

LEGISLATIVE COUNCIL.

Friday, 2nd April, 1937.

The Council met pursuant to adjournment, His Excellency the Governor, SIR GEOFFRY A. S. NORTHCOTE, K.C.M.G., President, in the Chair.

PRESENT.

The Hon. the Colonial Secretary, (Mr. E. J. Waddington, C.M.G., O.B.E.).

The Hon. the Attorney-General, (Mr. J. H. B. Nihill, M.C., M.A.).

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

Major the hon. W. Bain Gray, C.B.E., Director of Education.

The Hon. E. G. Woolford, K.C. (New Amsterdam).

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

The Hon. F. J. Scaford, (Georgetown North).

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

The Hon. J. A. Henderson, Surgeon-General.

The Hon. M. B. Laing, District Commissioner, East Demerara.

The Hon. G. O. Case, Director of Public Works and Sea Defences.

The Hon. F. Burnett, Director of Agriculture (Acting).

The Hon. F. R. H. Green, Commissioner of Lands and Mines (Acting).

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

The Hon. J. I. De Aguiar (Central Demerara).

The Hon. Jung Bahadur Singh (Demerara-Essequibo).

The Hon. Peer Bacchus, (Western Berbice).

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

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

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

The Hon. S. H. Seymour (Western Essequibo).

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

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

The Hon. T. Lee (Essequibo River).

MINUTES.

The minutes of the meeting of the Council held on the 1st April, as printed and circulated, were confirmed.

ORDER OF THE DAY.

SALARY OF CURATOR OF B.G. MUSEUM.

THE COLONIAL SECRETARY (Mr. Waddington): Sir, I beg to move:—

THAT, with reference to Governor's Message No. 20 dated 31st March, 1937, this Council approves the expenditure during 1937 of a sum of \$1,700 in excess of that provided under sub-head 12 of Head XXV. for the purpose of paying the salary of the Curator of the Museum and defraying necessary expenditure on Museum apparatus for the remainder of the year 1937.

The reason for the motion was very fully explained in the Message which has been in the hands of hon. members for two or three days, and there is very little I need add in order to explain to them the desirability of passing this motion. I would like, however, to pay tribute to the excellent work Mr. Peberdy has done since he has been in Georgetown. All those members who have been wise enough to go and see the Museum will agree with me when I say that the arrangement in the new Museum in the Carnegie Library building by Mr. Peberdy is a real work of art, and I think it would be most unfortunate if we did not retain his services at least for a sufficiently long period for him to complete his work in regard to our Museum. There is a considerable amount of work to be done

still, and I am sure that anyone who has seen the collection as already arranged will be entirely satisfied that the work which he will do on the remainder of our collection will be very well worth while. I do not wish to add anything more as I am sure hon. members will agree that it is most desirable that this motion should be passed.

Mr. DIAS seconded.

Motion put, and agreed to.

EXPORT OF TIMBER BILL.

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

A Bill intituled an Ordinance to provide for the inspection and marking of British Guiana timber before export.

THE ATTORNEY-GENERAL (Mr. Nihill): I ask leave to have clause 2 of the Bill re-committed for the purpose of inserting a new definition.

Question put, and agreed to.

Clause 2 re-committed.

THE ATTORNEY-GENERAL: The definition which I propose should be inserted in clause 2 of the Bill is a definition of the words "senior officer." This definition is consequential to an amendment, which I shall move subsequently, to clause 11 of the Bill, the wording of which was under consideration when the matter was adjourned at a previous meeting. Since that meeting clause 11 in its present form has been subject to very careful consideration and scrutiny by Government and also, I may add, by members of the timber trade, and this morning I shall propose a slightly new form of wording for that clause. In that wording the term "senior officer" is defined so as to limit the inspection to a senior officer of the Forest Department. The definition which I now propose should be inserted in clause 2 is as follows:—

"Senior Officer" means any Deputy or Assistant Conservator of Forests and includes the Conservator.

That definition means that the inspection referred to in clause 11 will be confined to the trained forest experts of the

Forest Department. I move that the definition be inserted.

Clause 2 as amended put, and agreed to.

Mr. De Aguiar, member for Central Demerara, entered and took his seat.

Clause 11—Power for Forest Officer to inspect at any time.

THE ATTORNEY-GENERAL: I move the substitution of a new clause 11 which reads as follows:—

"11. Any inspector who is a senior officer of the Forest Department can at any time inspect any timber to which this Ordinance applies which has been inspected or is capable of inspection within the meaning of this Ordinance by an Inspector who is a person regularly engaged in the export trade in timber, and may call for and shall be shown any documents containing the order or specification for such timber."

The Committee will appreciate that in the new clause reference to the cancellation of an export certificate already issued by an official inspector, or the forbidding of the issue of the certificate about to be issued has been deleted. The effect of the clause as now proposed is merely to give the right to a senior officer of the Forest Department to inspect timber which may have been inspected by an unofficial inspector, or which is lying in the yard of an exporter who is an authorised inspector in his firm. This is a very natural corollary, I suggest, to the powers given in the Bill to the unofficial inspector. The whole intention of the Bill is that the trade should manage its own affairs to a very large extent, and by the provision in clause 5 they are brought in to administer the provisions by the Bill. It is the opinion of Government—and I may also add that it is the opinion of the representative leaders of the timber trade—that in return for that measure of self-government it is only fair and right, and it is only proper that the Conservator of Forests and his trained staff should have the right to keep an eye on the work and activities of the unofficial inspectors. In fact, unless something in the nature of powers conferred by the new clause were inserted in the Bill the provisions of clause 5 (4) would be very largely inoperative, if not altogether so. The Committee will recollect that under clause 5 (4) the Conservator may refuse to renew

an authorisation, or may revoke an authorisation if he has reason to believe that the person authorised has not been doing his work in a proper and efficient manner, and, of course, the only way the quality of the work of the unofficial inspector could be subject to any test at all is by periodic inspections of the work done, and the new clause will give the Conservator and his trained staff the opportunity of making such periodic inspections. I believe the clause, as now drafted, is generally acceptable to the timber industry in this Colony, and I commend it to the Committee.

Amendment put, and agreed to.

Clause 12—Right of arbitration when timber is rejected.

THE ATTORNEY-GENERAL: I would like to make a small drafting amendment in the first line of clause 12 by substituting "a" for the word "the" in the first line, and by deleting the words "a fair" in the fourth line and substituting therefor the words "an agreed."

Amendment put, and agreed to.

The Council resumed.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read the third time and passed. (*The Attorney-General*).

Mr. Wight, member for Georgetown Central, entered and took his seat.

SUMMARY JURISDICTION (OFFENCES) AMENDMENT BILL.

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

A Bill intituled an Ordinance to amend the Summary Jurisdiction (Offences) Ordinance, Chapter 13.

Clause 6—Insertion of new sections after section 158 of the Principal Ordinance.

THE ATTORNEY-GENERAL: When the Committee adjourned yesterday afternoon it was considering the wording of clause 162 (1). Since the adjournment, although the time has been short, much

consideration has been given to the wording of that sub-clause, and the conclusion reached by Government is on the lines of the suggestion which I put forward tentatively yesterday afternoon, that on the whole it would seem better to leave the wording as it is. It is a wording which has stood test in Trinidad, and I suggest that it is a wording which is difficult to improve. It is difficult to suggest any other form of wording which would not extend the principle too far, or lessen what is the clear intention of the clause. I think the Committee would be well advised to give the wording of the clause as it stands an opportunity of showing how it works in practice, and if subsequently an amendment is seen to be imperative, it could be carried out on some future occasion.

