to inspire them to go out into the

rural districts, and by way of encouragement a salary of \$20.00 or \$25.00 should be given them. If that is done I believe the people in the rural areas would be better served in that respect. I do strongly urge that in the near future this very important problem be taken up by Government.

Dr. SINGH: The Health Services of the Colony are under the control of five separate departments, e.g., the Government of British Guiana, the Municipality of Georgetown, the Municipality of New Amsterdam, the Infant Welfare and Maternity League, and the Society for the Prevention and Treatment of Tuberculosis. We thought first that these different agencies should really come under the control of one body in order to regulate the Health Services of the Colony, and to make it efficient. After a good deal of consideration in the Committee, it was thought to leave the Services as they are at the present time, because of the fact that there are volunteers in the Colony—people who sacrifice so much for these services and who continue to carry on.

The next question we thought of was the personnel of these institutions. In the first place there were inequalities in the terms of appointment, emoluments, pension rights, etc. We went into the matter very carefully and were able to put up in this report a regular form of emoluments and a regular standard for admission or appointment—nurses who have qualified as nurse-midwives and have also obtained the certificate of the Royal Sanitary Institute as health visitors. It was felt that at the present time the Service is not sufficiently attractive, as Government cannot get Health Visitors to take up appointment because the Municipality of Georgetown offers better facilities and the emoluments of public hospital nurses have been increased. It was therefore decided to bring the emoluments of all Health Visitors on one level. That was done and also, as I have said, a standard for appointment, pensions and other things were considered and decided upon.

One thing I regret very much is that while we considered the emoluments of the senior nurses stationed at Georgetown and New Amsterdam and increased the scale of their emoluments to \$960, we

forgot entirely to increase that of the emoluments of the Senior T.B. Health Visitor at Georgetown. Her salary still remains at \$840. I think that should be amended in the report and placed on the same basis as the other two Senior Nurses. That is the only point I would like to be considered.

Dr. JAGAN: When I look at the recommendations and conclusions in this Committee's report, I see that the Health Visitors will be required to be trained nurses who are qualified also in midwifery and are in possession of the Health Visitors' certificate. In my opinion nursing is a profession, and it takes years of very arduous and exacting study and work to become qualified. I feel that the Committee did not go far enough in its recommendations as regards salaries. We have been hearing a lot about the shortage of nurse-midwives. In fact, one hon. Member mentioned a moment ago the situation in Rose Hall village. The same state of affairs exists on the neighbouring sugar estate of Port Mourant. The position is that nurse-midwives are not being attracted to these appointments in the districts because the salaries are too low.

Only a few weeks ago the Medical Subcommittee were considering the question of salaries with respect to school nurses who will be expected to undertake dental examination of school children. I think there is a recommendation that three additional School Nurses should be employed, and when we take into consideration that these School Nurses have to take a course of three years at the Public Hospital in order to obtain a Nurse's Certificate, and another year to qualify as midwives and then to undergo specialised training in dental diseases, a salary of \$48 per month offers no encouragement to a woman to undergo such lengthy and exacting training. I know that in the United States most midwifery work is done by physicians. It is very serious work, and if midwives are entrusted in this Colony with work which is done by physicians in the United States I think we should give them salaries commensurate with the responsibilities they have to bear. Consequently I propose that the salaries of Health Visitors set out in Appendix "E" be increased by \$5 or \$10 per month. I do not think such an increase

would impose too great a strain on the Colony's finances, in view of the very small number of Health Visitors. I think it would act as a stimulus to the right type of woman to take up nursing as a profession.

I heartily support the proposal by hon. Members that Government should take over the midwives in the country districts where the present situation is very unsatisfactory. We are told that midwives are subsidised by Government in the country districts, but in certain areas with large populations there is too much work for the midwives. The result is that they resort to choosing patients who are able to pay cash and pay the most. That creates hardship among people who have not the ready cash. During my last visit to Port Mourant I was told that a patient sent for a midwife who demanded cash before she attended. We must realise that it is difficult for a midwife to work for credit all the time, because in some cases she may be defrauded. On the other hand it is a very urgent and serious business in which there is no waiting. I feel that Government would be doing the community a great service if instead of subsidising midwives in the country districts it employed them in such numbers as would serve the population in the various districts of the Colony. I think it would be a good thing, especially in view of the great need in this Colony for an increased population. We are always hearing that British Guiana needs increased population so as to be able to develop the resources of the Colony, and I think it would be a good thing if Government adopted the policy of employing midwives in the country district.

Mr. FERNANDES: I entirely agree with the proposal to place all Health Visitors on a fixed basis of remuneration. As regards the shortage of midwives, in Finance Committee I asked the Director of Medical Services about the Rose Hall situation, and he told us quite bluntly that the shortage of midwives in the various districts was something which was causing him a lot of worry. The midwives were not there, and steps were being taken to get as many trained as possible. I dare say that it takes some time to train a

midwife, so that the shortage will continue for quite a while.

As regards the question of free treatment, there are two sides of the picture. Are we going to try to render all these services free, or are we going to try to so improve the people's economic condition that they would be able to pay for those services themselves? The Council will have to consider very carefully which method it is going to adopt. Your Excellency remarked that you have heard of many burial societies but you have never heard of a birth society. Well, there is one in the City—the Catholic Birth, Benefit and Burial Society—which was started about a year and a half ago, and I think it is doing very well. Perhaps the other burial societies may be encouraged to include birth in their provisions.

I too am worried about the shortage of midwives in the country districts, but if the Director of Medical Services says they are not there there is nothing I can do about it. I certainly think that as soon as possible they should be placed in the districts, and if \$15 per month is not sufficient to encourage them to remain in the country districts then the Council would have to vote a higher sum so as to make it attractive to them to remain in the districts to be of service to the people who need them.

The COLONIAL TREASURER: The main purpose of the report and of the motion is, of course, the improvement of the salaries and conditions of service of Health Visitors of these three services, and I am glad to see that that portion at least of the objective has been well received by those Members who have spoken. In fact one Member thought that the provision did not go far enough, but the hon. Member for Essequibo River (Mr. Lee), initiated a discussion on a particular aspect which has not been dealt with very fully in the report, and that is the question of subsidised midwives. I have no criticism in regard to what he has said, except to remark that he spoke of the "poor man" with regard to birth, and I do not know whether he really accepts the view that it is the man who suffers most and not the woman. However, he was followed by the hon. Member for

Eastern Demerara (Mr. Debidin), and by Mr. Farnum who did emphasise the difficulty of the shortage of nurse-midwives and the unsatisfactory position in the country districts at the moment. That situation was remarked upon in the report of the Committee which states quite clearly :

“The situation in regard to midwifery services in the districts is unsatisfactory. It is the policy of the Infant Welfare and Maternity League to subsidise midwives only in those districts where the population is relatively sparse, and where private practice is insufficient to maintain an independent practising midwife.”

The report of the Committee proceeds to state:

“With the present policy of the Medical Board of accepting for midwifery training only graduate nurses, the low remuneration and hard life of a practising midwife does not appeal to the younger nurses who prefer to remain in Government service as hospital nurses, and midwives are not coming forward to replace those who are dropping out.”

This situation is definitely unsatisfactory, and something has to be done about it, but I do suggest that it should be very carefully gone into. If we are going to adopt the free service policy, which I believe is now being adopted in Great Britain, then Members must remember that a social service of that order would cost a large sum of money.

The COLONIAL SECRETARY: Services are free in Great Britain but everybody subscribes to it. I think it works out at £15 per head.

The COLONIAL TREASURER: In any case, if Members are considering free service of that description throughout the countryside they must bear in mind that the cost is going to be very heavy indeed. If we are going to have social service of that order we must increase our income before we can do it. We have to pay for it, and I do suggest that it is not quite an easy matter to put forward a proposition like that until we know how we are going to manage it. I suppose that the matter is very much in the minds of hon. Members, and I hope that at an early date the

question will be taken up seriously as a separate issue altogether. I do not think I need say much more. I repeat that I am very glad that this motion has the commendation of Members of the Council.

Motion carried.

QUARANTINE (AMENDMENT) REGULATIONS, 1948.

The ATTORNEY-GENERAL: I beg to move:

That, as provided under section 4 of the Quarantine Ordinance 1946 (No. 23 of 1946) this Council confirms the Quarantine (Amendment) Regulations, 1948, which were made by the Governor in Council on the 23rd of March, 1948.

These Regulations correct certain typographical errors which appear in the Regulations which are an appendix to the Quarantine Ordinance of 1946, and they also provide for the making of Rules under section 5 of the Quarantine Ordinance by the Quarantine Authority, prescribing the charges to be made for visits under the Regulation of Shipping by a Health Officer or Visiting Officer. These Rules are considered to be necessary and I ask that this motion be favourably considered by this Council.

The COLONIAL SECRETARY seconded.

Motion carried.

BILLS — FIRST READING.

On the motion of the ATTORNEY-GENERAL seconded by the COLONIAL SECRETARY, the following Bills were read the first time :—

A Bill intituled “An Ordinance to make special provision for the partition of certain areas of land, for the re-allotment of holding therein, for the issue of titles thereto, and to render the occupation thereof more beneficial.”

A Bill intituled “An Ordinance to amend the district lands partition and re-allotment ordinance with respect to petitions and appeals, and for purposes connected with the matters aforesaid.”

A Bill intituled “An Ordinance further to amended the motor vehicles and road traffic ordinance, 1940, with respect to the licensing of motor cars and hire cars.”

A Bill intituled "An Ordinance further to amend the rent restriction ordinance, 1941, with respect to the standard rent of premises erected after or in course of erection on the eight day of March, nineteen hundred and forty-one."

A Bill intituled "An ordinance further to amend the cinematograph ordinance by providing for the provisional grant of licences in respect of premises not constructed or completed and to exempt from the provisions of the ordinance exhibitions of non-inflammable sub standard films in premises approved for such purposes by the Commissioner of Police."

A Bill intituled "An ordinance to amend the summary jurisdiction (offences) ordinance with respect to the power of a court of summary jurisdiction to impose corporal punishment."

A Bill intituled "An ordinance to amend the juvenile offenders ordinance, 1931, by abolishing the power of a court to impose corporal punishment on a child or young person."

A Bill intituled "An ordinance to amend the whipping and flogging ordinance with respect to its application to children and young persons."

A Bill intituled "An ordinance to amend the prisons ordinance with respect to corporal punishment."

A Bill intituled "An Ordinance to amend the intoxicating liquor licensing ordinance with respect to hotel licences."

REMISSION OF RUM DUTY.

The COLONIAL TREASURER: I beg to move:

"That, with reference to His Excellency the Governor's Message No. 7 of the 16th March, 1948, this Council approves of the remission of duty on 68 proof gallons of rum at the rate of \$6 per gallon lost through leakage from defective containers, and further approves of the remission of duty totalling \$2,411.75 in respect of 438.5 proof gallons authorised by the Governor in Council subsequent to 24th February, 1946, for the same cause".