MR. DE AGUIAR: Since I gave my contribution to the debate yesterday I have given the matter further thought. We are endeavouring to restrict the number of persons that might be carried on a bicycle. We have all forgotten the carriage of merchandise on bicycles, which is a danger to the community. I refer particularly to the practice that is becoming more prevalent, of cyclists carrying a dozen or more milk cans strung on a bicycle, or two or three baskets of bread, one on the cyclist's head, one on the handle bar of the bicycle, and the third somewhere else. I feel sure that those riders are not able to control their bicycles properly under such conditions. It is a pity to rush the Attorney-General on the matter, but I do hope he may be able to help us by inserting some provision to meet such cases.

THE ATTORNEY-GENERAL: I am grateful to the hon. member for raising that point. It is not a point that has been overlooked by Government. It has been very carefully considered, and a number of views have been expressed, but it is a point which, after very mature consideration, Government feels would be better left alone for the time being. We do not want to go too fast in this matter. We are now introducing something which is going to, or may interfere with a custom which has obtained a very firm hold, and for the moment Government feels it would be wiser not to interfere altogether with the carriage of

goods on bicycles. Of course the hon. member is aware that when this Bill is passed it will give largely increased powers to the Police to deal with the riding of bicycles in a dangerous manner, and I think in a specific case where a bicycle with the impedimenta attached, to which the hon. member referred, is ridden in such a manner, the Police would have power to bring a prosecution as the Bill stands. The Committee will also bear in mind what I said on the second reading—that the whole question of traffic regulation is now being considered by the Road Traffic Committee, and therefore it is quite clear that an opportunity will arise—and I hope in the not too distant future—for further consideration of the whole problem by this Council.

Mr. WOOLFORD: With regard to the suggestion of the hon. member for Central Demerara I desire to point out that the use of the road by such people as milk distributors and bread distributors is confined to the early hours of the morning, when there is little or no traffic about. The hon. member shakes his head. I know he is an early riser, but so am I. (laughter). I am very familiar with those vendors who are very often my clients. I am always awake when the breadman delivers my bread, so I know at what hour it is distributed. It cannot be said that there is any traffic to speak of on public roads when they are used by those people as compared with other users of bicycles whom the clause is really designed to punish.

Mr. PEER BACCHUS: I do not agree with the views expressed by the hon. member on my left (Mr. De Aguiar). I do not think we should carry the restrictions so far, and I quite agree with the views of the hon. member for New Amsterdam. I would ask the hon. member for Central Demerara to remember that we have just passed a Hucksters Bill imposing increased licences, and people should be allowed to carry a certain amount of goods on bicycles.

THE CHAIRMAN: I think in the circumstances the Committee might accept the Bill as it stands.

Mr. DE AGUIAR: I wish to draw my friend's attention to sub-section 162 (4).

I had no intention to restrict the use of bicycles carrying milk cans in country districts. I was referring to the City of Georgetown particularly, and that leads me to make this observation for the benefit of the hon. member for New Amsterdam: that bread delivery is made twice a day, the second delivery at mid-day or at 2 o'clock in the afternoon, and at that hour of the day traffic in Georgetown is very great. Furthermore, the point I wish to make about the milk cans is not so much the man who goes from house to house but the man who goes around collecting the empty cans.

THE COLONIAL SECRETARY: I desire to reply to some of the remarks made by the hon. member for Georgetown South yesterday. He was referring to the question of legislation for the control of nuisances and the prevention of noise, and said that By-laws of the Georgetown Town Council had been submitted to Government. That is true. They were submitted to Government some months ago but they were not particularly satisfactory either to the Council or Government, and Government obtained from the Secretary of State copies of similar legislation in municipal areas in other parts of the world. Copies of that legislation were sent to the Town Clerk with a letter that asked whether the Council wished in any way to amend their By-laws in the light of the copies of legislation forwarded, and the reply from the Town Clerk, so far as correspondence in my office shows, was that the matter was receiving consideration.

Clause put, and agreed to.

Clause 7—Insertion of new section 182 in Principal Ordinance.

Mr. SEYMOUR: I wish to refer to the blowing of horns. In the country districts people blow shells when they are selling fish. There is no other means of letting people know that fish is about, and if the Police are going to arrest a man who blows a shell in a country district it is entirely wrong.

THE ATTORNEY-GENERAL: If it is the feeling of the Committee—and I think to some extent it is—that this clause should not apply to country districts it would be a very simple matter to insert

after the word "person" in the first line of section 182, the words "in the city of Georgetown or in the town of New Amsterdam." This is very old law which can be improved by the Committee. I would like to move that amendment.

Mr. SEAFORD: Does that section include the ringing of church bells? I hoped it might. (laughter).

THE ATTORNEY-GENERAL: It does, but I suppose that the Church has the protection of the Police. (laughter).

Clause as amended put, and agreed to.

The Council resumed.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read the third time and passed.

LOCAL GOVERNMENT (VILLAGE COUNCILS) BILL.

Mr. LAING (District Commissioner, East Demerara): Sir, I beg to move the second reading of "A Bill intituled an Ordinance to amend the Local Government (Village Councils) Ordinance, 1935, to make provision for the election of a chairman of a village council in the case of an equality of votes and in the case of a vacancy occurring during a term of office and in certain other respects." When this Council enacted the Local Government (Village Councils) Ordinance of 1935 provision was made for the election of a chairman by the registered voters where there was an equality of votes. By section 26 of the Principal Ordinance the registered voters' choice was not restricted in any way. The village council having failed to elect one of their own number, the registered voters were then allowed a free choice from all the members of the council, both elected and appointed. Representations, however, have been made, and it is felt that the choice of the registered voters in this matter should be restricted to the councillors receiving the greatest number of equal votes. This, I may say, has not received unanimous approval in all of the villages, but I think the majority do approve that the choice of the registered voters should be restricted in this manner. The Georgetown Town Council has also made representations, and I understand

that the Georgetown Town Council Ordinance has also been amended in this way. It is therefore desirable that there should be one system, and clause 7 of this Bill provides for that.

The Village Councils Ordinance 1935, did not provide for the election of a village chairman when a vacancy occurs in the office prior to the determination of the office at the end of the year. That omission was rectified when this Council enacted Ordinance 27 of 1935. Provision, however, was not made for the election of a chairman when the chairman departs from the Colony without leave, or where he is granted leave by the council. It is therefore proposed in clause 8 of this Bill to repeal Ordinance 27 of 1935 and re-enact the section as clause 8 in the Bill, with the addition of provision for appointing a chairman where the chairman leaves the Colony without leave, or where he is granted leave by the Council.

The other respects in which the Ordinance is being amended are dealt with in clauses 2 to 6 of this Bill. Clause 2 deals with the register of voters. Under the Principal Ordinance the Returning Officer is required to certify the register of voters and to publish a list of the voters, and lists are kept by the Returning Officer and by the District Commissioner. Publication under the Principal Ordinance means that the list, after having been signed, must be posted up in the village in some conspicuous place or places. The Returning Officers are not Government officials, and it has been found somewhat difficult for them to have these lists published in the manner required by the Principal Ordinance, and if the Council approves of this clause that duty will be undertaken by the District Commissioner who will cause copies to be certified and published, and of course will provide the Returning Officer with certified copies for the purposes of elections.

Clause 3 reproduces section 22 of the Principal Ordinance for the purpose of clarity. In section 22 of the Principal Ordinance the Board is referred to as "he," and as there may be some doubt as to who "he" may be the word "Board" has been inserted, and the section is reproduced in a more convenient form.

Clauses 4 and 5 deal with the appoint-

ment of polling places. It has been found that in the larger villages one polling place is not sufficient, and therefore it is proposed that more than one polling place shall or may be appointed in those larger villages. It is therefore proposed that the words "and at a place" be deleted from section 23 (4) of the Principal Ordinance, and the polling places will be appointed under the Regulations. Those Regulations are not before the Council to-day because they are made by the Governor in Council under section 39 of the Principal Ordinance. They are in draft at the present time, and will in due course be passed and published.