In Message No. 7 of the 16th of March this matter is fully explained. Members will recall that during the war spirit distillers had very great difficulty in securing proper packages and containers for high proof spirit. They could not get properly seasoned wood, nor could they get metal

of the correct gauge. They had to take and use what they could get, and as a consequence there was a good deal of leakage of the spirit during transportation from the distillery and the Customs Bond. As a concession in those circumstances special Regulations were passed under the Defence Acts. Those Regulations were the Defence (Spirits Ordinance Amendment) Regulations, 1945. Under those Regulations the Governor in Council was empowered to grant a remission of duty in suitable cases where the Governor in Council was satisfied that the leakage was unavoidable, or to grant remission of a proportion of the duty in excess of that which would ordinarily be granted under the related Ordinance. The position is this: that with the enactment of the Defence Act under which those Regulations were made, the Regulations themselves ceased to have effect. That occurred on February 24, 1946, but it escaped notice, and Government continued to act under these Regulations. During that period — from February 24, 1946, up to the end of last year — Government actually authorised remission of duty of a total of \$2,411.75 in respect of 438.5 proof gallons of rum which had been lost in this way, and for that reason this motion is intended to ask the Council to give covering approval of this remission of duty authorised by the Governor in Council under Regulations which were in effect under that Ordinance.

The second object of the motion is to authorise the remission of duty on 68 gallons of rum which had been lost in the year 1947. That has not yet been paid and approval is being sought to make that remission. The motion itself, apparently has been drafted without recognising that it covers two things—one of which Government has done *ultra vires*, and specific approval for the remission of duty on 68 gallons lost through leakage from defective containers. Consequently, I propose to move an amendment. The motion as it appears on the Order Paper reads:—

"That, with reference to His Excellency the Governor's Message No. 7 of the 16th March, 1948, this Council approves of the remission of duty on 68 proof gallons of rum at the rate of \$6 per gallon lost through leakage from defective containers."

I propose to move as an amendment the following words:—

“and further approves of the remission of duty totalling \$2,411.75 in respect of 438.5 gallons authorised by the Governor in Council subsequent to 24th February, 1946, for the same cause.”

That, in effect, is the main portion of Your Excellency's Message and should have been embodied in the motion. I move the motion with that amendment.

The COLONIAL SECRETARY seconded.

Motion put and agreed to.

Mr. DEBIDIN: From the time I saw this motion I began to wonder whether a precedent was not being created. I was trying to find out from the Colonial Treasurer's remarks whether there is any provision for the remission of this duty, and another thing I wanted to know was whether this duty was pre-paid or whether it is to be collected.

The COLONIAL TREASURER: To answer the last part first I would say that the duty is, of course, pre-paid and that is why they are seeking approval of the remission. As regards the statutory position, the law does make a certain allowance for leakage and it goes a little further and makes an extra allowance, but this is a special allowance due to the type of container which has to be used at the present time because the proper type cannot be obtained. The distiller cannot be blamed if he removes his package from the distillery to the Customs and through no fault of his own, some of the rum is lost and does not enter the Customs. In other words, it would be unfair to recover revenue on rum that does not enter the Customs and does not go into consumption.

INTOXICATING LIQUOR LICENSING (AMENDMENT) BILL.

The ATTORNEY-GENERAL: I beg to move that the relevant Standing Rules and Orders be suspended to enable the following Bill to be taken through all its stages:—

“A Bill intituled “An Ordinance to amend the Intoxicating Liquor Licensing Ordinance with respect to hotel licences.”

The COLONIAL SECRETARY seconded .

Question put and agreed to.

The ATTORNEY GENERAL: In this Colony application can only be made for a hotel licence at the General Annual Licensing Meeting of the Intoxicating Liquor Licensing Board which takes place late every year — around November. If a person wants to open a hotel, say in the month of March, or April or May, he cannot get a hotel licence at once. He would have to wait until the General Annual Licensing Meeting is held, and if he is successful with his application the licence cannot be issued until the first day of January in the following year. In other countries it is not so; in Trinidad it is definitely not so; a person can apply for a hotel licence at any time. The District Licensing Board in this Colony holds an Annual District Licensing General Meeting, but in October or November of each year the Board is required under section 20 of the Intoxicating Liquor Licensing Ordinance to hold what are called transfer sessions, and those transfer sessions are to be in respect of not less than two and not more than four transfer licences, but no application for a hotel licence can be heard and determined at any such transfer session.

The object of this Bill is two-fold; firstly, to provide that an application for a hotel licence under the Intoxicating Liquor Licensing Ordinance may be made and considered and determined at any transfer session and, secondly, to provide that until such an application can be heard and determined the Governor in Council may be empowered to grant a temporary — a very temporary — hotel licence, and it would be for the person in whose favour such a licence is granted to make a further application to the District Licensing Board either at the transfer session or at the General Annual Licensing Meeting, and if the application is refused then the temporary hotel licence would cease and determine. Further, if the applicant does not apply at the next practicable transfer session or at the next General Annual Licensing Meeting, then the temporary hotel licence would lapse. The object of this temporary licence is

that it should be given until a proper application is made to the District Licensing Board. There is no intention of substituting the wisdom or otherwise of the Governor in Council for that of the District Licensing Board. It is specifically provided in this Bill — in sub-clause (5) of the new clause 22B that:-

“(5) The circumstance that a temporary hotel licence is issued under this section in respect of certain premises, shall not be used in support of an application made to the board, at its general annual licensing meeting or a transfer session, for the grant of a certificate for the issue of a hotel licence in respect of the said premises.”