Clause 6 deals with the election of a chairman. The election of a chairman under the Principal Ordinance has to take place within the last ten days of the year, the overseer fixing the date and summoning the meeting. Should there be an equality of votes, the registered voters then elect a chairman, and that election must be held not later than the last day of the year. As there are so many holidays during that period it has been found somewhat difficult to make arrangements for that election in case of an equality of voting, and to have ballot papers printed. It is therefore proposed that the election of a chairman should take place between the 10th and 20th of December, and that in the event of an equality of votes the election should take place within the last ten days of the year. That will give the District Commissioner more time to make arrangements for the election and have the ballot papers printed. I now formally move that the Bill be read the second time.

Mr. BURNETT (Director of Agriculture) seconded.

Mr. DE AGUIAR: Since the District Administration Scheme was introduced we have been invited to make several amendments to the Local Government (Village Councils) Ordinance. I would like to point out that I have always been one of the advocates of the Scheme, and any contribution I may make to any debate in this House in connection with village administration will be for the purpose of rendering whatever assistance I can in the matter. Even to-day we have two Bills dealing with the subject. The election of

a village chairman is a very sore question with villagers, and care should be taken that any legislation that is introduced is placed beyond doubt. Difficulty has arisen over the question of the procedure for the election of a chairman in the event of a vacancy arising. Provision is now being made to make it perfectly clear that with respect to the election of a chairman for the ensuing year, in the event of an equality of votes the councillors nominated would be placed before the ratepayers, and the councillor receiving the majority of votes would then be elected chairman. That presented this difficulty, that in the past all the councillors of the village were put up to the ratepayers, which of course was very wrong indeed.

The second point which arises is the question of expense when a vacancy occurs. It is sought now in clause 8 to remedy that position. If a chairman resigns the council may elect a chairman, but in the event of an equality of votes the Board will decide as to the person who should be chairman. The Board must not have the right to elect a chairman at the annual meeting of the council. I want to make that perfectly clear. That right must still be reserved for the ratepayers.

In sub-clause 6 (a) of clause 8 I would suggest the insertion of the word "council" after the word "the" in the second line, and the deletion of the words "Board through the Commissioner." I think it is only right and proper that the chairman should send his resignation to the council over which he presides, and that that body should forward it to the Commissioner for despatch to the Board.

Mr. JACKSON: I say without any hesitation that this Bill is very necessary indeed, and is a step in the right direction. No Ordinance can be perfect from the very outset, and when by actual working defects are noticed it is but right that those defects should be remedied. In my opinion there is nothing contentious in the Bill. In the event of an equality of votes at the election of a chairman, it was not clear from the wording of the Principal Ordinance whether the ratepayers should be asked to select a chairman from the councillors who obtained equal votes, or from the whole body of councillors, and the opinion was expressed that in view of the wording of the Ordinance it was absolutely necessary that the whole panel of coun-

cillors should be placed before the rate-payers. That proved a very expensive and unnecessary process, and this Bill is intended to remove that doubt and to confine the election by the ratepayers to just the councillors receiving equal votes. I think Government should be commended on bringing forward these amendments at such an early date.

The necessity for more polling stations has been borne out by the actual facts, as in many cases voters were unable to exercise the franchise because the time-limit had been reached. If the amendment is accepted by this Council that eventuality will be removed, as it will be possible to provide more than one polling stations on such occasions. I am quite sure that the Council will accept this very necessary Bill, and that very little time will be expended on it in Committee. As far as I am concerned it has my unqualified support.

Mr. PEER BACCHUS: I am also supporting the Bill, and I would like to take this opportunity to bring to the notice of Government some other defects in the Principal Ordinance.

THE PRESIDENT: I suggest that the hon. member might do that better by addressing the Colonial Secretary on the points to which he desires to refer.

Question put, and agreed to.

Bill read the second time.

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

THE ATTORNEY-GENERAL: I desire to move the insertion of a new clause to be numbered 2, which reads as follows:—

“2. The following subsection to be numbered subsection (3) is hereby added to section seven of the Principal Ordinance.

“(3) No action under this section shall be brought after three months from the date of the publication of the result of the election in the *Gazette* or from a declaration of a vacancy by the council under the provisions of section six as the case may be.”

The reason why I put forward this amendment is that by a recent decision of the Magistrate of the Berbice Judicial District, which was upheld by the Court

of Appeal, it has been laid down that there is no limitation in time to actions which may be brought against unqualified persons under section 7 of the Principal Ordinance. That is to say, an action to recover a penalty for continuing to sit as a member of the council after disqualification, and it has been represented very forcibly—and I am very grateful to the hon. member for Berbice River who brought the matter to the attention of Government—that it is not a satisfactory condition of affairs that there should be no limitation of time in respect of an action for the recovery of a penalty from a disqualified councillor. It is a condition of affairs which may lead to protracted disputes and squabbles, and a certain degree of excitement in the villages, and there may be a standing temptation for mischievous persons to dig up past records in the hope, possibly, of recovering a portion of this penalty for themselves. I therefore think some limitation of that right of action is desirable. The limitation of three months suggested is taken from the United Kingdom Municipal Corporations Act of 1882, in which proceedings under this section, which appears in a slightly different form in that Act, are limited to three months.

Dr. Singh, member for Demerara-Essequibo, entered and took his seat.

Mr. PEER BACCHUS: I congratulate Government on this amendment. It was one of the sections I had in view when I sought Your Excellency's permission to draw Government's attention to certain defects in the Principal Ordinance. I would like to know whether Government would go one step further by making this amendment retrospective? I happen to know of the case referred to by the Attorney-General, and I know that there are perhaps over a dozen more of those cases to come up in the near future. If this amendment can be made retrospective it would assist matters very much in that particular village.

Mr. LEE: I must support my friend from Western Berbice because I know, and the District Commissioner knows, that there are councillors for the village of Bartica who are disqualified through no fault of their own, and if this amendment were made retrospective it would save some money to those people.

THE ATTORNEY-GENERAL: Perhaps I am getting on rather technical ground. I should take up a great deal of the time of the Committee in explaining the difference between section 7 and the procedure governing elections in Part V. of the Principal Ordinance. I think there has been a certain amount of confusion in the minds of persons concerned, and I am not surprised at what appears to be a double procedure set out in Part V. of the Principal Ordinance and section 7 of the Principal Ordinance. But under Part V. an election petition has to be brought within ten days of the election, but that is a petition on the question of the validity of the election. It may be that one of the points of invalidation is the fact that the candidate at the time was disqualified from being a candidate, but there may be also many other grounds for questioning the validity of the election, such as undue influence, bribery and so on. But the validity of an election can only be questioned by the procedure of an election petition. Section 7 of the Principal Ordinance deals with quite a different type of action, that is an action to recover penalty against a person who is disqualified either at the time of election or subsequently, and in spite of his disqualification sat and voted on the council. What I understand has occurred is this: that persons who did not take the remedy which they might have taken against an election by election petition have been taking action to recover penalty under section 7 which, of course, in a sense has the same effect to this extent: that if in the course of the action it is proved that the person was or is disqualified from being or continuing to be a member of the village council, then naturally a vacancy occurs and a fresh election has to be held. I think that is where the confusion arises. But the two things under the law are quite distinct.

The hon. member for Berbice River unfortunately is not in his place to-day, but he wishes to go further than the amendment which I have put to the Committee; he wishes a further sub-clause introduced, making it quite clear that section 7 cannot be used for the purpose of bringing what is in effect a petition against the validity of an election. I am not prepared to give effect to the suggestion of the hon. member for Berbice River without much more mature consideration,

and the hon. member, if he was here to-day, would, I think, tell the Committee that he is perfectly prepared to leave that matter for another occasion, but in the meantime he would welcome, and his friends, I am sure, would also welcome this limitation which is now proposed.

Mr. LEE: In the village I mentioned the persons were duly elected councillors by a majority of votes. In fact some of them were elected unopposed. Through no fault of their own, by trading with the village council they became disqualified, and are now liable to a penalty under the section. I am therefore asking the Attorney-General whether it is possible to make this amendment retrospective.

THE ATTORNEY-GENERAL: Of course it will be retrospective to the extent that it will apply to any action which may be contemplated at the present moment, but which has not been actually instituted. I think a better way of inserting an amendment in this section would be to insert a new sub-clause 3 which I have already read. This Ordinance has to be understood and digested by persons not very learned in the law, and I think the simpler we can make this section the better.

Amendment put, and agreed to.

Clauses 2 to 9 as printed were re-numbered as clauses 3 to 10.

Clause 9—New section 26 (a) inserted in the Principal Ordinance.

Mr. DE AGUIAR: The amendment I propose to section 26 (6) (a) is that the resignation of the chairman should be sent to the village council, who will forward it to the Commissioner to be forwarded by him to the Board. After all he is the chairman of the village council and not the chairman of the Local Government Board.

THE ATTORNEY-GENERAL: I know the amendment desired by the hon. member for Central Demerara. I would like to explain that the reason for the present wording of section 26 (a) (6) is to make it quite definite in law when a vacancy has occurred, and for the purpose of having on record and being able to fix the precise moment at which a vacancy has occurred—which is very necessary when the earlier provisions of the clause are borne in mind

—it is necessary to have a date which should be more or less fixed. The sort of difficulties I am thinking of, which I think might occur if the hon. member's amendment was accepted, were these: that a chairman might, for instance, in a moment of pique resign and intimate that he is going to resign, and then he goes away and thinks better of it; things are patched up and the next day he goes back. If that occurred, and the hon. member's amendment was in the Ordinance, a councillor would claim that there was a vacancy. I think it would be much better that the vacancy should come into effect when the chairman has definitely put his resignation in writing and addressed it to the Board through the Commissioner, and the Board has received it. I cannot imagine that any chairman would take this action without informing the council that he is going to do so. Of course there is nothing in the clause as printed to forbid him taking that action, but I think it would be a matter of courtesy that he would inform the Council. If the hon. member thinks that a chairman might take that action without informing the council, perhaps we could devise some form of wording which would bring the council into the sub-clause, but would still retain the principle that a vacancy occurs when the written resignation has reached the Board. I put forward tentatively the addition of the words "after the council has itself been so informed."

Mr. LEE: I suggest that the sub-clause might be amended to read:—"a chairman of a council resigns his office in writing addressed to the council, and after that resignation has reached the Board through the Commissioner."

THE ATTORNEY-GENERAL: That might hold it up.

Mr. DE AGUIAR: I do not know if I can be of any further assistance. The council is composed of nominated and elected councillors, either of whom could be the chairman. I have in my mind very clearly an instance of a nominated councillor who was the chairman of a very important village council, and all he did was to send his resignation to the Board. The council knew nothing about it, with the result that a great deal of trouble arose over the matter. A

chairman should send his resignation to the council in the first instance, and the council should in turn send it to the Board through the Commissioner. With regard to the point made by the Attorney-General about his changing his mind, provision is made in the Bill that the resignation should be put in writing.

THE ATTORNEY-GENERAL: I now put forward a further proposed form as follows:—"A Chairman of a council resigns his office at a meeting of the council and has in writing informed the Board through the Commissioner of his resignation." That would go a good part of the way. There would have to be resignation actually at the meeting, and after that there would have to be written notification of the resignation to the Board through the Commissioner.

THE COLONIAL SECRETARY: There might be a case of a chairman who was quite unable to attend a meeting.

Mr. Humphrys, member for Eastern Demerara, entered and took his seat.

THE ATTORNEY-GENERAL: In view of what the Colonial Secretary has pointed out I propose that the amendment should read:—

"A chairman of a council notifies the council either in person or in writing of the resignation of his office and has in writing informed the Board through the Commissioner of his resignation."

Mr. DE AGUIAR: That will meet the case.

THE ATTORNEY-GENERAL: As we are re-drafting this sub-clause rather extensively, the Director of Education points out, I think very pertinently, that it would be better drafting if sub-clauses (b) and (c) were interchanged, that is to say that the second type of vacancy would be where the chairman is granted leave of absence by the council, and the third type of vacancy would be created by the chairman going off without leave. I therefore move that the entire sub-clause be amended as follows:—

"26 (a)—(6). A vacancy in the office of the chairman of a village council shall be deemed to have occurred under this section when—

(a) A chairman of a council notifies the council either in person or in writing of the resignation of his office and has in

writing informed the Board through the Commissioner of his resignation.

(b) A chairman of a council is granted leave of absence by the council.

(c) A chairman of a Council departs from the colony without leave from the council."

Amendment put, and agreed to.

The Council resumed.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read the third time and passed. (*Mr. Laing*).

PATENTS AND DESIGNS BILL.

THE ATTORNEY-GENERAL: I beg to move that "A Bill intituled an Ordinance to amend and consolidate the law as to the registration of Patents and Designs" be read the second time. It is a very long Bill indeed, but I think that in introducing it I can, on the other hand, be very brief. The object of the Bill is to bring the local law in regard to patents up-to-date. The present law of the Colony in regard to patents is founded on the law as it existed in the United Kingdom in 1883, and it is very desirable that the local law on the subject, with certain very limited modifications, should be the same as in the United Kingdom. Patents law is now-a-days becoming a matter of almost international standardisation, certainly within the British Empire, and in recent years many measures of this character have been passed in various parts of the Colonial Empire in order to bring the law with regard to the registration of patents and designs more or less to uniformity. This Bill reproduces, with some modifications, the United Kingdom Consolidated Patents Act of 1932.

To show how up-to-date the local law in regard to patents is I may mention that there was a consolidated measure in the United Kingdom in 1907 which introduced many changes in patents legislation, and then there was further consolidation in 1932. This Bill includes all the latest changes in the United Kingdom Patents Law up to the date of the last consolidation in 1932. The Council will note that it is a Bill which deals with the registration of patents and designs, and I hope that hon. members will bear in mind the real distinction between patents and designs because, to the lay mind, the terms

are, I think, sometimes confused. A patent is an invention, and it is so defined in the Bill. A design is perhaps a little difficult to explain, but it is something imposed upon an article, such as the pattern, or it may be something in the general make-up of the article itself. It may be a novelty match-box.

Clauses 76 to 78 of the Bill are worthy of some consideration because they deal with the registration of the United Kingdom designs in this Colony, and they represent an extension of the present law on the subject. Under clauses 76 to 78 of the Bill, if enacted, it will be possible for the holders of United Kingdom registered designs to obtain protection in this Colony without the necessity of re-registration. That is a matter which is of great interest and importance to the United Kingdom manufacturer, and it is a matter which has received recognition in other parts of the Colonial Empire. There is provision for safeguarding the innocent user of a design in this Colony, and there is also provision that where it can be shown to the Court that the innocent user has been using a similar design in this Colony to the design registered in the United Kingdom then that design which may have been previously registered in the United Kingdom will not carry with it any exclusive copyright privileges in this Colony.