The object of putting in this sub-clause is this: Nobody would be able to tell the District Licensing Board that the Governor in Council has already approved of his application and that it should be granted by the Board. Any application made to the Board under the Ordinance has to be considered as a fresh application, and the circumstance that the Governor in Council has granted a temporary licence is not to be considered as being in favour of the applicant at all. There is a safeguard in the Ordinance for people who would have the right to oppose; they would have a right to do so as soon as the application comes in the usual way before the District Licensing Board. I beg to move that the Bill be now read a second time

The COLONIAL SECRETARY seconded.

Mr. ROTH: I think this Bill is very timely indeed. It would be of great assistance to the tourist industry and I am wondering whether certain hon. Members who have frowned upon the tourist industry realise that. The Committee responsible for the tourist industry feels that why we cannot encourage the long-term tourist we can do a good business in encouraging what is known as the round-trip tourist. The position as regards hotel accommodation is a serious one; every fortnight the Tourist Board has to turn down about 20 applications and there are bookings up to the end of the

year. There will be accommodation for another 28 visitors at a new hotel, but under the existing laws they would not be able to occupy quarters there until next January, as the Attorney General has pointed out. If this Bill is passed the hotel would be able to accommodate 28 persons and later on there will be an increase to fifty-four. Some time ago the Tourist Committee requested Government to pass a similar Bill but Government did not look favourably upon the suggestion at that time therefore, on behalf of the Tourist Bureau, I desire to congratulate Government for bringing this forward. It would have very good financial implications for the Colony.

Mr. DEBIDIN: I never anticipated that we would have reached this Bill today and consequently, I did not come with the necessary ammunition. I did not oppose the motion for the second reading because I desire to make some comments. I would like to point out that there has been a complete *volte face* on the part of the Attorney General as regards this Bill and I wonder, whether he would shoulder the blame completely or whether Government as a whole is behind the matter. With all due deference to the hon. Member who has just taken his seat, I say that I am against the spirit of this Bill. I am in favour of a tourist industry, but if a principle is to be overcome this would not enable us to do so. We should proceed along proper Constitutional lines and under conditions which would not lead to suspicion in this Council. During last year there was an unfortunate person who applied for a licence for a spirit shop and just because there was a slight error or oversight—the application was not put in at the correct time—the application did not go before the District Licensing Board. In that case there was no objection to the spirit shop from the time of its inception—12 long years ago—and, in accordance with custom in the past, a petition was sent to the Governor in Council asking that the oversight be cured by the passing of an enabling Ordinance to permit the person to get the licence. The petition was taken to the Governor in Council and the then Acting Colonial Secretary informed me — I think it did go to the Governor—

but he informed me that he had dealt with the matter. The opinion of the Attorney-General was sought and the effect of that opinion was that if the petitioner wanted to have his spirit shop open for business for the whole of that year he had to come by way of a private Bill in the Legislative Council. That decision was reached although there was precedent—several instances in the past—to show that similar difficulties had been cured by legislation initiated by Government.

It is known that a penalty \$100 as the case may be—is attached to the bringing of a private Bill, and I indicated that the amount would have been paid by the owner of the spirit shop. The previous holder of the post of Attorney-General whom I consulted in the matter went so far as to tell me that there should be a standing Ordinance which should make it possible for anyone to cure such an oversight. He left the Colony, however, and the Acting Attorney-General did not think it fit to follow that course. Those hon. Members who are lawyers would appreciate how beneficial such a standing Ordinance would be. It would appear that if certain people are in a position to carry a matter to the Executive Council they can get what they want done, and I say that this Bill is going to create a wrong impression. The matter to which I have referred was shelved and today we have a new Bill which is undoubtedly intended to enable a certain hotel to operate right away being put through as a public Bill. It is true that it seeks to make provision for some other things which might be possible, but behind it all there is a special privilege. Although it says that the Governor in Council shall have power to grant temporary a licence I am against the principle. As I have already stated, a dangerous precedent is being created. If the Governor in Council grants a licence to a hotel, however temporary it might be and however much it might not be intended to prejudice the Board when it sits at a transfer or annual session, this Colony is so small that anything done by anybody is always known by others. Let us take the case of an ordinary individual who has a very bad character or premises which are not in a fit condition; if his

application goes before the Governor in Council some member of that body might say that the premises are not fit to have a temporary licence and it might be refused.

The PRESIDENT: I must protest against any suggestion that the Governor in Council does anything of the sort. The Governor in Council has the power under the law and the first thing it does is to make proper investigations. If the hon. Member is suggesting that because one member of the Governor in Council says that a particular place is not fit for a licence the Governor in Council would take that view, he is mistaken. The Governor in Council does not decide matters in that way.

Mr. DEBIDIN: I am sorry Your Excellency has drawn such an inference from my remarks.

The PRESIDENT: That is how I understand them. If the hon. Member did not mean that I am pleased to hear it.