The Bill will not come into force until a proclaimed date. That has been put in because the Bill would be quite unworkable until the Regulations prescribing certain forms and methods of procedure are ready for enactment. Those Regulations are now receiving the attention of the Registrar of Patents, and it is hoped they will very shortly be ready for submission to the Governor in Council. In passing I should like to express my gratitude to the Registrar of Patents for the immense work and labour which he has put into the preparation, not only of this Bill but the Regulations upon which he is now engaged.

There is one other point I might mention before the Committee stage is reached, and that is that it may have occurred to some diligent reader of the Bill that no provision exists in it for protecting the position of the local licensed patent agent to the extent of requiring the

foreign seeker after registration in this Colony to submit the necessary documents and specifications to the Registrar through the local licensed patent agent. I think that point is of some importance because in this Colony the local patent agent is required to be licensed,—and in that respect the law is dissimilar to the law in the United Kingdom—and in return for that I think it is only reasonable that outsiders should submit their applications for registration through the local patent agent. It is quite true that does not appear in the text of the law itself, but it is the intention of Government to make provision for that by Regulations, and I think the provision can be made by Regulations under clause 102 (1) (a). Some provision to that effect will find a place in those Regulations.

Before the Bill becomes law it will be necessary for the Council to declare by resolution that the Statute of Monopolies passed in 1625 should become part of the Statute Law of the Colony. I am sure the Council will welcome the opportunity of applying that very ancient and valuable Imperial enactment. A resolution will be placed before the Council in due course to give effect to that. The necessity for it is that there are references in this Bill to the Statute of Monopolies, and unless the Statute of Monopolies is brought into force here those references would have no meaning or effect. There is provision in section 25 of the Civil Law of British Guiana, Chapter 7, for the adoption of this procedure.

Further reference to the Bill can be postponed to the Committee stage. I hope the Bill will have a speedy and calm passage through the Council. I think it is greatly overdue. I think the principle of the Bill, of bringing up-to-date the law dealing with patents and designs in this Colony, was approved many years ago, and I believe that on more than one occasion the hon. member for New Amsterdam, whose knowledge of patent law is, we all know, very considerable, has pressed for a consolidating measure of this kind. I now formally move that the Bill be read the second time.

Major BAIN GRAY (Director of Education) seconded.

Mr. KING: I would like to offer my congratulations to the hon. Attorney-General on the measure before the Council, to which the draftsman must have devoted considerable time. There may be one or two points on which I may make some observations during the Committee stage, but there is one point I would like to refer to now, and that is the reference to to United Kingdom designs on page 45 of the Bill. I am not aware that there is any reciprocal arrangement between this Colony and the United Kingdom whereby a design registered here would have the same force in England as a design registered in the United Kingdom would have here. If there is no reciprocal arrangement I do not see why we should give a design registered in the United Kingdom the power of a design registered here. I feel that registration in the Colony should be essential. It is the only way of giving notice to people that registration has been applied for, and we should not allow any hole-in-the-corner registration. A trade mark registered in England can be registered in this Colony, but there is a formality which has to be gone through. I think a similar formality should be adopted in connection with designs, and not merely registration in the United Kingdom being automatic registration in this Colony. I hope the Bill will go through even in a slightly modified form, especially with regard to the registration in this Colony of United Kingdom designs.

Mr. WOOLFORD: I would suggest for the hon. member's consideration that the available material in this Colony for the examination of patents and designs is quite different from what obtains in England. I register a very considerable number of trade marks, but in regard to patents and designs I know of no one in the Colony, not even the Registrar, who is really competent to examine a complete specification and to say how far that differs from one he may already have on his register. The great advantage of the English registration is that the design has only got on the register in England after most careful scrutiny and examination. I know from experience that a man patented an article which met with ready acceptance here, but was rejected in the United Kingdom and in the United States on account of infringement, and he had to introduce many alterations in his original design before it

eventually secured admission to the Patent Office in England.

What I feel is going to happen here is that the Registrar may be induced to accept as designs under this Ordinance articles which should be registered as trade marks under the Trade Marks Ordinance. I am afraid you will find on the existing register a good many applications which have been entertained as trade marks which really should be designs. I mention that because I would urge that the schedules and regulations to be made under this Ordinance should be made as speedily as possible. An ordinary trade mark application costs about \$7.75, including the issue of a certificate. If the regulations to be made under this Ordinance are to be the same as those of the Patent Ordinance of 1902, then the fee payable in respect of designs would be a sum of \$20 alone. Therefore it is essential that those regulations should be passed as early as possible. I feel there is going to be real difficulty, without expert assistance, for the Registrar to be able to tell the difference between a trade mark and a design.

Question put, and agreed to.

Bill read the second time.

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

Clause 34 (13)—Assignment to Governor of certain inventions.

THE ATTORNEY-GENERAL: I move that sub-clause 13 of clause 34 be amended by the substitution of the word "regulations" for the word "rules" in the third line.

Amendment agreed to.

The Committee adjourned for the luncheon recess.

2 p.m.—

Mr. Gonsalves, member for Georgetown South, entered and took his seat.

The Council resumed consideration in Committee of the Patents and Designs Bill.

Table II —United Kingdom Designs.

Mr. KING: I said this morning that I was not in favour of clauses 76 to 78 of the Bill. During the adjournment I had an opportunity to discuss the matter with the Attorney-General, and he has convinced me that it is advisable, in the interest of certain parties in the United Kingdom in competition with foreign people, to allow the inclusion of these clauses. I however take objection to these words in clause 77:—"nor had any reasonable means of making himself aware of the existence of the registration of the design." I feel that those words are dangerous because it could be held, and very rightly, that the fact that a person could find out by enquiry from England that a design has been registered would be "reasonable means" of obtaining information. I would therefore move the deletion of the words "nor had any reasonable means of making himself aware" from clause 77.

THE ATTORNEY-GENERAL: I must say there is considerable force in the argument put forward by the hon. member for Demerara River in support of his suggestion of the deletion of those words. I am rather inclined to think that instead of deleting the words it might be better to insert these words after the word "aware":—"other than by enquiry outside the Colony." I think that would meet the point which the hon. member has put forward, and would be preferable to the deletion of the words he suggested, because one can visualise an occasion where a designer registered in the United Kingdom might have gone to the trouble of publishing his design in this Colony or notifying the public of its registration by some other means, and I think if those words were deleted it would be rather hard on the United Kingdom designer if a local man should be able to put up the defence that he was not aware of it. I think the insertion of the words I suggest would clearly indicate that the reasonable means of making oneself aware would be confined to this Colony. I would like to know whether the hon. member is in agreement.

Mr. WOOLFORD: A design is not an article of manufacture, it is something which is applied to the manufactured article, and this clause aims at designs imprinted on an article of manufacture

having reached this Colony and being in use, having copyright protection by being registered here. If such an article, protected in England and protected by registration here, enters into consumption and has a design imprinted on it, surely a defendant has reasonable means of finding that out, and if he manufactures an article here and makes an imitation of that design, that defence should not be open to him. I rather fancy that is what the provision means. I have during the adjournment looked up the law on the subject, and it appears that you are not allowed to inspect a design except under the licence of the inventor. The word "Registered" is imprinted on a registered design. I suggest the retention of the words in the clause.

THE ATTORNEY-GENERAL: Does the hon. member for New Amsterdam object to the words I suggest? As the hon. member has suggested, a design might circulate in the Colony with the word "Registered" on it, and if that is so the local infringer would have means of being aware that it was registered. If we insert the words I suggest it would limit the means of finding out to this Colony.

MR. KING: In view of the amendment suggested by the Attorney-General I desire to withdraw my amendment.

THE ATTORNEY-GENERAL: I move that clause 77 be amended by inserting the words "other than by enquiry outside the Colony" after the word "means" in the fifth line.

Amendment put, and agreed to.