Mr. DEBIDIN: If the Governor in Council grants a temporary licence for a hotel and it goes into operation, when the owner's application goes before the Licensing Board and evidence is taken if the application is not granted people would say that it was because the hotel belonged to Mr. X that the Governor in Council discriminated in granting the temporary licence. I am sorry Your Excellency got the impression you have mentioned. I would not, in this Council or outside of it, suggest that the members of the Governor in Council are not men in whom we can place any reliance at all. As far as I know we have a great amount of confidence in them and I have no complaint in that respect, but I can criticise principles and measures which affect the public. What is the principle involved in this matter—I would like to know. In section 12 (1) of the Intoxicating Liquor Licensing Ordinance, Chapter 107, there are salutary provisions and there is a number of grounds on which an application may be refused. Apart from that there is the question of notice being given where a person resid-

ing in the neighbourhood might have objection to the granting of the licence. The question is one of principle and I do not believe in the manner in which it is proposed to grant a temporary licence at present. How are we to know that there would not be persons in the neighbourhood with strong objections against the granting of such a licence? I think this measure will certainly prejudice the Board and also embarrass the very proprietor of the hotel because immediately after the temporary licence is granted all the necessary equipment would be installed for the hotel to go into operation, but it would be possible for an objector to go to the Licensing Board and say that the hotel should be closed down.

Mr. DEBIDIN: It would mean additional evidence when he makes application to the Board. I would say it might be a very good compromise, in view of the fact that you have transfer sessions, to have applications for licences dealt with at the transfer sessions. I think that is a tremendous concession. It would then give an individual enough time to comply with the Regulations and this Ordinance. I certainly do not know it will be wiser in the circumstances to have the Executive Council granting temporary licences to hotels. I would give that as an alternative, if the hotel referred to by the hon. Nominated Member, Mr. Roth, exists. If there is a shortage of rooms there is nothing to prevent special legislation being brought forward to give that right. I do not know, but so far as section 22B is concerned I do not agree. It will make fish of one and fowl of another, and in this a great principle is involved.

Mr. LEE: I view this matter in another light, and I desire to express it in this way. The Intoxicating Liquor Licensing Ordinance at its inception had provided a moderate Board of three Magistrates to sit and hear evidence and to grant or refuse licences for hotels, spirit shops or taverns, and for an appeal to the Supreme Court whereby a Judge or the Judges can override their decision only on a matter of law but not on the facts. Therefore, Your Excellency will see that the Ordinance provided for an impartial Board to grant or refuse licences. The Ordinance went further and said the

Board can have at least two transfer sessions and not more than four in one year. If you divide a year of twelve months into four transfer sessions besides the annual general session, allowing for notices to be posted up and advertising in the **Official Gazette** so that opposition can be entered, you would find that an application for a hotel licence can be dealt with at any time without undue delay. I therefore agree with the hon. Member and the Tourist Bureau that power should be given to the Board to grant hotel licences at transfer sessions, but when it goes further than that to confer that power on the Governor in Council will it not be overriding the power of the Board in some way or other? The Board is there to take evidence, to hear the opposition, weigh the facts, consider the character of the applicant, etc., which will be led in evidence and which the Governor in Council may not or will not have before them unless proper enquiries were made. Sometimes the applicant may not be a convicted criminal or of the highest character, but there are instances where police methods have found out and evidence led before the Board that the applicant is not a proper person to be granted a hotel licence.

I therefore appeal to Your Excellency in this matter. If you read section 27 of the Ordinance, Chapter 107, you would see that provisional licence can be granted for a hotel, a tavern or a spirit shop. If a hotel is in course of construction, on the plan of construction the owner can apply to the Board for a provisional licence, and Your Excellency can direct the Board through the Attorney-General to consider the application at a transfer session so as to meet the exigencies of the case. All the required facts would be stated and, I feel, if it is to be a proper hotel, as I hope there will be proper hotels established to meet the tourist trade, no Board would refuse to grant a temporary or provisional licence provided the application was advertised so that opposition could be entered against it. The people in the particular area have the right of opposition. In order to preserve certain residential areas in Georgetown or some places which may become famous as an

attraction to tourists, the right of opposition is provided.

What I am trying to point out is this: The principle of giving absolute power to this Board was enacted by this Council, and it was considered that four transfer sessions with the annual general session provide five periods in a year for applications for licences. If you have to advertise for three weeks and to wait for fourteen days for any opposition, it would be seen that it does not need the exercise of the power of the Governor in Council to grant any temporary licence at all, because whilst the hotel is being erected the owner has the right to submit his application at a transfer session of the Board for a provisional licence until the completion of the hotel when application will be made for the ordinary licence which will take at least ten weeks for that licence to be granted. I feel that if you consider it in that light, you would find that this Ordinance by giving power to the Governor in Council to grant a temporary licence you are creating a sort of precedent whereby that absolute power or discretion of the Board would be removed. I do not say that the Board cannot refuse to grant the licence after the Governor in Council has granted a temporary licence, but human nature is such that if the Executive Council, comprised as it is of the Head of the Administration, his advisers and certain Members of this Legislative Council, in its wisdom grants a temporary licence it would be known to the members of the Board and it would influence them. Therefore I appeal to Your Excellency that the Board should continue to exercise absolute discretion in the matter as provided by the Ordinance from its inception. They have the facts and the opposition placed before them, and their decision can only be over-riden by the Judiciary on a question of law.

Whoever advised this has not advised Government in its best interest, and wherever in this Bill that power of granting a licence is to be exercised by the Governor in Council, it should be taken out. I feel sure all Members of this Council agree that there is dire need for

proper hotels in order to encourage the Tourist Trade as well as to afford good accommodation for people visiting Georgetown from the Corentyne and Essequibo. No Member would object to the transfer sessions being use for the granting of hotel licences, and if that is provided there is no need for the Executive Council exercising its descretion in granting temporary hotel licences. Provision has already been made in the Principal Ordinance for provisional licences to be granted on application to the Board.