Clause 100 (2)—Licensed Patent Agents.

MR. WOOLFORD: I suggest that sub-clause (2) of clause 100 be struck out because it has no application in view of the repeal of the Patents Ordinance 1932.

THE ATTORNEY-GENERAL: I do not entirely agree that it has no application. The intention of the sub-clause is this: that under the Patents Ordinance, Cap. 62, before a patent agent can become a licensed patent agent his name has to have the sanction of the Governor, and therefore all the gentlemen who receive the sanction of the Governor, after application to the Registrar, become licensed patent agents and have their licences

renewed from year to year. Under the new clause the Governor drops out, except by way of appeal to the Governor in Council from the decision of the Registrar, and it is for the Registrar to consider whether the applicant is a fit and proper person to be a patent agent. It was felt that as there were gentlemen in the Colony who had been sanctioned by the Governor for the purpose of becoming licensed patent agents it was perhaps better, so far as that class of persons was concerned, not to give the Registrar of Patents discretion to come to the conclusion that they were not fit and proper persons, and that was the reason for the protection of the class already sanctioned by the Governor. I think on consideration it will be found that it is better that the sub-clause should remain.

Sub-clause as printed put, and agreed to.

Clause 100 (4).

THE ATTORNEY-GENERAL: I move the deletion of the proviso to sub-clause (4) of clause 100, and the substitution of the following proviso:—

"Provided that any person who has been refused a licence under the provisions of subsection (1) or whose name has been removed from the register under the provisions of subsection (4) shall have a right of appeal to the Governor in Council whose decision shall be final."

Amendment put, and agreed to.

Clause 100 (5).

THE ATTORNEY-GENERAL: I move the deletion of sub-clause (5) and the substitution therefor of the following:—

"(5) A licence to be a patent agent shall not be granted to a person who is not ordinarily resident in the Colony."

That sub-clause has been re-drafted in order to give added protection to the *bona fide* patent agent who resides in this Colony. It was felt that under the sub-clause as originally drafted it might be possible for a patent agent to open an office here and claim that he was carrying on business in the Colony.

Amendment put, and agreed to.

The Council resumed.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read the third time and passed. (*The Attorney-General*).

DANGEROUS DRUGS BILL.

Dr. HENDERSON (Surgeon-General): I beg to move that "A Bill intituled an Ordinance to regulate the importation, exportation, production, manufacture, sale and use of opium and of certain other dangerous drugs and to make further and better provision for the control of the external trade in dangerous drugs," be read the second time. I think that hon. members are aware that for many years certain narcotic drugs, which are also known as dangerous drugs, have been controlled internationally. The first Convention took place at the Hague in 1912. Four years thereafter this Colony introduced the first Bill in dangerous drugs in 1916. It was based on the provisions of the Hague Convention. Thirteen years later another Convention took place, this time at Geneva, at which the provisions of the Hague Convention were completed and extended. Our present legislation in this Colony is based on the Geneva Convention of 1925. The Bill before the Council seeks to bring our legislation on dangerous drugs up-to-date, not only in respect of the latest Convention at Geneva, which took place in 1931, further extending the provisions which existed before that time, but also in the light of more recent information which has been conveyed from the League of Nations through the Secretary of State to this country.

When the Department first drafted the consolidated Bill, and it was presented to Government, the late Attorney-General considered that in view of the comparatively few additions to the existing legislation an amending Bill would suffice. We pointed out, sir, that opportunity should be taken to revise the various sections of our Dangerous Drugs Ordinances of 1929 and 1932, and also the Regulations thereunder, and that opportunity should be taken to re-arrange those sections not only for international purposes but also for our own better use, and ultimately he consented to allow this to be done. I mention this point because I want to impress upon hon. members the fact that the greater part of this Bill embodies existing legislation. The only new points in the Bill are the additions of certain derivatives of morphine and cocaine to the list of drugs in this category which already come under control. There is also provision for increased control in so far as

external trade in dangerous drugs is concerned.

Another important point which I should mention is that following the adoption of the provisions of the Convention of 1931 by the various Colonies, the output and manufacture of dangerous drugs can be limited to the world's requirements for medical and scientific purposes. Although in this Colony we have no legislation based upon the latest Convention, we have anticipated it in this endeavour to reduce the quantities of these drugs to the requirements of that Convention by submitting to the Central Opium Board our annual estimates of requirements of these drugs for the whole Colony.

Part I. of the Bill deals with raw opium and coca leaves. There is no change in this Part. It prohibits the cultivation of opium or the coca plant, and gives power to the Governor in Council to make regulations to control the importation of and dealing in raw opium and coca leaves. There is also no change in Part II. It is prohibited to export or import prepared opium which is used, or may be used, for smoking purposes.

Part III. is essentially as it exists in our present legislation, and deals with Indian hemp. I should mention that in this Part of the Bill we have excluded the drug datura which is grouped with Indian hemp in our present legislation. The reason for doing that is that we do not consider that datura is a drug which should properly be classed as a dangerous drug, and therefore properly included in this Bill. I caused investigations to be made as to the ill effects of the drug and I am not satisfied that we are justified in continuing to include it in the list of dangerous drugs. I propose to continue those investigations and, if necessary, request the advice of the Central Opium Board as to the procedure to be adopted for its control.

Part IV. is important in that it contains the new drugs to which I have made brief reference. Clause 10 deals with the drugs which this Part of the Bill controls—medicinal opium, Indian hemp, morphine, etc., which are already provided for in existing legislation. The new drugs are those mentioned in sub-clause 1 (e), (f), (g), (h) and (i). These new drugs will come

under the control referred to in clause 9, which exists already in regard to the drugs first mentioned in clause 10. Briefly stated, this control consists of the prohibition of the manufacture of these drugs unless on licenced permission and by licensed persons. Control is also exercised in regard to the issue of prescriptions by medical and dental practitioners, and also the dispensing of these drugs. Regulations will also provide for authorising any person licensed under the provisions of the Pharmacy and Poisons Ordinance to deal in and retail these drugs.

With regard to the new preparations I should mention that every now and then the medical and scientific experts are discovering some new preparation of morphine and cocaine, and in order to amend at frequent intervals our Ordinance in respect of dangerous drugs sub-clause 3 empowers the Governor in Council to make these provisions apply to any new derivative of morphine and cocaine, or any drug whatever, likely to be productive, if improperly used, of the ill effects produced by morphine or cocaine. On the other hand, if preparations from these new derivatives are found not to be harmful as the result of scientific investigation, the Governor in Council has power to cause these regulations to cease to apply to them.

Clause 11 makes it unlawful to trade in or manufacture the new derivatives of morphine or cocaine referred to. Here again, if in the light of experience the experts find that any of these preparations are not harmful, the Governor in Council has power to relax any regulations under this Ordinance. Sub-clause (3) deals with codeine and dionin. These are very important drugs in that they themselves are not drugs of a dangerous nature but are capable of being converted into drugs in this category. Therefore it is undesirable to do anything to inhibit their use in the place of more dangerous drugs, and all that it is proposed to do in their case is to control their import, manufacture and export, and also their wholesale trade.

Part V. of the Bill deals with the control of external trade in dangerous drugs, and the provisions of this part of the Bill are already being complied with to a considerable extent. If any of our chemists and druggists desire to import opium they

advise the Medical Department of that desire, and they are issued an import certificate. The chemists and druggists send the certificate to the drug house in England from which the drugs are to be obtained, and there they obtain from the authority on dangerous drugs the necessary licence to export. The authorities in that country are aware of the importation being legal by having received an import certificate from this Colony. They then issue an export authorisation or permit, which comes to this country, and on its receipt the Medical Department issues an import authorisation or certificate. These certificates are very important because they constitute the authority for the authority dealing with dangerous drugs to issue the necessary drugs.

Clause 15 deals with dangerous drugs in transit, and that is new to this Colony. The provisions briefly are that no person shall bring a dangerous drug in transit unless it is from a country from which it may be lawfully exported, and be accompanied by the necessary certificates. There is one point of importance. I have been talking up to the present time of the issue of certificates and authorisations where we are concerned, to countries which are parties to the International Convention. What happens where a country is not a party to that Convention? The procedure is this: the authority approached to export a dangerous drug requisitioned by a country in question must satisfy itself that its importation into the country is in order. It does not mean that because a country is not a party to the Convention that it is unlawful to import this drug. All that is required to be done is for the authority to satisfy itself that the importation to that country is a good one. The law is very strict in regard to drugs in transit not being landed or transhipped without the necessary licence. This part of the control of dangerous drugs is under the Comptroller of Customs, who is responsible for the issue of all removal licences. Every point will be gone into in great detail so as to be able to check up all the details in connection with dangerous drugs.

Clause 18 deals with the diversion of dangerous drugs. They are really a form of export certificates or authorisations. They are taken into use when there is a

change in the country to which the drug was originally intended to be exported.

In regard to Part VI. of the Bill I have practically nothing to say, for the reason that the whole of it is existing legislation. It deals with powers of inspection, offences and powers to arrest and, as I say, is practically word for word existing legislation.

Clause 19 provides that licences or authorities for the purposes of this Ordinance may be issued or granted by the Surgeon-General on such terms and subject to such conditions as the Governor in Council may by regulation prescribe.

I have gone into the provisions of the Bill very briefly, but if any hon. member wishes I will give more detail. I formally move that the Bill be read the second time.

Mr. CASE (Director of Public Works and Sea Defences) seconded.

The Council resolved itself into Committee and considered the Bill clause by clause without discussion.

The Council resumed.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read the third time and passed. (*Dr. Henderson*).

LOCAL GOVERNMENT (AMENDMENT) BILL.

Mr. LAING: I beg to move the second reading of "A Bill intituled an Ordinance to amend the Local Government Ordinance, Chapter 84, with respect to the duties of District Commissioners in connection with local authorities and with respect to other matters." I may say that it is proposed to take the second reading of the Bill this afternoon and postpone consideration of the Bill in Committee to a later date. The Bill gives effect to what has actually been the procedure in force in the districts of this Colony for the past five years. When District Administration was introduced in 1932 it was not convenient to amend all the Ordinances, but it was decided to amend those Ordinances as experience was gained in District Administration matters. In the meanwhile the old system of local gov-

ernment and the new system under the District Administration were carried on side by side. The post of Inspector of Districts disappeared entirely, as did the post of Assistant Inspector of Districts, but to give the District Commissioner and his staff a legal status in local government matters the District Commissioners and their officers were appointed under the Local Government Ordinance to be Assistant Inspectors of Districts.

Instead of revenue being paid by villages, as is provided for under the Ordinance to the Society of the Local Government Board in Georgetown, who also paid their accounts and obtained their supplies, all village revenue has, for the past five years, been paid to the District Commissioner at his office in the various districts, and he has obtained the supplies of the villages and also paid their accounts. The village books, of course, are still kept by the village authorities under section 141 of the Local Government Ordinance, but the District Commissioner also keeps the accounts of the various local authorities in his district. One of his staff is also responsible for the inspection of the books of accounts of local authorities, a duty which the Inspector of Districts or his Assistant did in the past.

This Ordinance, if enacted, will abolish the post of Inspector of Districts which, as I have said, has not existed for four or five years, and the District Commissioner is substituted therefor. If the Council approves of the Bill the District Commissioner will discharge the duties which were, previous to 1932, discharged by the Inspector and the Assistant Inspector of Districts. In other words it will make legal a practice which has been in force since District Administration was introduced in 1932.

The Bill also amends the financial year under the Local Government Ordinance, which was from April 1 to March 31. Probably by inadvertence this was not changed in the new edition of the Laws. The Colony's financial year, of course, has been changed to the calendar year, and this Bill now makes that applicable to local government work.

There are some important matters dealt with in the Bill in connection with the

post of overseers and collectors of rates of the local authorities. The overseer is also collector of rates, unless the Local Government Board otherwise directs, and he is responsible for the collection of all revenue accounting for that revenue, and payment of that revenue to the District Commissioner. He is appointed by the local authorities, but his appointment under the Local Government Ordinance is subject to the approval of the Local Government Board. A collector of rates, however, may be dismissed by a local authority without the sanction of the Local Government Board having been previously obtained, and it is proposed in this Bill that an overseer or collector of rates shall not be dismissed unless the approval of the Board, by whom his appointment is approved, is first sought and obtained.

There is also an important provision in this Bill in regard to the recovery of unpaid rates. At the present time, under the Local Government Ordinance, rates are recovered at the instance of the local authorities, and the chairman is required to sign a certificate. Difficulties have arisen in this matter, and it is proposed that the recovery of the rates should be at the instance of the collector of rates in the same way as the collection of rates in Georgetown and New Amsterdam is at the instance of the Town Clerk.

There are also some minor alterations, and one in regard to school and church buildings is of importance. Under the Ordinance as it stands at present a church or school building is not subject to taxation in a village if it is used solely for the purpose of education or religion. It is proposed to delete the word "solely" because some local authorities have held that if a school building is used for any purpose, such as for the holding of a concert or dance, it is not then used solely for the purpose of education, and they consider they have the right to impose the village rate. If the word "solely" is deleted the section will then read:—

"No lot or building in any village or country district belonging to the Crown or to the colony, no church, chapel, or schoolhouse, devoted to the purposes of religion or education, no lot of land whereon is situate that church, chapel, or schoolhouse, and no registered burial ground, shall be liable or subject to any district rate or tax."

There is also a small amendment in

regard to the cutting of trees overhanging drainage trenches, which is not included in the Local Government Ordinance, and it is thought wise to include it now. Those are all the principal amendments which are made by this Bill. I now formally move that the Bill be read the second time.

Mr. BURNETT (Director of Agriculture) seconded.

THE PRESIDENT: I decided to postpone the Committee stage of this Bill for two reasons. One was that I understand that the mover of the Bill is likely to receive further representation in a day or two in respect of the Bill, and the second reason is because at the beginning of next week there will be a District Commissioners' meeting at which it may be convenient to discuss the points which may be made on the second reading this afternoon.

Mr. JACKSON: I am in thorough accord with the principle of the Bill, but there are certain modifications which I think are necessary. I prefer to suggest them when we are in Committee. I think, however, that any attempt to override the powers of the chairman of a local authority should be considered very carefully, and a movement in that direction should be carried out very slowly and with much care. There is no denying the fact that occasions have arisen when, perhaps, the chairmen of some of the village districts rather overstepped their positions and did things which they should not have done, but I do not think it would be the best thing to go to the extreme in dealing with these matters. For fear that any move in this direction might harm the successful working of the scheme and disturb the peace and harmony that should exist in the working of the councils, I am strongly of the opinion that some care should be taken, and that these amendments should be very carefully studied and gone into. I am quite sure that after careful thought the necessity for moving warily and cautiously will be understood and appreciated.

I was rather amused when comparison was drawn between the village overseer's status and powers and those of the Town Clerk of Georgetown and new Amsterdam. I do not wish to minimise the importance of these overseers, as they are regarded,

nor have I any desire to belittle those overseers who are perhaps removed from the ordinary run of overseers in intelligence and discretion, but I do think it is going a very long way when comparison is made between an ordinary humble village overseer and the Town Clerk of the capital City of the Colony. I am very glad that the Bill will not be taken through the Committee stage this afternoon, because I am minded that with care and thought the Bill can be made very acceptable to all concerned.