The CHAIRMAN: I may point out to the hon. Member that subsection (2) of section 27 says :

"A provisional grant shall not be of any validity until declared to be final by an order of the Board made after notice given as required by the Board at a general annual meeting or transfer sessions. The declaration shall be made if the Board is satisfied that the premises have been completed in accordance with the plans aforesaid, and when a declaration has been made the procedure and forms prescribed in section nineteen of this Ordinance, with the necessary variations, shall apply".

Mr. LEE: That will be changed. These licences are only granted at the annual licensing meeting, but now we are providing for the transfer sessions to grant a provisional licence if a hotel is not completed before the annual session.

The CHAIRMAN: The fact is that provisional licence cannot be used until it has been confirmed at some time or other. It does not meet the case of an emergency as far as I see it.

Mr. LEE: It can be done with four transfer sessions a year.

The CHAIRMAN: That is a different thing. A provisional licence can be issued, but it has to be confirmed at the annual licensing meeting before you are permitted to use it.

Mr. FERNANDES: I would like to congratulate Government on bringing this

Bill forward, thereby bringing British Guiana in line with the more progressive countries. I have listened to the two hon. Members who spoke last, and I have heard quite a lot about the impartial Board which has been set up. I do not know if the last speaker feels that the Governor in Council is not impartial. I feel it is a step that should have been taken long ago. In connection with the case which the hon. Member for Eastern Demerara brought forward, that was not a hotel and so I will not say anything about the law being made for one and not for the other. The question of obtaining a provisional licence means nothing. A provisional licence does not allow you to start operating a hotel when the construction is finished. It only means you have a better chance of obtaining the licence when the right time comes along. I do not foresee any difficulty or hardship being experienced through this Bill if it is put through as it is, and I am going to support it wholeheartedly.

Capt. COGHLAN: Your Excellency, I have sat as Chairman of the Licensing Board on many occasions, and as I see from this Bill the Governor in Council can grant temporary hotel licences. It is a question that may be raised when it comes to the granting of the annual licence, and human nature being what it is, I would myself imagine that the Chairman and members of the Licensing Board would to some extent be influenced by the fact that the Governor in Council had granted a temporary licence. As the result of that, a great many people, who would be calculating on the fact that they would succeed in getting the licence from the Licensing Board, would go to considerable expense in making their premises fit as hotels to accommodate people, depending entirely on the granting of the licence by the Board. When the matter goes before the Licensing Board the first thing that the Chairman considers is the needs of the people, what is the population of that area, the distance of the nearest licensed premises from the proposed site. The next thing he will consider is the suitability of the premises, whether it is a locality where it can be under proper police supervision, if there is police opposition due either to

the want of suitability of the premises or the character of the applicant and lastly public opposition. You invariably find public opposition and frequently you find opposition by the Police Authorities. I do not think, Sir, the Governor in Council will have the same opportunity of going into all those facts and examining them as will be done by the Licensing Board.

There is no doubt whatever that the Governor in Council will discharge their duties honestly and honourably, but they will not be in possession of the facts which will be given before the Magistrates. In those circumstances and particularly taking into account that it will be only a temporary licence which, as Your Excellency rightly suggests, may not be upheld by the Licensing Board, and that will be after the whole matter of the hotel or licensed premises has been gone into and after considerable expense had been made dependent entirely on the action of the Governor in Council in granting the temporary licence which will be taken as a foregone conclusion that the Licensing Board will confirm the licence, Sir, I would ask this honourable Council to consider whether it would not be better to have the Licensing Board at the transfer session grant these licences instead of imposing that duty on the Governor in Council.

Dr. JAGAN: I am in agreement with the general principle of this Bill and that is, that opportunity should be given individuals during the year to secure a licence so that they may not have to wait until, as the hon. the Attorney-General said, October or November to be able to get a licence. But after listening to the various Members who have spoken, I am somewhat in agreement with them when they say that they do not see the necessity for the granting of a provisional licence by the Governor in Council since the Ordinance already provides for the holding by the Board of transfer sessions—at least two and not more than four in a year. I think that any application for a hotel licence can readily be considered if the Board meets once every three months. Your Excellency may direct or an Order in Council

made that there be at least four transfer sessions in a year, and in that way you will have the Board meeting once every three months and the hearing of any new application will be provided for.

However, there is another aspect of this situation in which I am interested, and that is the housing situation especially in Georgetown. We are all quite aware of the difficulty experienced by people who are trying to get houses, especially those of the lower income group. What I find in the City of Georgetown is that there are certain persons who purchase properties in which persons of the lower income group are living. No sooner than those houses are purchased they are completely renovated or rebuilt in some cases, and higher rents are demanded with the result that those people who can afford to pay blackmarket rents are the ones who get them and no provision made for those persons of the lower income group. What I am afraid of in so far as it affects this Bill, these hotels will be probably made from buildings which are already in existence and which are presently housing people. That is my fear. I am in great sympathy with the Tourist Trade. What I am afraid of is, if houses already in occupation by people are to be converted into hotels, it would mean that there would be further difficulty so far as the housing situation is concerned. That is my fear so far as this Bill is concerned, because I think most Members have in mind that hotel which is now being constructed in Camp Street. I think this Bill is attempting to provide a licence for that hotel, and that hotel is being converted from a dwelling house which was formerly occupied by persons.

Mr. ROTH: To a point of explanation! It was a boarding house.

Dr. JAGAN: If it was a boarding house then probably that meets the situation. I do not know if the boarders who were there would continue, as in that case it would be full to capacity and I do not see how it could take care of tourists. There is another difficulty. I

would like the Governor in Council or the Licensing Board to give no licence to anyone who has converted a dwelling house or a boarding house into a new hotel. If a new hotel is built I feel opportunity should be given to the owner to obtain a licence as soon as possible, and that can be done at the transfer session of the Board.

The ATTORNEY-GENERAL: Sir, many hon. Members of this Council have referred to the fact that section 20 of the Ordinance makes provision whereby a District Licensing Board may appoint four transfer sessions to be held during the following year, but the Board is not bound to appoint four transfer sessions during the following year. As a matter of fact, the Board for the County of Demerara has not done so. I should point out to this Council that the next transfer session will not take place until the 27th of July—three months hence. Therefore I suggest that Members should deal with this Bill on the facts as they exist and not on facts which they believe ought to have existed, because the next transfer session will not be until July. It is all very well to say if there were four transfer sessions a year you would have a transfer session every three months, but four transfer sessions have not been appointed. I have been a member of that Board from the year 1932 until I deserted it when I went to act as a Judge and I automatically ceased to be a member. I was a prominent member of the Board appointed by name. As a matter of fact I was appointed a Magistrate especially for the purpose of being a member of the Licensing Board. I am rather pained to learn that a District Licensing Board would, despite what is said so clearly in the subsection, grant an application or be prejudiced in granting an application because the Governor in Council has granted a temporary licence. It is clearly set down in the Ordinance that it is not to be a circumstance to be taken into account in considering an application. Perhaps some hon. Members are thinking of another Ordinance which was passed in 1930—the Intoxicating Liquor Licensing Ordinance, No. 3 of 1930—under which it is provided that “the

Governor may by order direct a Board not to entertain any application for the grant of a certificate for the issue of a spirit shop licence or a hotel licence for premises in any locality defined in such Order unless and until the number of holders of spirit shop licences and hotel licences for premises in such locality is less than the number specified in such order."

Where an Order is made under section 5 of that Ordinance the Board has to comply with it, but in the case of this Bill it definitely states that the Board shall not take into consideration in support of an application for a hotel licence the circumstance that the Governor in Council has granted a temporary hotel licence. After all one must presume that the members of the District Licensing Boards are learned in the law and have taken an oath to be fearless and to do justice without fear or favour. They are responsible members of the community, and I do not think it is nice for Members of this Council to say that those gentlemen would fail to observe the clear and specific directions in the Statute.

Some hon. Members have suggested that the Governor; through the Attorney-General, has power to direct a Licensing Board to hold four sessions and at any time. It seems to me that a great number of people have the idea that Government has more power than it really has. We are asking in this Bill for certain specific power to be given to the Governor in Council, and it sets out with clarity the circumstances in which he can exercise it. The Governor has no power to order any District Licensing Board to hold four transfer sessions, nor has the Attorney-General. Yet we find he hon. Member for Essequibo River (Mr. Lee), who is a legal practitioner and has appeared at several sessions of the Board, suggesting that the Governor has that power, and that there is no need for the issue of a temporary hotel licence. The Governor has not got that power. In fact there is no power in any person to direct the District Licensing Board for the County of Demerara to hold a

special transfer session, say next month or the following month.

Mr. LEE: To a point of correction. I did not say that the Governor has power at present to direct that. What I said was that the Ordinance provides for two and not more than four transfer sessions, and the Governor could certainly request the Board to have four transfer sessions to meet the exigencies of the situation.

The ATTORNEY-GENERAL: The hon. Member is saying that Government can request or require the Board to hold four transfer sessions. What I am saying is that the Governor has not got that power at all. The Board exercises its judgment at the annual licensing meeting which takes place in the month of October in each year. At the annual meeting which took place in October last year the Board exercised its judgment and discretion under section 20 of the Ordinance in a certain way, but circumstances may arise subsequent to that under which it may very well be that instead of having two transfer sessions this year it may be said that they should have many more. But a District Board cannot add to the number of transfer session appointed at the annual meeting in October. Therefore I suggest that hon. Members should deal with this matter on the facts as they really exist.

I will deal now with certain of the observations made by the hon. Member for Eastern Demerara (Mr. Debidin). I must say that I have a certain amount of sympathy in the unfortunate dilemma in which his client was placed in relation to the matter about which he complained, because it is perfectly true that Ordinances were introduced by Government in respect of similar matters on more than one previous occasion, and the hon. Member felt that his client should have been dealt with similarly. But it was considered wrong to perpetuate something that was not right. It was felt that it was not right to have special Ordinances mentioning the names of particular applicants passed as Government measures. It was however suggested to the hon. Member that although Govern-

ment was unwilling or unable to introduce a public measure dealing with this particular point it was nevertheless open to his client to seek to have a private Bill introduced. That suggestion was not pursued by the hon. Member or his client, and the matter ended. I have a certain amount of sympathy with the hon. Member. Lawyers usually rely upon precedents, and when they find that something has been done before on more than one occasion they naturally feel that there is no reason why it should not be done likewise unto them. But it was considered that it was not proper to perpetuate a wrong.

If at future general annual licensing meetings a District Licensing Board were to appoint four transfer sessions to be held in the following year, between January and October, then it would mean that there would be about two months' difference between each transfer session, and there would be in subsequent years very little necessity for the Governor in Council to exercise his powers under the proposed section 22B. That is what will happen in the future if a District Licensing Board were to appoint four transfer sessions in subsequent years, but at the present time the Government would like to have power in an appropriate case, to grant a temporary hotel licence, and if a temporary licence were granted now that temporary hotel licence would expire in three months' time if on application being made in accordance with the Ordinance to the District Licensing Board that application were refused. I would like to emphasise that when an application is made to the District Licensing Board any person who has any ground for objection can do so, and the circumstance that the hotel might actually be open at the time when the application is heard might provide a very good ground for opposition, because if it is represented to the District Licensing Board that a hotel might be a nuisance to the neighbourhood, the circumstance that the hotel is open would enable the person objecting to give positive evidence that it was a nuisance to the neighbourhood.