Mr. DE AGUIAR: When the District Administration Scheme was mooted in this Council the people of the country districts were led to believe that the administration of those districts would be improved to such an extent that finally they would have a better voice in the administration of their affairs. A Bill was introduced but, unfortunately, Government at the time was unable to give full support to the proposals then submitted, and produced a half-baked scheme. It would be right to say at this stage that Government naturally had to proceed very cautiously because it was a new measure and we had to profit by experience. Since that time we have been summoned here on many occasions to make several amendments to the Ordinance introduced then, and to-day we have already had one Bill, and this is a second Bill before the Council. In my opinion this Bill rather tends to curb the activities of the local authorities instead of assisting them. I should like to say that it is an attempt to strangle the activities of the local authorities rather than to assist them. First of all it is stated here that a village councillor will not be master in his own house. He has power under the Ordinance to employ a servant, such employment being subject to the Local Government Board, but if that servant commits an offence the local authority will not have the power to dismiss him unless it goes to the Board for approval.

I do not know who is responsible for the phraseology, but it seems to me that a much happier clause could have been introduced if it is desired to give the District Commissioners a little more voice. I do not wish to deprive the District Commissioners of voice because they serve a very useful purpose. If it is intended to give them more voice in guiding these overseers

I would prefer guiding to controlling. I prefer to leave the amendments over until the District Commissioners have met and considered the matter.

A very serious omission has been made in re-drafting the section dealing with the preparation of the weekly pay lists. The section of the Principal Ordinance provides that a copy of the pay list shall be laid before the local authority. That is how the local authority gives final confirmation of the payments, but it has been omitted from the new section which merely provides that a copy of the pay list shall be certified by any two members of the local authority and then transmitted to the District Commissioner. So long as the payments are within the annual estimate the District Commissioner would approve, but that I claim is not a sufficient check, and that is why provision was made in the Principal Ordinance for a copy of the pay list to be laid before the local authority. I submit that to remove that provision is a serious omission, and urge that in the further consideration to be given to the Bill that provision should be restored. The proviso to the proposed new section says:—

“Provided that if it appears to the District Commissioner that a refusal to certify any pay list is unreasonable he may cause the same to be paid, notwithstanding that refusal; but in that case it shall be the duty of the District Commissioner to report the matter to the Board.”

Is the District Commissioner to override the decision of the local authority? If all the councillors refuse to sanction a payment, is the District Commissioner to pay that money? It is true that the District Commissioner has to report to the Board after he has paid the money. These are the little things that bring about friction in the villages. I am a chairman of a district, and I should like the District Commissioner to pay my overseer's list if I refused to certify it. He would then have to run the village I have the honour to represent, and I would probably take further steps in the matter.

I would also like to mention that in my opinion it would be a step in the wrong direction to empower the overseers to issue summations instead of the chairmen of the districts. We are endeavouring to assist the District Commissioner in his work as much

as possible. We know that perhaps one of the main reasons for this power is to enable the District Commissioner, not to dictate to but to use his influence with the overseer for the early collection of rates. In doing so, however, a great deal of hardship may be caused. My view of the matter is that in certain villages where there is no question of making repayment to Government of moneys loaned, or in areas that are depressed, very great sympathy should be exercised in this matter, and I submit that usually the chairmen of the various districts are the men who are in a better position to know the ability of the taxpayers to pay their rates within a certain period. If we accept the principle that a chairman will at all times consult his councillors before he takes drastic action of that kind, we can only assume that he will only put a property up at execution when the position is so hopeless that further time is unnecessary. In those small communities it is very easy to exercise influence over a certain number of people. There can be no doubt that the influence of the District Commissioners in the villages is growing, and I am very pleased to see that it is.

Mr. LEE: The hon. member for Central Demerara has covered all the ground, but I would like to tell the Council that there are certain chairmen and overseers who override the decision of the majority of the councillors and sign the pay lists.

THE COLONIAL SECRETARY: I was glad to hear Mr. Jackson, who, I think we will all agree, knows as much about the working of village councils as anyone else, approve generally of the clauses of this Bill. He has, I know, one or two suggestions of a minor nature to make in regard to the wording of some of the clauses, and I had the opportunity of discussing one or two with him, although I have not had as full a discussion with him as I would like, and as I will take the opportunity of having before we finish with the Committee stage of this Bill.

The hon. member for Central Demerara began his speech by denouncing the Bill wholesale as an attempt on the part of Government to strangle local authorities and to curb their activities. He then went on to deal with certain clauses in the Bill to which he took exception. The

first point he made was that the phraseology might possibly be a little happier. The second was that the exclusion of the words "shall lay a copy of the list before the local authority," which have reference to the pay list, was a most important point, and that it was detracting entirely from the authority of the village councils. He also referred to the fact that the list is to be transmitted to the District Commissioner. Of course the words "District Commissioner" in that clause were substituted for the word "Secretary," and the exclusion of the words "shall lay a copy of the list before the local authority" is for the convenience of the local authority, it being quite undesirable and inconvenient that a local authority should be called together weekly simply for the purpose of issuing these pay lists. The provision still remains in the Bill that two members of the local authority must certify the pay list before it goes to the Commissioner. The hon. member then dealt with the proviso to the same clause and rather challenged the District Commissioner to take any action under the proviso, in the event of refusal to certify the pay list by the chairman of the district of which he happens to be chairman. I trust that such action on the part of the District Commissioner will not be necessary in that area, but I would like to let him know that the clause is nearly as it is in the present Ordinance, the only change being the substitution of "District Commissioner" for "Secretary."

The fourth point raised by the hon. member was with regard to the removal from the chairman of the power to initiate proceedings for the recovery of rates. I think anyone who has had anything to do intimately with the collection of rates knows the reason for that alteration. I have discussed the point with Mr. Jackson and other people, and I think possibly some amendment of the draft may be desirable, but I would like to say that the reason for some amendment is to my mind clear. It is quite well known that in some cases village chairmen have, for reasons of their own, entirely stultified any collection of rates by their refusal to put their signatures to a bit of paper when it was placed before them, and under the law as it stands nothing can be done. It is clear that something must be done to prevent such a thing occurring, and although

I do agree that some amendment of the Bill as now framed may be desirable, the existing law has to be amended to some extent. In saying that I do not wish it in any way to be thought or inferred that I wish to take away any powers from village chairmen, except in those cases where some of the chairmen do not exercise their powers in a proper way. Generally speaking, they do, but we must have that safeguard where powers are exercised improperly. I do not think it is necessary for me to say anything more at this stage. As Chairman of the Local Government Board I shall be very happy to give further explanation during the Committee stage.

Mr. LAING: In regard to the point raised by the hon. member for Central Demerara with respect to the pay list, perhaps he is not aware that the procedure now proposed in the draft Bill is exactly the procedure carried out to-day. Pay lists cannot be laid before the meeting of a local authority because it only meets once a month, and the pay lists are made up once a week. They are certified by two members of the local authority and paid by the District Commissioner. The pro-

posed amendment will not make any difference to the present practice because a copy of the pay list is always kept at the village office and is available at all times.

THE PRESIDENT: I suggest that the Council give the Bill second reading, and that we go into Committee next week.

Question put, and agreed to.

Bill read the second time.

LOYAL ADDRESS.

THE COLONIAL SECRETARY: Sir, as I understand you propose to adjourn the Council until next Thursday I would like to let hon. members know that on that occasion the Loyal Address which this Council will be asked to approve for submission to His Majesty on the occasion of His Coronation will be placed before the Council, and I hope that all members of the Council will be present on that day.

The Council adjourned until Thursday, 8th April at 11 o'clock.