I would like to point out that the licence which is proposed to be granted under section 22B is merely a temporary licence which would expire at the conclusion of the next practicable transfer session, and if the person to whom a temporary licence has been granted does not make application at the next practicable transfer session then the temporary licence would cease. In future years, if a District Licensing Board were to appoint four transfer sessions there would be very little justification for any person going to the Governor in Council at all for a temporary hotel licence, but at the present time the fact of the matter is that those transfer sessions have not in fact been appointed for this year to the maximum number provided for by section 20 of the Ordinance.

Motion put, and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE.

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

Clause 2.—Insertion of new sections 22A and 22B in the Principal Ordinance.

Mr. LEE: I would like to move the deletion of section 22B.

Mr. DEBIDIN: I think that some provision might be made in this Bill for the holding of transfer sessions at stated periods, say at fixed equal intervals of three months. I think that would be more convenient to all concerned, because it is a matter of difficulty for the Board to decide the question of fixing the dates of sessions owing to the fact that it hardly has any data upon which to act.

Whilst listening to the hon. the Attorney-General I thought that the need for more hotels, due to increased tourist traffic, would require transfer sessions being held more often and at fixed intervals. That would be material upon which the Board would act in the exercise of its discretion. I would certainly move an amendment that the

Board should fix its transfer sessions once every three months.

The CHAIRMAN: I think you would have to move the insertion of a new clause.

Mr. DEBIDIN: It would have to be 22A (8).

The CHAIRMAN: The hon. Member's amendment would require a lot of thinking about.

Mr. DEBIDIN: Under 22A there is provision for application to be made. Whether section 22B is deleted or not provision can be made for transfer sessions to be fixed once in every three months.

The CHAIRMAN: You would then put across section 20.

Mr. DEBIDIN: I have submitted a tentative amendment to the Attorney General who may be able to put it into shape for the next meeting, as it is now nearly five o'clock.

The CHAIRMAN: Is that agreeable to the Council?

Mr. LEE: I will certainly support the hon. Member.

The CHAIRMAN: The hon. Member should move that the debate be adjourned.

The ATTORNEY-GENERAL: The amendment which the hon. Member for Eastern Demerara (Mr. Debidin) has been trying to formulate does not present any difficulty to me. I think I could read out an appropriate amendment immediately, but the main point is whether clause 2 should stand part of the Bill.

The CHAIRMAN: I will put clause 2 as amended by the hon. Member for Essequibo River (Mr. Lee).

Mr. DEBIDIN: I do not think that would be quite correct because we

would not have an opportunity for amendment. The hon. Member for Essequibo River moved the deletion of the clause.

The CHAIRMAN: I will put the question "That clause 2 stand part of the Bill." If you do not agree with that you may vote against it.

Mr. DEBIDIN: If you put the clause now it would shut out any further effort at amendment.

The CHAIRMAN: It certainly does.

Mr. DEBIDIN: Whereas if an amendment is allowed the Committee would have an opportunity to debate it, and it might have some influence on the voting on the clause as a whole.

The CHAIRMAN: The hon. Member has not moved an amendment. I will therefore put it to the Committee that clause 2 stand part of the Bill.

The Committee divided and voted:-

For—Messrs. Fernandes, Farnum, Thompson, Roth, Capt. Coghlan, Dr. Singh, the Colonial Treasurer, the Attorney-General and the Colonial Secretary—9.

Against—Messrs. Debidin and Lee—2.

Did not vote — Messrs. McDoom, Kendall, and Dr. Jagan—3.

Clause 2 carried.

Mr. DEBIDIN: My amendment is now out altogether.

The COLONIAL SECRETARY: I would like to suggest to the hon. Member that moving amendments in Committee is a very tricky business. In the case of the hon. Member I think if he had had his amendment ready his position would have been different. He had no amendment; he was thinking aloud, and that is why he was not able to produce one. I must again take this opportunity to emphasise to Members the extreme difficulty there is in introducing second thoughts in the Committee stage. If a Member suddenly gets a bright idea and

puts it up as an amendment it might affect all kinds of things of which he has not thought. Therefore, whenever possible Members should consider carefully what amendments they propose to move when a Bill reaches the Committee stage, and if time allows they should approach the Attorney-General in the matter. Very often the Attorney-General can meet them before the Bill gets into the Committee stage. Of course, in the case of this particular Bill Members were perhaps taken by surprise by being asked to take the second reading this afternoon, but generally speaking I think I have seen most serious mistakes made in the Committee stage by the sudden introduction of amendments. In fact in one Bill not so long ago in the previous Council an amendment was moved in the Committee stage, the Bill was passed, and shortly afterwards Government had to come back and introduce a further amendment because of that amendment made in the Committee stage. I feel that

it is important that amendments should be carefully thought out, produced in actual words, handed to the Chair and, if possible, the Attorney-General should be consulted beforehand.

The Council resumed.

The ATTORNEY-GENERAL: As the Bill has passed the Committee stage without amendment I now beg to move that it be read a third time and passed.

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read a third time and passed.

The PRESIDENT: I adjourn Council until Thursday, May 6, at 2 p.m. As I mentioned the other day, I think we will have an opportunity on Thursday or Friday next week to take one or two of the Unofficial motions.